BOOK REVIEWS

Libertarianism—A Primer. By David Boaz. New York: The Free Press, 1997.

Libertarianism: A Reader. David Boaz, ed. New York: The Free Press, 1997.

What It Means to Be A Libertarian. By Charles Murray. New York: Broadway Books, 1997.

Reviewed by Jeffrey Tucker*

The American anti-statist intellectual tradition includes a wide variety of thinkers, from left utopians to secessionist agrarians to right anarchists. Seemingly small theoretical differences between them can produce hugely different answers to the all-important question: what is to be done? Murray Rothbard's primary contribution to this tradition was to firmly tie anti-statism to a strict adherence to property rights, rights which the state tramples on by its very existence, and rights which are best protected and enforced by private parties. The answer to the question of what is to be done follows clearly: government power must be curbed and eliminated, to be replaced by private association. But modern libertarians haven't always followed up on this radical Rothbardian project. Some libertarian writers—let's call them left-libertarians—prefer to concentrate on the personal liberties associated with this political doctrine, while submerging property-centered social theory and a radical critique of the State, especially of the imperial state, within a larger laundry list of other aspects of libertarian policy.

David Boaz's primer may not be the prime example of applied left-libertarianism (the post-Goldwater works of Karl Hess better deserve this moniker) but it nonetheless fits comfortably in that category. The reader is left with no doubt about where Boaz stands on lifestyle issues (drugs, sex, speech, etc.) and the policy concerns of the punditry class (how this or that program can be improved), but is left to speculate on precisely how strict Boaz's utopia would be with regard to the protection of property rights, or how or on what level of society those rights would be enforced.

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Boaz is no anarcho-capitalist, he is by no means a political decentralist, and he is certainly not a radical. Even from the opening pages, the reader is encouraged to believe that libertarianism is consistent with mainstream thinking. His evidence is a series of polls and a smattering of establishment opinion from major newspapers and television commentators. In case that is not enough to convince, he offers his opinion that libertarian ideas are practically inevitable because of the "dynamic world—call it the Information Age, or the Third Wave, or the Third Industrial Revolution—we are now entering." Thus, libertarianism "is the leading edge—not a backlash, but a vanguard" (p. 3). Boaz attempts, and largely succeeds, in maintaining this supposed forward-looking pose throughout his book.

Indeed, it may be true that a future of liberty awaits, and certainly there's no harm done by an optimistic outlook. But true optimism must always be provisional. It believes something can be accomplished if people will it to be so and take the necessary steps to bring it about. Boaz's forecast of a libertarian future is not optimism but pop-determinism of the megatrends variety, and his forecast still implicitly allows for the possibility that the "inevitable" libertarian future is not necessarily desirable or workable. Arguments on behalf of future utopias have to do much more than merely announce their imminent arrival. They must make a systematic argument that persuades people to bring it about. It is here where a truly radical book like Murray Rothbard's *For a New Liberty* succeeds, and where this one fails.

Yet, the deterministic mode of argument does accomplish several tasks in this work, each of which appears to be a high priority to the author. It allows the author to bypass any examples of past political and economic arrangements that might have something better to offer than present ones, a stance which is anathema to all self-proclaimed progressives, among which Boaz includes himself. It also exempts the author from having to make any fundamental moral critiques against libertarianism's sworn enemy, the State (on which he offers no systematic theory), much less encouraging public activism against that enemy; after all, the demise of big government is already in the cards, so storming the barricades would appear unnecessary. Finally, it allows the author to forgo setting the historical record straight by celebrating those who resisted past encroachments of liberty by the state or condemning those who usurped power, for such requires a revisionist history that practically reverses the official history of the U.S. Such a task necessarily places the historian far outside the mainstream of current

thought. What could be the point of intellectually alienating yourself from the mainstream when the forces of historical inevitability are already on your side?

