



ESSAY ON LIBERTY⁺

LIBERTARIANS IN BUSH'S WORLD

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Imagine ordinary, non-ideological people hearing about an obscure political sect called libertarianism, which emphasizes self-ownership, property rights, resistance to tyranny and violence, the reduction of taxation and regulation, control over one's own investments, and the de-emphasizing of litigation as a primary means of dispute resolution.

Since this philosophy has very few adherents in the general population and is very much a minority position among intellectuals, one might expect proponents of the creed to count themselves lucky, given the likely alternatives, if the president of the country in which most of them live increasingly emphasized the themes of freedom and ownership in his major speeches; toppled brutal totalitarian regimes in two countries while hounding democracy-hating theocratic terrorists around the globe; cut taxes (despite howls even from some in the free-market camp that the cuts were too deep); called for simplification of the tax code; appointed relatively industry-friendly officials to major regulatory bodies such as the Environmental Protection Agency and the Food and Drug Administration despite frequent criticism by the media; proposed partially privatizing Social Security (America's largest socialist boondoggle but one long regarded as sacrosanct by political analysts); and pushed tort reform to combat the chilling effect of lawsuits on doctors and manufacturers.

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Imagine the ordinary non-ideologues' surprise upon learning that this president is nonetheless disliked by a substantial portion, possibly even a majority, of the adherents of the obscure political sect and by some is hated with a passion comparable to that of his left-wing critics. That, of course, is roughly the situation in which we find ourselves in the real world. President Bush has been called the enemy of democracy and the overlord of the "hyperstate" in *Reason* magazine, has repeatedly been denounced as a sort of imperialist Anti-Christ on Antiwar.com and LewRockwell.com, and has inspired some libertarian columnists such as Andrew Sullivan and Jacob T. Levy to root for John Kerry in the 2004 election.

Admittedly, much of the ire among libertarians stems from the war in Iraq, and I was not in favor of invading Iraq either. However, I always acknowledged that it was an ambiguous issue, never regarded Bush as a demon for judging the matter differently than I did, and was repulsed by the knee-jerk depiction of anti-American Iraqi insurgents as freedom fighters by the likes of left-wing commentators Michael Moore and Ted Rall. What was arguably an elective war in Iraq has indisputably had elections and constitutionalism as an outcome, and the insurgents are little better than vandals at this point. As leftist-turned-Bush-supporter Christopher Hitchens said at a Tom Paine Memorial Lecture to the Center for Inquiry in New York City the day before Bush's second inauguration, not only can democracy be spread by force, it is unclear that it has ever been spread *except* by force: "If it hadn't been for the presence of the French army in North America [during the American Revolution], no one would now remember the name of Thomas Jefferson." Similarly, Hitchens noted that despite all the anxiety that existed in January 2005 over the Iraqi elections, without Bush's invasion, "there would be no elections to worry about." Given the mixed bag of large negatives and large positives that the war presents, then, and its consistency with Bush's rather libertarian Second-Inaugural theme of "the expansion of freedom in all the world," it hardly seems as though the war should be the primary indictment of Bush (if it should be one at all) in the eyes of a political movement ostensibly concerned with spreading liberty and reducing tyranny.

Similarly, the issue of gay marriage hardly seems black-and-white enough to be made the locus of libertarian opposition to Bush. If I were king, I would legalize gay marriage or, better yet, would get government out of the marriage business altogether and treat marriage as a purely private contract made between whatever parties wished to form such a contract (and I defended that position in *New York Press* a decade ago, when it appeared for a time that the new-fangled custom of gay "commitment ceremonies" might be a non-state institution capable of satisfying all factions). But clearly, a majority of the population, arguably backed by thousands of years of law and tradition, defines "marriage" slightly differently than I do, using the term to refer specifically to heterosexual unions. And if, ideally, the state would not put its imprimatur even on those commonplace and long-respected heterosexual unions, it's not clear that it is obliged to put its imprimatur anywhere

else. Given the relative rareness of homosexuals (regardless of how much political talk is devoted to them), it's simply not clear that the marriage law—a scheme that arguably shouldn't exist in the first place—*must* be refashioned to accommodate them. In any case, even if morality demands that the law be so refashioned, it is not clear that its failure to be refashioned is, in the grand scheme of things, a substantial hardship for gays. People are still free to spend the rest of their lives with whom-ever they choose, and libertarians should be the *last* ones to say that no relationship is legitimate or fulfilling until it receives the imprimatur of the state.

