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Jeffrey Friedman

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Jeffrey Friedman

POSTLIBERTARIANISM IS NOT
LIBERTARIANISM:
REJOINDER TO NOVE

This is not a rejoinder in the usual sense, since I agree with the thrust of Nove's argument. I must have failed to explain clearly that postlibertarianism radically departs from libertarianism precisely in order to take account of such questions as Nove raises: questions the left has been asking for a century and a half that, for the most part, free-marketeters have yet to answer satisfactorily. Perhaps the length and complexity of the debate over postlibertarianism¹ and the critique of libertarianism out of which it grew² obscured the fundamental issues. Nove's Reply presents those issues with exemplary clarity.

One such issue, which I called the contradiction in laissez-faire libertarianism,³ is uncovered when libertarianism is contrasted to egoism. The egoist escapes the contradiction: denying the inherent worth of all human beings, he can coerce people who get in his way without compunctions. Libertarians, however, are not egoists: all libertarian foundational doctrines—whether based on contract, natural rights, or natural law—are rooted in the equal respect due all human beings. Libertarians think all individuals should be accorded equal freedom from coercion. The contradiction occurs when libertarians apply this egalitarian principle inconsistently. Once we limit any one individual's egoistic freedom to coerce another, only some countervailing concern can stop our commitment to equal individual freedom from extending

first to equality of opportunity and then to equality of results. In this sense, libertarian egalitarianism leads logically (if not practically) to socialism.⁴ It is tendentious to limit a concern for others' liberty to their freedom to dispose of property acquired in Nozickean fashion; why not also be concerned with the denials of freedom Nove discusses under the rubric of property distribution?

My libertarian critics argued that such denials of freedom are not *really* coercive, because only the freedom to enjoy Nozickean property is *true* freedom. But, of course, there is no "true" definition of anything. There are only definitions that obscure and definitions that reveal. The libertarians' narrow definition of freedom disguises the inconsistency with which they apply their egalitarian doctrine; Nove asks, in effect, why our respect for other human beings should be narrowly focused on their property "rights." Libertarians beg the question. Nove's queries show that the liberal left is (philosophically) more consistent in its dedication to equal individual freedom than are libertarians.

Nove's eighth and ninth examples demand particular attention. They point out that, even under the narrow libertarian definition of coercion, we cannot help but infringe upon each other's freedom constantly, through the externalities produced by almost all physical activities.⁵ Libertarians can only avoid opposing human life itself as an infringement of individual freedom by granting an exemption to human activities that, although coercive, are not *harmful*.

But if only harmful coercion should be proscribed, it seems that harm, not coercion, is the real evil. Why, then, should coercionless but harmful activities be allowed?⁶ These include many activities libertarianism sanctions, some of which Nove describes in examples 1 to 5.

I wonder, though, why Nove joins libertarians in sanctioning such (arguably) coercionless but harmful activities. It could be that Nove harbors a liberal—albeit not a Nozickean libertarian—opposition to paternalistic intervention by the state into such matters as love affairs. This would be an instance of the tension in negative liberalism (a category that includes both Nozickean libertarians and left liberals) between the original liberal concern for equal human well-being and the very different, sometimes contradictory concern that each human being make his or her own decisions. But if antipaternalism explained why Nove exempts certain activities from state supervision, why would he include in this category example 2 (competition drives an entrepreneur to bankruptcy or suicide)? While a philosopher of *laissez-faire* would do so because of the question-begging libertarian equation

of freedom with private property ownership, Nove's discussion of property inequality shows that he does not make this error. Apparently, then, Nove is not suggesting that one firm has a "right" to bankrupt another, regardless of the consequences—any more than he believes that a firm has a right to fire employees at will, or a Russian landholder the right to sell "his" serfs. Nove must instead be saying that the consequences of prohibiting interfirm rivalry even to the point of bankruptcy—like the consequences of prohibiting competition among suitors, scholars, automobile drivers, or athletes—would be, at least over the long run, worse than the consequences of letting such rivalries proceed. If so, then Nove's real concern is for people's welfare, not their freedom.

Most libertarians share this concern too, even though (like liberals generally) they overlay it with doctrines of emancipation and individual choice that obscure the underlying motive. This explains the paradox that while most libertarians and "classical liberals" (including not only such economists as Hayek and Friedman but such philosophers as Nozick, Rand, and Rothbard)⁷ are "converted" to libertarian policy positions by free-market economics, preeminently of the Austrian and Chicago varieties, in the end they embrace an ideology in which (narrowly defined) freedom is such a pre-emptive absolute that the results of free-market economic analysis become irrelevant. Libertarians begin by attempting to demonstrate that capitalism is *good for people* because it brings prosperity; but their doctrinal destination, libertarianism, has no room for such demonstrations, since the doctrine justifies capitalism as an *intrinsically* good embodiment of freedom, irrespective of its consequences.

My only quarrel with Nove is that similarly, he seems to begin with empathy for the plight of the poor, but sometimes embraces conceptions of liberation from oppression that may not, in practice, alleviate that plight. (The proper question is not whether steel workers have a *right* to severance pay, but whether imposing such an obligation on steel manufacturers will, in the long run, serve the welfare of the workers, potential workers, and consumers.) As with libertarians, Nove's initial concern for people's well-being mutates into a preoccupation with power: Who has the right to make decisions that affect an individual—the individual herself, or extra-individual authorities (states, employers, landowners, the rich, etc.)?

