

The Problem with Libertarianism

(2015)

Introduction

I define libertarianism broadly as the social theory advocating a decrease in the scope of government and an increase in the scope of individual autonomy.

If we consider libertarianism as it has existed since the 1950s and 1960s, I think we have to agree that libertarianism has failed as a political movement. As we gather here today, government continues to expand and become an ever greater part of our social life, and no libertarian society has emerged or been established as an alternative to contemporary society.

We are all familiar with mainstream scholarship: the ideas, beliefs, and theories that form the rationale for contemporary mainstream society. Of course, corresponding to mainstream scholarship is mainstream society itself, the society in which these ideas, beliefs, and theories are put into action.

Unfortunately, in the libertarian world, we have no society, corresponding to our scholarship, in which our ideas, beliefs, and theories could be put into action. This fundamental asymmetry—mainstream scholarship/mainstream society; libertarian scholarship/no libertarian society—is libertarianism’s “elephant in the room.”

Libertarianism has perhaps succeeded as a *scholarship* movement, but it has failed as a political movement.

In my talk today, I would like to make a distinction between *technological inventions* that have social implications on the one hand, and libertarian strategy in the traditional political arena on the other hand. The Internet, smartphones, Bitcoin, and other technologies may create the means to achieve a more libertarian society. However, my focus today is limited to libertarian political strategy in the more traditional sense.

Part I

In 1860, a Belgian citizen, Paul Emile de Puydt, wrote an essay entitled “Panarchy” in which he put forth his vision of a libertarian society. To understand de Puydt’s conception of Panarchy, we need only look to the example of religion. In contemporary society, one has the freedom to choose one’s religion, and one’s religion is largely independent of one’s locale. People of different religions may live next door to one another, because what binds

the members of each religion is the moral or ethical rules they agree to live by. The adherents of contemporary religions are not bound by shared geography, but by a shared set of beliefs and conduct.

This same notion, applied to politics, is the political philosophy of Panarchy. In Panarchy, I am free to choose the government whose rules or laws I will be subjected to, and I do not have to move to a different locale to do so. In Panarchy, I could become a citizen of Mexico in the same way I might become a Catholic. I would have to fulfill the established requirements of Mexican citizenship, but just as becoming a Catholic does not require me to move to a different town, my becoming a Mexican citizen would not require me to move to South America. De Puydt's essential vision is to apply freedom of choice to membership in a nation or state, and to divorce the notion of nationhood or statehood from geography. The result is a *polycentric legal order*, which Wikipedia defines as "a legal structure in which providers of legal systems compete or overlap in a given jurisdiction."

Though the political philosophy of Panarchy appeals to me and to other contemporary libertarians, there are obvious problems with de Puydt's idealistic and utopian social vision. First, the realization of Panarchy would require broad societal acceptance. People would have to *want* to establish a political system in which everyone is free to choose their government on a non-territorial basis. Unfortunately, today, virtually no one wants such a political system. Second, the realization of Panarchy would require limiting the available choices to those forms of government that do not compel other people to join by force. If I may choose a form of government that rules over others against their will, I may thus negate their ability to freely choose their own government. For de Puydt's Panarchy to succeed as intended, the menu of governments from which one could select would have to be restricted to those governments that do not compel people to become citizens by force.

Given contemporary political realities, these preconditions render Panarchy an impractical ideal. Though Panarchy may be impractical as de Puydt envisioned it, his essay remains an eloquent argument for the principle of individual choice within a non-monopolistic legal order.

Part II

De Puydt's essay "Panarchy" may be understood as an attempt to achieve a libertarian society—or at least one conception of a libertarian society—through scholarship. The idea is to suggest, through writing or speaking, an alternative to the current social structure, with the goal of influencing that social structure. This leads us to an important question: Why hasn't libertarian scholarship, taken as a whole, resulted in a libertarian society? This

question is important, because it is possible that there is something in the nature of libertarian scholarship itself that renders it largely ineffective as a means to bring about a libertarian society.

I would like to suggest that libertarian scholarship has not resulted in a libertarian society because it is focused on the wrong goal.

The modern libertarian movement was founded by writers who objected to the laws of non-libertarian society. As there was no libertarian society to which they could emigrate, and as they were subjected to laws they found objectionable, their writings naturally focused on the legal theories and legal structure of non-libertarian society. Libertarian scholarship thus became largely a critique of non-libertarian society. The goal of libertarian scholarship became the liberalization of non-libertarian society. Though this was quite natural and understandable, in retrospect, the libertarian's focus on non-libertarian theories and non-libertarian society may have been a costly diversion. Imagine, for a moment, if the most capable political minds in one country spent most of their effort theorizing about the politics of another country, or if the most capable thinkers of one religion spent most of their effort theorizing about the beliefs of another religion. What if the management of one company spent most of its effort criticizing the management of another company, or if the parents of one family spent most of their effort critiquing the parents of another family?

To a significant degree, libertarian scholarship has been directed toward the theories and practices of mainstream society, rather than toward the goal of constructing a libertarian society in a polycentric social order. We have positioned ourselves not as leaders of our own social creed, but instead as critics of the non-libertarian social creed. We have expended a lot of time and energy trying to provide mainstream society with an improved social theory to guide their social actions. Meanwhile, we have neglected to construct a social theory to guide our own political actions in a non-libertarian world. Through libertarian scholarship, we have gained a thorough critique of mainstream society. But we may have lost something more valuable: a society we could call our own.

Part III

As an illustration, consider the issue of minimum wage laws. Libertarians have long argued against minimum wage laws, but such arguments have failed to achieve their stated goal of abolishing minimum wage laws. Why is this? Let's look at some of the primary social groups involved in the perpetuation of these laws:

National and local government officials: almost all non-libertarians

Large international or national company managers: almost all non-libertarians

Small and mid-sized company owners: almost all non-libertarians

Union members: almost all non-libertarians

Employees: almost all non-libertarians

Education professionals: almost all non-libertarians

Members of the media: almost all non-libertarians

The standard libertarian proposal to abolish minimum wage laws is essentially a proposal to change the social/legal relationship between these groups of people. The existing social relationship between these groups of people is currently a non-libertarian social relationship. We can read all about the benefits of minimum wage laws in non-libertarian scholarship. In proposing to abolish minimum wage laws, we are proposing to abolish the non-libertarian social relationship between these groups of non-libertarians and substitute our proposed libertarian social relationship between them. So I ask you this: Why hasn't this succeeded?

Part IV

What if we tried something different? What if instead of trying to establish libertarian relationships between non-libertarians, we focused all of our theoretical and physical energy on trying to establish libertarian relationships between libertarians? For example, what if we tried to "abolish" the legal minimum wage only between those of us who object to the notion of a legal minimum wage? What if a group of libertarians decided that in commercial dealings amongst themselves, they would institute the libertarian principle of voluntary agreement in deciding wages?

What I have in mind is a polycentric social order in which non-libertarians have non-libertarian relationships, while libertarians have libertarian relationships. I am not proposing any changes at all in non-libertarian social institutions, laws, scholarship, or any other aspect of non-libertarian society. I am only suggesting that libertarians focus their efforts on establishing libertarian relationships between libertarians. I think that if this were our exclusive focus, we would have some chance at success.

How would we go about this? Where would we begin? What are the possibilities? What risks accompany the various possible strategies? This, in my opinion, should be the focus of libertarian scholarship. The most important question facing us as libertarians is this: How can we establish a nascent libertarian society in a polycentric social or legal order? How can we establish a society of libertarians, not only in the world of scholarship, but in the social, legal, and commercial world as well?