For Boaz, the glory of libertarianism is not rooted in either theory or history, but rather is largely eschatological, the inevitable end of history to which all present events are tending. This is precisely the same rhetorical tactic that socialists have used, and for similar reasons. Since there is no successful example of real socialism, the best we can hope for is a transformation of the nature of man in some new and untested socialist world. It is for this reason that socialism has been called utopian: it fails to come to terms with what history teaches about the the nature of man and human society. Similarly, Boaz's progressive approach is vulnerable to criticism on the same grounds, that libertarianism is a pie-in-the-sky utopian vision that requires a great leap in the very nature of man; as such, it is a political philosophy that anyone steeped in history and serious political philosophy should avoid. Indeed, his call for repealing all laws concerning marriage, all limits to untrammeled immigration, and all restrictions on the availability of pornography and drugs, presumably even that involving children and on all levels of government, reinforce the appearance of left-utopianism.

Following Mises, there's good reason to dismiss any argument that depends on the forecasting ability of the writer. But once we've thrown out Boaz's Marxian-style claims about the glorious future that the forces of history have predestined for us, what is left of this book? In large part, what's left is a series of bloodless domestic policy discussions highlighting libertarian approaches to current social and economic issues. It is here where Boaz makes the transition from millennialism to pragmatism. On health care, Social Security, education, and foreign policy, we don't get principled theorizing so much as we get half-way and half-baked policy plans for vouchers, Medical Savings Accounts, free immigration, the line-item veto, and revenue diversions of Social Security from bonds to stocks. In these, Boaz convinces us that libertarianism, for good and ill, is worthy of inclusion in the "policy conversation," but we are left to wonder there is any more to it than there was to other political and management fads of yesteryear, such as "reinventing government," "downsizing," "competitiveness," or "supply-side economics."

In short, Boaz presents libertarianism not as a radical and fundamental challenge to the socialist and social-democratic consensus that has dominated this century and erected the larg-

est and most intrusive governments in human history.[1] On everyday matters of policy, libertarianism, rather, is a workable policy option that lawmakers ought to bone up on and come to terms with because all trends point to a libertarian future.

Boaz sets out to confound his critics who would attempt to place him in the category of left or right, a characteristic tactic of movement left-libertarians of the 1970s. He takes continual swipes at right wingers, just in case anyone might think he is the secret ally of reactionaries. Jesse Helms—the all-inclusive nomenclature for American conservatism—is slammed for wanting to "impose" a "moral agenda on 250 million Americans" (p. 4), as if Boaz's brand of centralist libertarianism itself couldn't be "criticized" on identical grounds. And the cops who "beat" Rodney King come in for a flaying, though Boaz never presents the libertarian proposal for dealing with drugged-up felons who endanger lives by speeding through suburban streets and then violently resist arrest. The purpose here, of course, is to maintain the "progressive" tone of this tract from the first to the last.

He concludes his book with a question-and-answer test that readers can take to determine whether they themselves are libertarians. The results can be plotted on a graph usually attributed to libertarian activist David Nolan, who gets no credit in this book. The trouble with the chart is that it plots only a narrow range of civil and economic issues, and doesn't touch foreign policy issues at all. Indeed, in the three pages in which foreign policy is discussed, Boaz presents libertarianism as anti-war (true enough), but he provides no extended critique of the overwhelming reality of the American empire as it has developed in this century. Indeed, foreign policy would not fit into the narrowly phrased questions of the quiz. Neither does it deal with the all-important question of what level of government should enforce libertarian rights. If people have a right to buy a beer on Sunday, should this be enforced by the town where people live, or by the United Nations? If the town refuses to grant this right, should higher orders of government intervene? This practical concern is never raised. And neither the quiz nor the book deals seriously with voluntary structures of authority that might impose rules curbing the exercise of absolute individualism. The quiz asks, for example, if "you should decide" or whether the government should decide if you should "engage in a homosexual relationship" or "buy a pornographic video," as though there are

[1]In fact, he absurdly asserts, contrary to all evidence, that "individualism, private property, capitalism, equality under the law . . . have become the basic structure of modern political thought and of modern government (p.19).