Thus, while the argument between libertarians and leftists should be over the impact of various forms of social organization on people's well-being, it instead degenerates into a scholastic contest over the

true essence of terms like liberty. This debate says little or nothing about either the bases of human welfare or the social arrangements conducive to it. Nove's questions point out the narrowness of libertarianism, but if the discussion stops there we will continue to be mired in a sterile debate about the intrinsic justice of alternative distributions of decisionmaking authority, while the effects of those distributions on human life are subordinated.

I coined the term *postlibertarianism* to suggest a direction that might be truer to both left liberals' empathetic starting point and libertarians' awareness of practical constraints on government activity. Postlibertarian scholarship puts aside abstract questions of liberty and equality in favor of exploring the effects of various feasible distributions of power and goods on people's welfare. One must allow at least the possibility that these investigations might support minimal-state policy conclusions. While Nove's objections to laissez-faire policies based on libertarian philosophy are well taken, such policies still might follow from responsible research into the causes of social problems. The difficulty for postlibertarians who hope to justify libertarian policies is not figuring out how to lay sewers and pave streets—activities that have often been undertaken by private enterprise⁸—so much as it is deriving from the particular cases in which private arrangements may be preferable to public ones the generalization that the market and independent sectors are *always* preferable to government action. Until now, it has been libertarian philosophy that has provided this overarching generalization. Postlibertarianism means attempting to see if there is an alternative, consequentialist rationale for such a position. (It is unlikely that such a rationale could depend on economic arguments alone, since there is so much more to human well-being than prosperity.)

Perhaps such a rationale will not be found.⁹ Perhaps postlibertarianism will lead to a cultural rather than a programmatic critique of the status quo.¹⁰ But in any case, if we are to do justice to the humanitarian concerns from which both libertarians and their critics begin, we ought to stop gnawing on the question of whether it violates the freedom of 93 percent of the Scots for the remainder to own 84 percent of the property, and turn instead to the question of what alternative system—if any—will work to their long-term benefit.

NOTES

1. Jan Narveson, "Libertarianism, Postlibertarianism, and the Welfare State: Reply to Friedman," *CRITICAL REVIEW* 6, no. 1 (Winter 1992): 45-82; Antony Flew, "Dissent from 'The New Consensus': Reply to Friedman," *ibid.*, 83-96; Tibor R. Machan, "The Right to Private Property: Reply to Friedman," *ibid.*, 97-106; Donald N. McCloskey, "Minimal Statism and Modernism: Reply to Friedman," *ibid.*, 107-112; Jeffrey Friedman, "After Libertarianism: Rejoinder to Narveson, McCloskey, Flew, and Machan," *ibid.*, 113-52.
2. Jeffrey Friedman, "The New Consensus: I. The Fukuyama Thesis," *CRITICAL REVIEW* 3, nos. 3-4 (Summer-Fall 1989): 373-410; *idem*, "The New Consensus: II. The Democratic Welfare State," *CRITICAL REVIEW* 4, no. 4 (Fall 1990): 633-708; *idem*, "Postmodernism vs. Postlibertarianism," *CRITICAL REVIEW* 5, no. 2 (Spring 1991): 145-58.
3. Friedman, "After Libertarianism," 115.
4. Cf. Richard Ashcraft, "Liberalism and the Problem of Poverty," *CRITICAL REVIEW* 6, no. 4 (Fall 1992): 493-516.
5. I try to show the failure of Murray Rothbard's attempt to solve these conundrums in my "Politics or Scholarship?" *CRITICAL REVIEW* 6, nos. 2-3 (Spring-Summer 1993): 429-45.
6. Of course, one might counter that the harm principle is secondary to the ban on coercion, and only comes into play as an adjunct to the latter in order to distinguish among the vast array of human activities that are coercive. Thus, while it may be that in choosing which coercive activities to prohibit, harmfulness will be the deciding factor, one might contend that a harmful activity that is *not* coercive should not be prohibited. But this rejoinder fails, for it gives us no reason to supplement the coercion criterion in the first place. It is only because of the harm to human well-being that would be caused by that criterion that we need to find a way to distinguish among coercive activities to begin with. In other words, if the harm principle did not *override* the coercion principle, we would have to accept that human life on earth, being inherently coercive, is inherently evil. Unless the immense harm done by extinguishing all human life trumps the evil of coercion, we would have to exterminate humanity so as to end coercion. If we fail to do so, it can only be because we think that harm is more important than coercion. But in that case, there is no philosophical reason not to prohibit harmful but noncoercive activities—although there may, of course, be practical reasons.
7. Friedman, "The Democratic Welfare State," 662-64.
8. See e.g. Stephen Davies, "Edwin Chadwick and the Genesis of the English Welfare State," *CRITICAL REVIEW* 4, no. 4 (Fall 1990): 523-544, at 532.
9. Friedman, "The Democratic Welfare State," 666-83.
10. *Ibid.*, 683-90.