

Discussion Notes

Left-Libertarianism—An Oxymoron?

Tibor R. Machan
Chapman University

Let me state up front that I reject any division of libertarianism into left and right wings. To do so is nearly akin to dividing it into high and low, yellow and blue, or round and triangular versions. Yes, there are quite a few more or less enthusiastic supporters of the division; indeed, reading some of them suggests that they have a lot invested in this effort. However, I find what they are embarking upon, if not outright incoherent, then certainly confusing and a waste of good energy and time that could be devoted to more important elements of the task of advancing the cause of human liberty.¹

Combining libertarianism with elements of the Right or the Left defeats the purpose of conceptual clarity about a certain broad political topic. Historically, neither the Right nor the Left has shown a sustained, uncompromising loyalty to individual human rights to life, liberty, and property, while classical liberalism and especially libertarianism is exactly about such unwavering loyalty, one that requires the proverbial eternal vigilance.

By its nature libertarianism is about political liberty for all individuals to do whatever is peaceful or non-aggressive, including acquiring and holding property or valued items either found in nature or obtained through free trade and inheritance.² Claiming that libertarianism can include more or less severe limits on the right to private property—imposed by public

¹ My own involvement in this discussion is precipitated by some having classified those such as myself as “right-wing libertarians,” in virtue of, e.g., our defense of the business corporation as being compatible with libertarianism. I reject being so classified or construing the business corporation, as defended by Robert Hessen in his *In Defense of the Corporation* (Stanford, CA: Hoover Press, 1979), as anti-libertarian. For more, see <http://www.enotes.com/topic/Right-libertarianism>.

² One of my books, a collection of some of my columns, is pointedly titled *Neither Left nor Right* (Stanford, CA: Hoover Institution Press, 2004).

Reason Papers Vol. 32

policy and law—as Left-libertarianism does, simply renders the view indistinguishable from what social democrats and welfare statist propose. It reminds one of market socialism, arguably another oxymoron.³

Of course, the rejection of this notion as an oxymoron hasn't by any means been successful in countering various efforts to construct a coherent notion labeled "Left-libertarianism" from the current political philosophical dialogue. Books and articles can be found discussing the position, some of them published in prestigious publications.⁴ Several well-known philosophers whose politics is self-identified as libertarian would very likely dispute my claim that the label "Left-libertarianism" is oxymoronic, perhaps out of respect for those who employ it in much of their works. Nonetheless, strictly speaking, what is meant by "Left" in the discipline of political theory and by "libertarian" are conceptually incompatible if one accepts, as I would argue we must, that libertarianism is a theory that includes as one of its central features adherence to the more or less Lockean account of the right to private property.

So upon close examination it emerges that Left-libertarianism belongs among efforts, like some others by some people on the Left and the Right, to appropriate a concept alien to its logical purpose. This includes such notions as positive rights, positive liberty, welfare rights, and social justice. Many invoke these notions, but quite arguably they are conceptual corruptions, however much one twists and turns to attempt to render them distinctly meaningful. (Of course, it is not possible to say this with finality, since, for example, tomorrow morning someone could well come up with a use of the idea that has merit.) These notions may not amount to an outright self-contradiction, such as "square circle," but on analysis they come close.

³ For a very good discussion of the position, see Barbara H. Fried, "Left Libertarianism: A Review Essay," *Philosophy & Public Affairs* 32, no. 1 (Winter, 2004), pp. 66-92.

⁴ For example, see Peter Vallentyne and Hillel Steiner, eds. *The Origins of Left-Libertarianism: An Anthology of Historical Writings* (New York: Palgrave Macmillan, 2001); and Peter Vallentyne and Hillel Steiner, eds., *Left-Libertarianism and Its Critics: The Contemporary Debate* (New York: Palgrave Macmillan, 2001). See also Eric Mack, "Right-Wing Liberalism, Left-Wing Liberalism, and the Self-Ownership Proviso," in *Liberal Institutions, Economic Constitutional Rights, and the Role of Organizations*, ed. Karl-Heinz Ladeur (Baden-Baden: Nomos Verlagsgesellschaft, 1997), pp. 9-29; and Eric Mack, "What Is Left of Left-Libertarianism?" (unpublished manuscript).

Various websites on the Internet feature more or less serious discussions of the position, for example, Auburn University philosopher Roderick Long: <http://groups.yahoo.com/group/leftlibertarian/>.