no intermediating institutions such as the family, church, or community (association with which is entirely voluntary) that might also have something to say about the issue.[2]

Sometimes, Boaz's progressivism runs headlong into libertarian doctrine itself. He argues that the "progressive extension of dignity" to "women, to people of different religions and different races" is "one of the great libertarian triumphs of the Western world" (p. 16), and he quotes proto-socialist Martin Luther King on civil rights (p. 229). Yet, as anyone who has tangled with the enforcement arm of the government's anti-discrimination police knows, this "dignity" has come at the expense of two fundamental rights: that of private property and that of association, the very two rights Michael Oakshott said are the most basic to freedom. Far from being a victory for liberty, the extension of civil rights (that is, the right to trespass) has been a complete disaster and a major source of tyranny of our times. Aside from a vague criticism of quotas, the right of property owners to discriminate doesn't figure into Boaz's libertarian calculus. Moreover, since when has the purpose of libertarianism—a political theory delineating the boundaries of property rights—been to progressively extend "dignity" to whole groups? This is indeed an innovation in libertarian theorizing.

There is at least one improvement here over traditional left-libertarianism, which has at times shown itself to be equally hostile to religious traditions as to state power. Boaz traces the development of libertarian thought from the Church fathers through St. Thomas Aquinas and his followers at the School of Salamanca. This is a commendable development, and an enormous step up from the rantings of the Randians.[3]

The credit Boaz deserves for his discussion of the Church's role in bringing about liberty is strangely marred, however, by

[2]At this point in thebook, Boaz is embarassingly relentless in his promotion of those who sign his paychecks: "As Edward H. Crane of the Cato Institute puts it, there are only two basic ways to organize society: coercively, through government dictates, or voluntarily, through the myriad interactions among individuals and private associations" (p. 15). Might anyone else in the history of ideas have made this point? In addition, I noticed dozens of sentences and arguments made by the others besides his institutional affiliates whose authorship is not acknowledged. The book has no footnotes, and his ending bibliographies only loosely refer to the ideas and authors discussed in the chapters in which he includes them.

[3]Incidentally, the material in his section on intellectual history, and indeed most of the theoretical structure of Boaz's own politics, is taken, without attribution, from Rothbard and the historians of thought whom Rothbard celebrates in his writings. This fact, obvious to any reader familiar with the libertarian literature, makes it all the more strange that Rothbard is discussed in only one paragraph and directly quoted only twice.

his inexplicable celebration of the break up of what he calls the "monopoly" of the Catholic Church with the Reformation. When varieties of religion began to proliferate, "society did not fall apart," but "became stronger by accommodating diversity and competition" (p. 33). To discover whether Luther, Cromwell, and Mather were champions of diversity—in temperament, doctrine, or practice—Boaz should revisit his history books. What he probably means to celebrate, in fact, is not Protestantism as an exemplar of religious toleration, but liberal Christianity, which did indeed abandoned belief in orthodoxy and universal truth in favor of "diversity of competition," but also backed the socialistic economic and political doctrines of the Social Gospel. Moreover, it is no coincidence that in American politics, the religious groups most likely to back radical curbs in state power are not the unorthodox religions that celebrate tolerance and pluralism, but the orthodox ones that make intractable truth claims about their rights to practice their faith without interference from the state. Boaz never comes to terms with the implications of this reality.

This raises another problem that has vexed left-libertarian doctrine: what precisely is its relationship with orthodox religious faith, or is it incompatible with religion by its very nature? Indeed, we might ask the question about a whole variety of creeds with which Boaz might disapprove. For example, "racism," says Boaz, "clearly clashes with the universal ethics of libertarianism" (p. 99). But since racism is a frame of mind, and not necessarily of law, it is not clear why this should be the case. Yet, it appears that race is a special topic for Boaz, for it is only here that "it seems necessary to express a few moral sentiments that go beyond the bare description of libertarian policy. Although we have made great strides toward a society of equal dignity for all, Americans of all races need to affirm their commitment to rise about racial prejudice" (pp. 231–32). Why are there no other moral topics on which Americans "need to affirm their commitment?" Boaz's moral indignation is selective and consistent with egalitarian ethics, but not with traditional bourgeois moral claims. To insist that everyone commit to rising above the baseness of hard-core pornography, for example, might illicit the same charges that Boaz frequently levels against the religious right, that is, that it is an unlibertarian attempt to impose its morality on society.