Of course, for some libertarians, Bush's position on gay marriage is just one more piece of evidence that he is a dangerous religious zealot, a threat to America's secular order. Yet Bush has toppled two Islamic totalitarian regimes (and Saddam, it must be noted, was "secular" only by comparison to the even more theocratic regimes in some other Middle Eastern nations), which one can't help thinking is more than most American atheist clubs have done to advance the cause of secularism lately. As blogger Michael Malice said in a speech at a libertarian forum on Bush that I organized in December 2004: under Westernized law codes, at least "we allow women to read, and kosher is a choice." Furthermore, Bush's religiosity, however irrational it may be, has had little practical impact on American law. Government still spends virtually all of its time in the very secular business of taking money from some people and giving it to others. Even Bush's seemingly most-religious pet project, letting Faith-Based Organizations do government-backed charity work, is essentially identical to legislation promoted by President Clinton, but since Clinton was not perceived as a religious zealot, hardly anyone noticed the legislation at the time (and the law is arguably merely a case of treating religious charities equally before the law with secular ones). Libertarians would be on firmer ground if they were, say, calling for an end to the Department of Energy instead of trying to make FBOs out to be nascent theocracy.

As symbols, war, homosexuality, and religion are powerful things, but the utility calculus—the practical fallout for human happiness—of Bush's decisions on these matters is fairly ambiguous, and I fear that libertarians who emphasize such issues instead of more clear-cut ones such as taxes and Social Security are wandering out of their area of expertise and disregarding the battles that really matter.

Libertarians vs. Conservatives

Much has been written about the fault line between libertarians and their conservative allies—conservatives such as Bush usually being more pro-military, anti-gay, pro-religion, anti-sex, and anti-drugs than libertarians—but rarely, to my knowledge, has it been pointed out that the issues dividing libertarians and conservatives *aren't very important ones*. This is not to say that they are irrelevant or that there are no right or wrong answers on these matters, but in terms of human happiness, it is the economic issues on which libertarians and conservatives agree that matter most. North Korea, for example, desperately needs capitalism in the broad

sense—an ethos of ownership, a smaller government, secure property rights, modern technology (especially medical and food-producing technology), and industry—and the wellbeing of its people would increase dramatically if it suddenly adopted the economic policies of, say, Singapore. Likewise, many nations in Africa are in urgent need of basic free-market thinking. But having switched to broadly free-market systems and reaped vast benefits, people in these countries would see only marginal additional improvements (or perhaps no improvement at all, we should concede) if they then went on to, say, legalize crack cocaine or prostitution. That's not to say that drug users and prostitutes ought to be in jail, and libertarians make strong arguments that putting them there does more harm than good, but in a world of hungry, hard-working people (or in the case of North Korea, people driven to cannibalism, according to some reports), surely rising wages, new technology, and booming stock markets count for far more (to most people) than the freedom to smoke crack, even if that too should, ideally, be an option. Essayist Paul Fussell has observed that communist Yugoslavia, for example, had great nudist colonies, but that freedom alone hardly made it a prosperous and pleasant place.

Many libertarians rightly admire Hong Kong, yet it has laws against drugs, prostitution, and most immigration. Those laws arguably make it less than perfect, but they certainly don't make Hong Kong "the enemy." The big picture is the world's still-urgent need for capitalism, in whatever sloppy, imperfect form the world can get it. The big picture is even visible from outer space, given the striking contrast between the Manhattan-like array of lights that crisscrosses South Korea at night and the literal, moral, and economic darkness that covers North Korea.