Reason Papers Vol. 32

Thus while the Left aims to divorce people from their work, from their valued attributes, and from the products of their labor, libertarianism opposes this and sees one's property as the extension of oneself into the world outside of oneself—indeed, as an indispensable social condition for a self-directed life. Suppose that someone is very good looking, though not by his or her own efforts. According to Left-libertarianism, the benefits the individual comes by in virtue of these looks are to be treated as not belonging to the agent and thus perhaps to be taxed or simply confiscated by other people. On the Left-libertarian view, one can do all of this without doing violence to individual rights.

One of the ways that Left-libertarianism has been rendered palatable has been to associate it with John Locke's oft-discussed and troublesome idea of "the Lockean Proviso," according to which Locke says that although the right to private property is a fundamental, natural right of human individuals, if the protection of this basic right were to result in a monopoly of vital goods, it would not be justified to regard it as inviolable. As I have argued elsewhere, however, the Lockean Proviso is little more than a restatement of Locke's concern that in certain dire circumstances or emergencies those rights are inapplicable.⁵ Only "where peace is possible" can there be respect and protection for basic individual rights.⁶ This makes sense once one realizes that such rights are what Douglas B. Rasmussen and Douglas J. Den Uyl call "metanormative" principles, that is, ones that provide a framework for peaceful conduct within societies rather than action-guiding principles such as those laid out in a system of ethics.⁷ Since such rights serve as the foundation of a just society or legal system, where no such society or system is possible, no such rights could be applicable. The Lockean Proviso, then, is mainly a warning that we not expect justice to be possible everywhere (say, in a back

⁵ See Tibor R. Machan, "Self-Ownership and the Lockean Proviso," *Philosophy of the Social Sciences* 39, no. 1 (March 2009), pp. 93-98. I use "self-ownership" quite reluctantly, since I find it incoherent that one's self could own one's self. Who here is the owner and what is being owned? However, a generous look at the idea suggests perhaps no more than what Locke held, namely, that one has a natural right to *one's life* (not to one's self).

⁶ Quoted in H. L. A. Hart, "Are There Any Natural Rights?" in A. I. Melden, ed., *Human Rights* (Belmont, CA: Wadsworth Publishing Company, 1970), p. 61, n. 2: "In conditions of extreme scarcity this distinction between competition and coercion will not be worth drawing: natural rights are only of importance 'where peace is possible' (Locke)"

⁷ See Douglas B. Rasmussen and Douglas J. Den Uyl, *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics* (University Park, PA: Pennsylvania State University Press, 2005).

Reason Papers Vol. 32

alley or in a region of the world where natural disasters are virtually constant).

A central feature of Left-libertarianism is, of course, its challenge to an unqualified right to private property. That's what makes it "Left," since those on the Left generally want to control other people's property; by denying that other people actually own their property, they achieve their goal. How do they propose to do this? They do this by rejecting, as already alluded to, the connection between oneself and one's attributes and works. So if one has the attribute of being very good looking or healthy and incurs benefits from it, these benefits are now supposed to be available for confiscation even while outright conscription of the individual is rejected. Then why protect one's right to one's life, if the living of that life is subject to intervention? This is akin to the point sometimes made that while someone may be imprisoned, this only limits his or her body, not spirit, which remains free. More generally, the effort to distinguish between inalienable and alienable property—between oneself and one's goods—is misguided. It is rights, not property itself, that is identified as inalienable in the libertarian (Lockean) position and this means not only that one's right to one's car or home or firm is not something anyone may violate, but also that it is no violation of one's rights if one trades or gives away what one has a right to, for example, one's house or hours of labor.

A related matter might be worth considering. One may wonder whether those on the Left, including so called Left-libertarians, would apply their divorce of oneself from one's works (or other valued attributes, say one's good looks or health) to their own writings. Why, for example, should an author have full discretion as to what goes into one of his or her works—a book, a paper, an essay, etc.? These are not strictly speaking a feature of oneself, just as some argue that one's home and car are not. So would these writers argue for limited censorship on the grounds that one has only a limited right to make use of one's property, including the space in one's written works? I would often like to have my writings featured in, say, *The New Republic* or *The New York Review of Books* or, especially, *Philosophy and Public Affairs*, but the publishers of these insist that they have an absolute right to determine who will appear in their publications' pages. Would not Leftists and Left-libertarians consider this wrong and argue that publishers have no such absolute right at all, in the spirit of their objection to absolute private property rights?

It appears clear that libertarianism is to be dealt with apart from dealing with the Left or the Right in political theory. The attempt to fuse the Left or the Right with libertarianism just produces confusion; to put it somewhat more formally, deploying the concepts Left and Right here fails to distinguish or differentiate anything of significance in the realm of political theory.