What the subject of race draws from our author—that his libertarianism is really a frame of mind and a spirit of life, rather than a strict legal position delineating property boundaries—is in fact the subtext of his book. For example, he writes

that libertarianism means "treating adult as adults, letting them make their own decisions even when they make mistakes, trusting them to find the best solutions for their own lives" (p. 104). But would this imply that business owners, clergy, or neighborhood association leaders who tell people what to do and expect obedience are violating libertarian ethics? Such exercises of social authority run against the spirit of ethical individualism that underlies Boaz's argument. Despite his claim that he is not celebrating libertarianism or moral hedonism, it is hard to avoid the fact that most of his examples uphold the decision-making rights of autonomous individuals even when it is clear that the private social authority of religious institutions, families, and property holders hold more sway in the real world.

Another very serious oversight in his narrative is the issue of what level of government should be responsible for the enforcement of libertarian rights. He often cites the U.S. Constitution, but neither condemns nor upholds federalism and states' rights (in fact, his only discussion of decentralization is in the context of Europe). But in the course of American history, most defenders of property and liberty have been states' rights advocates in the first instance, from the misnamed anti-federalists, to the Southern Republicans and secessionists, to the opponents of civil rights laws in the 1960s, to the gun rights advocates today. Though he never mentions these resistance movements, it's clear where Boaz's sympathies lie: in his brief discussion of the War Between the States, he celebrates Northern abolitionism while failing to even mention the invasion of the South by the North that made the present consolidated state possible. Even today, the essential battleground over the role of the central government revolves around questions of states' rights. The reason is obvious: in American history, the structure of the Constitution, and American political theory, states' rights and American liberty, as Lord Acton noted, are inseparable. But if your priority is the abstract right to engage in morally deviant behaviors, as versus the real rights of property holders and settled communities to make decisions without the interference of the central government, states' rights and political decentralization just do not figure into the equation.

Just what is the most powerful bulwark against state power? Is it the individual's assertion of his right to say, do, and be anything he wants with no outside restrictions, as Boaz claims? Or is it real families, communities of faith, and property holders that can be organized to counter the grasping ambitions of state power? A libertarian doctrine that celebrates values contrary to

the social forces most likely to resist state power is not only ineffectual, it may well be counterproductive. Statists have always understood that individuals by themselves are powerless against the forces of centralized government, which is why they have long made it a priority to smash such institutions as families, churches, and local communities, and, indeed, to enhance the legal claims that individuals can make against such associations. A libertarianism that fails to encourage the autonomy of private associations like families and communities and the structures of social authority is not a viable libertarianism at all, because it cannot succeed in defending a practicable liberty.

This book does have the strength of being clearly written, and it does include some provocative arguments. For example, he attacks the neoconservative mantra "equality of opportunity" (p. 63)[4], and his examples can be creative at times (e.g., he cites the telephone bartering of Radar O'Reilly on the television show M*A*S*H as an example of economic chaos of the planned economy). But in general, there are no new insights or scholarly discoveries here, and it contains more than its fair share of compromises with libertarian principle. In short, it is a prototypical merging of pop-determinism, left-libertarian moral doctrine, and pragmatic think-tank policy maneuvering.