Measured in utilitarian terms, then, it is not worth splitting the still-weak free-market political coalition (with its various minimal-state libertarian, anarcho-capitalist libertarian, conservative, neoconservative, and neoliberal factions) over ideological sideshows. It is probably no coincidence that the libertarians most opposed to pragmatic collaboration with neoconservatives also tend to be the least utilitarian libertarians (witness the hyper-Austrian LewRockwell.com writers). I mean not that these libertarians create less happiness than other libertarians but that they are more dogmatic than others in their insistence that we cannot make even the crudest attempts to gauge the utility of real-world public policy choices. Instead, they feel, we must strictly adhere to idealistic rights theories and Austrian-School economic thinking that forbids calling any U.N. peacekeeping effort a success or even tentatively calling a heroin addict miserable until he shows a willingness to pay to escape his predicament. For someone who (for largely admirable reasons) steadfastly refuses to make any utilitarian judgments, there is of course little reason to rank policies or political priorities. If Bush were promising to completely privatize Social Security but, say, wanted stiffer penalties for pimps who are also drug dealers, Bush would stand condemned. This strikes me as irrational, albeit in some sense principled. (I should note that Ayn Rand followers may be an exception to this pattern of non-utilitarians hating Bush: at a Cato Institute gathering in Octo-

ber 2004 to debate the war in Iraq, it was David Kelley and Edward Hudgins of the Objectivist Center who most clearly made the case that tyrants and terrorists are legitimate targets of military action and that civilian casualties, though they ought to be avoided, are ultimately the moral responsibility of the tyrants and terrorists, not primarily the moral responsibility of those who oppose the tyrants and terrorists, except to the degree the good guys have been unnecessarily reckless – and I am not addressing here whether that is the case with U.S. military actions in Iraq.)

Ideologues, like religious zealots, fight over matters of doctrine without much regard for their real-world pay-off. Pragmatists prioritize. Capitalism, I contend, is priority number one, and we should not rush to condemn imperfect messengers as long as, relative to the likely alternatives, they advance the cause of capitalism and the secular-mercantile global civilization that makes it possible.

I received a polite but humbling reminder of the importance of tolerating imperfection in capitalism's allies on the day of Bush's second inauguration. That day, Steve Forbes spoke at the New York Historical Society – and, as I told him, I wouldn't have minded if he'd been the one giving the Second Inaugural address that day (even though he adopted various religious and social-conservative causes in his 2000 run for the presidency after having failed to gain traction with his purely economics-focused 1996 run). But it wasn't Forbes himself that reminded me of the value of compromise and coalition-building. The Historical Society was showing a major exhibit about Alexander Hamilton, and exhibit organizer Richard Brookhiser (an editor at *National Review*) was on hand and answered a vexing question I had: should libertarians admire Hamilton, since he was, after all, one of the architects of a stronger central government for the newly-created United States and thus in some sense the father of the leviathan with which we now contend (whereas the Anti-Federalists and some of Hamilton's fellow Founders wanted the U.S. to retain something closer to the loose affiliation of states that had existed under the Articles of Confederation)? Brookhiser responded that Hamilton not only rescued the debt-saddled and war-damaged U.S. in the eyes of its creditors by forging a unified tax system and a modernized banking system, but did so while remaining so libertarian on other issues that, for example, he contended a Constitutional Amendment would be required if the Federal government ever decided to build a canal, since there was no specific mention of canal-building as a Federal power in the Constitution. To dismiss Hamilton as an ally, then, would be to hold the world to such "high" and radical libertarian standards that virtually no one would be allowed into the club – and as a result the world would never change, which cannot be the morally proper outcome. Or as Virginia Postrel has said, if one's definition of libertarian is so narrow as to exclude Milton Friedman, something is wrong.

Bush's Freedom Narrative

With that lesson about compromise in mind, libertarians would do well to re-read Bush's Second Inaugural and his subsequent State of the Union address,

noting all the reasons for cautious optimism. While Bush doesn't start from the same first principles as libertarians, he has cobbled together a surprisingly libertarian narrative about America, with freedom the dominant theme and a litany of positive developments explained as manifestations of freedom: the toppling of Saddam Hussein, the push for "personal" retirement accounts (now wisely phrased to avoid the still-taboo phrase "privatized"), and the encouragement of an Ownership Society marked by individual responsibility instead of dependence on government. The Second Inaugural lauded past victories in the struggle toward freedom, including the end of Jim Crow laws, which has never been so artfully woven into a conservative account of the American story as it was in Bush's Second Inaugural.

