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What's wrong with libertarianism?

By Michael Kinsley

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Libertarians get patronized a lot. Chipmunky and earnest, always pursuing logical consistency down wacky paths, they pose no real threat to the established order. But the modest success of U.S. Rep. [Ron Paul](#) of Texas in the presidential campaign entitles them to some answers to the questions they raise. They say: People should be free to do whatever they want, as long as it doesn't hurt other people. If you agree, how do you justify (let's pick just two): 1) laws that forbid private behavior, such as recreational drugs; 2) government programs that redistribute one person's money to someone else?

The libertarian perspective is useful, and undervalued. Why does the government pay farmers not to grow food? Why are medications for fatal diseases sometimes held off the market in case they aren't safe? (Compared to death?) Legislators and regulators should ask themselves far more often than they do whether some government activity or other expands freedom or contracts it.

Furthermore, democracy and majority rule are no answers. Tyranny of the majority is a constant danger. How would you like a law requiring that people with odd Social Security numbers have to give \$1,000 to people with even Social Security numbers? To libertarians, much of what the government does is essentially like that.

So what is wrong with the libertarian case for extremely limited government? Economics 101 teaches some of the basic justifications for government interference in the economy. Some things, such as the cost of national defense, are "public goods." We can't each decide for ourselves how much defense we want. We have to decide that together. Then there are "externalities," which are costs (or, sometimes, benefits) that your decisions impose on me. Pollution is the classic example. Without government involvement of some sort to override our individual judgments, we will produce more pollution than most of us want.

There are "market-oriented" solutions to this problem, but there is a difference --often forgotten, especially by Republicans -- between using market forces and leaving something to the market. The point of principle is whether the government should intervene at all. How it chooses to intervene is purely pragmatic.

Libertarians have a fondness for complex arrangements to make markets work in situations where the textbooks say they can't. Hey, let's issue stamps, y'see, and use the revenues to form a corporation that sells stock to buy military equipment, then the government leases the equipment and the stockholders vote on whether to use it -- and so on. The point becomes proving a point, not economic or government efficiency.

Libertarians also have a tendency to see too many issues in terms of property rights (just as liberals, they would counter, tend to see everything in terms of discrimination and equal protection). Pollution, libertarians say, is simply theft: you are stealing my clean air. Settle it in court. This is a really terrible idea: inexpert judges, lawyers and juries using the most elaborate and expensive decision-making process known to humankind -- litigation -- to make inconsistent decisions in different cases. And usually there is no one "right" answer: There is a spectrum of acceptable answers, involving tradeoffs (dirty air versus fewer jobs, etc.) that ought to be made democratically -- that is, through government.

Sometimes libertarians end up reinventing the wheel. My favorite example is an article I read years ago advocating privatization of highways. This is a classic libertarian fantasy: government auctions off the

land, private enterprise pays for construction and maintenance, tolls cover the cost, competition with other routes keeps it all efficient. And what about, um, intersections? Well, markets would recognize that it is more efficient for one company to own both roads at major intersections, and when that happened the company would have an incentive to strike the right balance between customers on each highway. And stoplights? Ultimately, the author had worked his way up to a giant monopoly that would build, own, and maintain all the roads, and charge an annual fee to people who wanted to use them. None dare call it government.

Something similar goes on when the government forbids or requires people to do something for their own good. Why shouldn't people, at least adult people, have the right to decide for themselves? Libertarian thinking has been useful, for example, in making it easier to get prescription drugs through the maze at the FDA. The Terry Shiavo case of 2005 was libertarianism's greatest moment so far, as the entire nation rose up in defense of her right to die.

The trouble here is that libertarians tend to analogize everything to a right to die. If you have the right to end your own life, you must have the right to do anything else you wish, short of that. If you're allowed to shoot yourself through the head, why aren't you allowed to drive without a seat belt?

The answer is that it's a bad analogy. When you drive without a seat belt, you are not motivated by a desire to die, or even a desire to take a small risk of dying. Why should your motive matter? Because your death -- especially your death in a car crash -- does impose externalities on others. I would pay good money not to have to see your bloody carcass lying beside the highway, or endure the traffic jam, or pay the emergency room costs. A serious right like the right to die may be worth the cost, while a right to be careless or irresponsible is not.

Libertarians are quick to see hidden costs of ignoring libertarian principles and slow to see such costs in adhering to them. For example, Tucker Carlson [reports](#) in the Dec. 31 New Republic that Ron Paul wants to end the federal ban on unpasteurized milk. No one should want to drink unpasteurized milk, and almost no one does. Paul himself doesn't. But it bothers him that the government tells people they cannot do something they shouldn't do. Libertarians would say that if most people want pasteurized milk, the market will supply it. Firms will emerge to certify that milk has been pasteurized. These firms will compete, keeping them honest.

So yes, a Rube Goldberg contraption of capitalism could replace a straightforward government regulation. But what if you aren't interested in turning your grocery shopping into an ideological adventure? All that is lost by letting the government take care of it is the right of a few idiots to be idiots. That right deserves respect. But not much.

A similar flaw affects libertarian thinking about government-mandated redistribution. Extreme libertarians believe this is immoral or even unconstitutional, and even more moderate libertarians disapprove of government social welfare programs as an infringement on the freedom of taxpayers. But freedom is only one of the two core values our nation was built on. The other is equality. Defining equality, libertarians tend to take a narrow view, believing that it means only political equality with no financial aspects. Defining freedom, by contrast, they take a broad view, and see a violation in every nickel a citizen must spend.

Libertarians ask: By what justification does the government concern itself with inequality -- financial or otherwise -- in the first place? They are nearly alone in asking this question. Even conservatives claim a great concern for equality of opportunity, while opposing opportunity of result. And the reasons seem obvious: some degree of material equality as a necessary basis for political equality; the huge role of luck in getting each of us to our relative stations in life; etc.

But nothing like this is obvious to libertarians. They force us to think it all through from scratch. Good for them.

The writer, a columnist for Time and former editor of The New Republic, writes a regular column for washingtonpost.com.

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