Perhaps because of the weak intellectual foundation of *Libertarianism: A Primer*, the publisher has also brought out a large collection of readings that sample a wide variety of already published literature. It contains some very good literature (Tocqueville, Mises, Rothbard, Paterson, Jefferson, Spooner, Locke, de Jouvenel), along with the writings of people with questionable libertarian credentials (Smith, Wollstonecraft), a number of contemporary writers familiar in libertarian circles (Doug Bandow, Roger Pilon, Lynn Scarlett), and some oddities (a Grateful Dead lyricist gets the wrap up essay).

The essays are organized thematically (though the themes tend to run together), and Boaz introduces each writing with biographic material. The volume is generally hard to use as reference material (unforgivably, there is no index in this 460-page book), and there is a huge overlap from essay to essay. I don't fault the motivation behind this project, but I do wonder about the wisdom of pairing Richard Cobden and *Spin* magazine. What's truly frustrating is what this volume could have been but is not. What about a collection of the writings and speeches of

[4]Though I wonder whether Boaz's own promotion of the right to "dignity," as opposed to strict property rights, is more or less menacing.

libertarian resistors to the growth of the U.S. government and the onslaught of war from 1776 to the present? That would better root libertarianism in real political history as well as provide scholars and students a great reference book for the all-important task of revising the official version of American history. Wishful thinking aside, and despite this collection's quirkiness, the world is better off with it than without it.

The same cannot be said of *What It Means to Be a Libertarian: A Personal Interpretation*, the small tract by Charles Murray, author of *Losing Ground* and *The Bell Curve* (with Richard Herrnstein). It begins promisingly by restating the essential libertarian code: "thou shalt not initiate the use of force" (p. 7). A person is the owner of himself, the owner of previously unowned resources with which he has mixed his labor, and the owner of all that he has been given or for which he has contracted. No one is permitted to encroach his rights of ownership without permission. All of this is fine—until he drops the high theory and plunges headlong into statism. It begins with his review and endorsement of the traditional arguments for public goods (nonexclusivity and jointness of consumption), but fails to notice that a plethora of goods and services supplied by the market (in sufficient quantity) qualify by his own standards of what must be supplied by government. Even odder, the rules he suggests be used to deem government's own service illegitimate (e.g is someone paying for something he doesn't want to pay for) probably apply to all government services, else there would be no need to force anyone to pay for them.

Murray doesn't bother with such details. He takes another leap into listing the agencies he thinks qualify as legitimate: the State Department, the Department of Defense, the Department of Justice, all of which "would look very much as they do now" (p. 37). And, he adds, he would keep the Environmental Protection Agency. But here he throws away his entire case, and makes haggling over the details of public goods pointless. After all, these agencies administer the most menacing aspects of the modern state (Justice does anti-discrimination, gun control, and Waco-style raids; the EPA does property-rights violations; State and Defense do war), so what was the point of his theoretical discussion in the first place? Are we to believe that these agencies, looking "as they do now," pass Murray's public-good test? It would have been interesting to see his demonstration to that effect. Sadly, however, he is not satisfied with just leaving Leviathan in place; he goes one further by advocating what would amount to the nationalization of education, an unprece-

dented step-up in state power over the lives of every citizen:

> One federal function, education, would become much larger in dollar terms, because a $3,000 unrestricted tuition voucher would be provided annually for each child attending elementary and secondary school—an expenditure of about $150 billion a year (p. 37).

And he really means it:

> How big should the voucher be? About $3,000 a year seems right, though the amount is open to discussion. . . . If $3,000 turned out to be too low to achieve the desired effects, it could be increased. The nation currently spends about $6,000 a year on each pupil attending the public system, giving considerable room to fine-tine the size of the voucher without increasing total spending on schools (pp. 96–97).

Here, Murray is assuming that under his plan, no government-run schools would exist at any level of society. But since states and localities might deem it appropriate to have public schools, this would require that the federal government effectively prevent localities from doing so. It would have to seize control of the nation's entire educational system, nationalizing it at the center, and determining curriculum, admissions, grading standards, discipline, and all the rest. As to whether this new and gargantuan welfare program would benefit society, we need only consult the history of other federal welfare programs—about which Murray is supposed to be something of an expert.

