

Libertarians deserve a listen

Yes, they can drive an idea right over a cliff. But it's the journey that's half the fun.

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 Texas Rep. Ron Paul in the Republican presidential race entitles them to some answers to the questions they raise. They say: If you agree that people should be free to do whatever they want as long as it doesn't hurt other people, how do you justify: 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 their activities expand freedom or contract it.

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

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 intervenes 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 revenue 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: inept judges, lawyers and juries using the most elaborate and expensive decision-making process known to humankind -- litigation -- to make inconsistent decisions. And usually there is no one "right" answer: There is a spectrum of acceptable answers involving trade-offs (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, competing routes keep it all efficient.

And what about, uh, intersections? Well, markets would recognize that it is more efficient for one company to own the intersections, but it 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 approval maze at the Food and Drug Administration. The Terri Schiavo 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 the 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 me. I would pay good money not 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 choose the time and manner of one's death, 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 reported in the Dec. 31 New Republic that Ron Paul wants to end the federal ban on the interstate sale of

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 can't.

A similar flaw affects libertarian thinking about government-mandated income redistribution. Extreme libertarians believe this is immoral or even unconstitutional, and even moderate libertarians disapprove of 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 is forced to spend.

Libertarians ask: By what justification does the government concern itself with inequality, financial or otherwise? They are nearly alone in asking this question. Even conservatives claim a great concern for equality of opportunity, while opposing equality 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.

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