



## The right's "freedom" meltdown: Why GOP still doesn't get what liberty actually means

**From bigotry in Indiana to the hell of raising a child on minimum wage, the right doesn't understand real freedom**

Elias Isquith

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When liberals and Democrats suffer an especially bitter political defeat, the loss is usually followed by a round or two of finger-pointing, self-flagellation and near-existential dread. The ritual may be necessary, for the sake of catharsis and internal cohesion. But the consensus reached by the end of the fight rarely lives long enough to make it to the next campaign. That being said, there are some exceptions. Bill Clinton, for example, was probably right to think Democrats wouldn't win in the immediate post-Reagan era without moving to the right. (Whether that was the moral thing to do is, obviously, a different story.) Similarly, Howard Dean was onto something when he pushed for a 50-state strategy after two straight losses to George W. Bush.

More recently, some of the left's more influential voices on the left have responded to the Democrats' stumbles by urging the party to talk more about freedom and less about equality. "Every successful movement" in U.S. history, Salon's Corey Robin wrote in 2011, "has claimed it." Thomas Frank wrote much the same in 2009, arguing that "few things in politics [are] more annoying" than Democrats' "silence" in response to the GOP's attempts to define the term. I'm not positive that rhetoric can make more than a marginal difference in politics today. What I am sure of, though, is that *if* Democrats want to wrest the mantle of liberty away from the Republican Party, it won't, on the merits, be too difficult. Because as a couple of stories from just this week show, the conservatives and libertarians who run the GOP still hold tight to a definition of freedom that is woefully incomplete.

The first and most obvious instance comes from — where else? — Indiana, the home of a new religious liberty bill that's been criticized by Democrats, liberals and business leaders as a veiled attempt to legalize anti-gay discrimination. Much like a similar law that almost passed in Arizona last year, the Indiana bill raises some thorny issues regarding liberty. Chief among them: where the rights of private property end vs. where the right to equal treatment begins.

Conservatives and libertarians have, on the whole, taken the side of Indiana's government. They argue that while refusing to cater a same-sex wedding may be rude or bigoted, it would be worse for the state to punish someone for simply adhering to their religion. Ilya Shapiro of the Cato

Institute, for example, says the controversy is “banal,” and is simply about “the difference between government and private action, which both sides misunderstand.”

Much as he argued during the Arizona case from last year, Shapiro claims that part of being free is being free to discriminate. “I don’t know why you’d want to have someone who can’t in good faith (literally) support your celebration be a vendor for that event,” he writes. But that’s not quite true. “Progressives . . . want to bend the will of those private citizens who have religious objections [to marriage equality].” Because “the only belief system that’s now allowed,” he snarks, is that of MSNBC.

Clearly, Shapiro is unmoved by an argument Matt Bruenig made in Salon last year; namely, that so long as private discrimination requires public enforcement, it’s not really so private. Much like libertarian-ish Sen. Rand Paul used to argue (before, presumably, his political advisers told him to stop) Shapiro thinks the free-market will provide LGBT customers with plenty of other options. That being discriminated against because of who you love might infringe on your liberty does not occur to Shapiro; or, more likely, he finds the argument unpersuasive.

I’m focusing on Shapiro here, but he is far from the only libertarian to adopt this position. Indeed, it’s quite in keeping with the orthodoxy today of the libertarian movement. When I interviewed Cato’s executive vice president, David Boaz, earlier this year, he told me that “[p]ower is the ability to force people to do things,” which only government — and not private businesses — can do. From that point of view, supporting private coercion as the lesser evil makes sense.

Emphasis, however, on “from that point of view.” The logic holds on an abstract level, I guess; but there’s a good reason why the libertarian understanding of power is not shared by many. To get a sense of why that is, take another story from this week, about Shanna Tippen, a minimum-wage worker in an Arkansas Day’s Inn. Her story, which is hardly unique, shows why Uncle Sam is hardly the only entity that can deny another’s freedom.

Last month, after being encouraged to do so by her manager, Tippen spoke with the Washington Post about her state’s pending increase in the minimum wage. Her boss, Herry Patel, described the pay hike as “free money.” But Tippen said she was looking forward to the raise because it’d help her buy her son nicer diapers. According to Tippen, once Patel saw the report in the paper, he decided her comment was a fireable offense.

Patel, unsurprisingly, denies this. He claims that after he asked her about her criminal record, Tippen became angry and quit. She denies this; and it strikes me as unlikely. But even if it were true, Tippen’s story would still be a testament to how easy it is to be coerced by someone in the private sector.

A conservative or libertarian might say that no one forced Tippen to work a terrible job for a meager pay. No one forced her to (allegedly) snap when her boss began to question whether she’d been responsible for any past transgressions. But a definition of freedom that pits one’s dignity and autonomy against caring for one’s child is not only morally suspect; it’s politically toxic.

Put these two stories side-by-side, and it’s easy to see why the right’s hold on freedom as a political value may be weakening. On the social front, the GOP is beholden to an understanding of liberty that countenances rank bigotry. As of now, every major Republican presidential

candidate would offer state support to the sentiment, expressed recently by an Indiana restaurateur, that LGBT people don't need equal protection.

They may be even worse on economics. Not only would most Republicans side with Patel in his disagreement with Tippen, but many — like the “moderate” Jeb Bush — would do away with the federal minimum wage altogether. I suppose one could argue that such a move would not affect the Arkansas minimum wage; anything is possible. But if this is the version of liberty Republicans continue to offer the American people, I'm guessing voters will tell them they're free to keep it.