Add Murray's position on education to his proposal to abolish, at the federal level, all state and local laws on alcohol, drugs, prostitution, gambling, and pornography (most of which is controlled by the states and localities right now), and we have a recipe for the complete abolition of the right of self-government for everyone. After all, if Enid, Oklahoma, cannot determine for itself whether to have horse racing, sex parlors, and prostitutes on the street, what element of political freedom do the residents really have? Would residents of Enid be more or less free with armed FBI agents roaming the streets to enforce the rights of people to buy and sell sex? As with Boaz, Murray doesn't grapple sufficiently or consistently with the issue of the proper level of government for the enforcement of rights. It seems remarkable, but the tradition of subsidiarity—from Aristotle, to Aquinas, to the American framers, to Hoppe—seems to have been dropped as a practical matter in the left-libertarian literature. It's a huge oversight, since it's hard to grasp how a person can be both a libertarian and a practical centralist on politics.

Murray returns to his position in favor of federally funded vouchers again and again in this short book. So it is startling to find his own partial refutation of the idea of tax-funded aid to schools in a discussion of the Johnson administration's school aid:

> School boards enthusiastically accepted it. But the money had strings—a few at first, then more. The schools soon became dependent on the money and found themselves forced to accept a wide range of restrictions and mandates if the money pipeline was to stay open. These strings reflected the values of the elite culture that created them, and they were often at odds with parent's educational priorities (p. 151).

If vouchers are ever passed at the federal level, this exact paragraph will work as a history of the course the program will take.

When Charles Krauthammer reviewed this work in a widely circulated column, he pointed out an interesting policy innovation. Murray would allow that products be stamped "unregulated" and allowed to compete with regulated ones. That is indeed an interesting point of policy, but it turns out that Murray didn't quite apply it in the way Krauthammer suggested. "If I have two banks sitting side by side," Murray writes, "one of which has a big UNREGULATED sign on the front" (p. 68). But applying this to the banking industry as versus the meat or shoe industry complicates the issue enormously. Banks benefit from subsidies that aren't necessarily included in the category of "regulation," like deposit insurance and access to the Federal Reserve's discount window. Murray doesn't specify that the unregulated banks would have to give up these subsidies. But an unregulated bank that benefits from a bailout guarantee would be the worst of all worlds, as the history of credit expansion shows. Far better to force all that benefit from subsidies to abide by government regulations; to allow them unlimited power to inflate would be akin to "deregulating" the post office by allowing them to charge any price its management wants to for stamps.

But let's just say Murray's suggestion were rightly applied, so that some producers can get by without obeying government dictate so long as they announce that this is the case to the consuming public. Murray says he would "be happy to live in a world" in which this is the case (p. 68). Yet, this situation would not be politically stable. Any unregulated industry that advances to the top of the heap would have incentive to lobby for expansion of existing regulations to bring down competition from below. The world that Murray imagines wouldn't last because it is an inherently unstable. Besides, the whole purpose of regulation from the point of view of the businesses that support it is precisely to lim-

it competition by imposing added costs on others. With Murray's suggestion, we'd be back to where we started with universal regulation in the course of a single congressional session.

One area where Murray excels—and Boaz does not—is on the subject of the freedom of association. Murray gives us a relentless attack on all anti-discrimination law, going even further than Richard Epstein by rejecting even public-accommodations law. On the other hand, he seems to think modern unions are an example of the freedom of association, and would even allow for "special protections of collective bargaining" (p. 77). Perhaps he should have include the Department of Labor in the agencies he would keep alive in his libertarian world.

A final note on Murray. There are no footnotes, and even fewer references to the literature than Boaz provides. In an appendix on the literature, which is generally better than Boaz's, Murray writes that "I haven't even mentioned Hobbes, Locke, Hume, Jefferson, or, among the moderns, Murray Rothbard." It's a list of men—all but Hobbes are right-libertarians—whose works will survive long after these new books have sold out of bargain bins.