Bush is still Bush, and the future will no doubt bring deficit spending (though some new budget restraint appears possible), plans for hydrogen-powered cars, expensive Medicare drug bills, and all the rest. But on balance, it seems likely that Bush will have moved the world a bit further in the direction of freedom, or at the very least that libertarians should feel relatively comfortable in the world as defined and shaped by Bush. Like any politician, Bush is a combination of influences: the market, patriotism, selfish political calculation, and a sense of religious mission. But then, as Paul Johnson notes in his *History of the American People*, the American Revolution itself would not likely have happened without a similar combination of influences. Some of the most well-known of the Founders thought in the secular terms of Enlightenment philosophers, but the citizenry were inspired in large part by a sense of religious mission, believing God had put America on Earth to be a beacon of liberty for all the world and that any tyrant who attempted to thwart that mission was little better than the devil himself. America was not just a nation of individualists, by its own reckoning, but a sort of utopian experiment—part religious, part philosophical, part commercial—and the fate of the world depended on its success and its example. That's not airtight philosophy, but it was much-needed and effective political propaganda. And even with all that stirring rhetoric, it was estimated at the time that only about a third of the Colonists were in favor of fighting for their liberty against England (as with Iraq, I gloss over the question of whether the ends justified the violent means).

Libertarians haven't gotten too far in persuading Americans to abolish government, and it may be in part that Americans are (more or less wisely) wary of *any* strict, purportedly airtight philosophical system. Americans are not at heart radicals, and we should probably be thankful for that. But everyone likes a good story, here a powerful political narrative. Bush's freedom theme (or for that matter a popular film with political overtones, such as the hawkish yet libertarian marionette comedy *Team America*, released, coincidentally or not, just weeks before Bush's victory), can motivate the masses and nudge elite debate in a way that precise philosophical formulations rarely do. Libertarians have an opportunity in Bush's second term not only to push specific libertarian-friendly Bush policies such

as tort reform, tax reform, and Social Security reform, but to echo the message of America-as-an-embodiment-of-freedom and to second the idea of an Ownership Society as freedom's economic expression. Alternatively, libertarians can gripe from the sidelines and be remembered as little more than another group of Bush's (largely defeated) critics, perhaps dimly recalled for being associated with the people who built giant papier-mâché puppets for use at anti-globalization and anti-war rallies.

We needn't simply join the conservative movement, though. Fortunately, by evoking widely-held economic aspirations, Wilsonian hopes for democracy abroad, and even the 1960s Civil Rights Movement, Bush taps into themes broader than mere conservatism. Indeed, it would be strategically wise to discard the divisive labels of past political conflict as much as possible while remaining intellectually honest. Instead of *libertarians* (adherents of an unpopular ideological sect known to obsess over obscure issues) or *conservatives*, how about subtly encouraging a broader coalition—one that points us in the right direction by focusing on the most important ideas—and simply calling ourselves “capitalists”? Of course, in the broad sense of that word, traditional conservatives, neoconservatives, neoliberals around the globe (including some in Tony Blair's Labour government), and some Democratic Leadership Council fellow-travelers could arguably call themselves capitalists. That's true. And I hope they will. Given the tribalistic rigidity of the human mind, how people label and define themselves does a great deal to determine what sorts of ideas they'll listen to in the future and what sorts of policies they're willing to consider. And as much as libertarians recoil from the thought of legislating, changing the law throughout the world is, after all, our goal, not just achieving personal philosophical purity. A world in which everyone considers himself a libertarian is unlikely to happen. Too many people will balk at this or that petty issue, such as legalizing crack or letting TV channels show porn on Saturday morning. But I'm still confident that capitalism, in its broad strokes, can win, and we should not let petty factionalism hinder that goal.

In the long run, I hope we'll all be *capitalists*, and Bush, with all his flaws, is for now the standard-bearer of that global movement.