

It Ain't Necessarily So: A Response to Gus diZerega

Roderick T. Long

1. When Your Whole World Is Black

I share Gus diZerega's frustration, as expressed in his essay "Turning the Tables,"¹ with many aspects of the libertarian² movement in which we have both spent the bulk of our respective careers; and I agree with him that contemporary libertarians have to a great extent misunderstood the implications of their own value commitments. In that sense, he and I can both be seen as embarked on a project of internal criticism. Moreover, many of our criticisms are similar in spirit – somewhat simplistically put, we are left-wing critics of the movement's right-wing aspects.³

Nevertheless, our visions are crucially different. In essence, Gus is dismissive of far more aspects of the libertarian movement and intellectual tradition than I am, to the point that he often strikes me as prepared to throw the libertarian baby out the window with the right-wing bathwater.

Overall, I think Gus has too one-sided, too monochrome a view of the libertarian movement. First, he often treats as applicable to the movement as a whole commitments that are actually a matter of intense controversy among different factions within that movement (which is rather like saying that all Christians accept the authority of the Pope, when only Catholics do). And second, even within those factions that are the appropriate target of Gus's criticisms, he tends to treat whatever negative tendency he's concerned about as though it were pervasive to an equal extent throughout that faction (which is analogous to taking the most extreme view of papal authority and attributing it to all Catholics).

¹ diZerega 2016.

² For the purposes of this article I shall, like Gus, use the term "libertarian" to apply specifically to the *free-market* libertarian movement, although this journal's editorial policy countenances a broader definition that embraces not only free-marketers but also, e.g., social anarchists.

³ See, e.g., Long 2019a.

Moreover, while many of Gus's charges are fairly applicable to large sectors of the libertarian movement (though not to the movement as a whole), and he is performing a welcome service in pointing them out, other charges he makes strike me as having far less merit – either because they attribute to libertarians views that, while indeed genuinely wrong, virtually no libertarian holds (such as a hermit-like conception of what it means to be “self-sufficient”), or else because they attribute to libertarians views that, while indeed widespread among libertarians, are not in fact wrong (such as skepticism toward what Gus calls “political democracy”).⁴

2. Oppression, I Won't Let You Near Me

Gus charges that libertarians give “arbitrarily narrow meanings” to terms like *individual*, *property*, and *aggression*; in particular, libertarians' unduly restricted understanding of “aggression” gives libertarian cover to forms of aggression that fall outside of the definition – by contrast with “most liberals and progressives,” who, given that “cultural and social relations so powerfully shape who we are,” accordingly “seek to overcome and eventually replace all institutions of domination and arbitrary power.”⁵

In response: first, this pays “most liberals and progressives” much too high a compliment; they generally seem perfectly willing to make their peace with “institutions of domination and arbitrary power” (including but not limited to the state) so long as they can get right-minded people in charge of those institutions. (If Gus were talking about social anarchists that would be another matter, but he holds no brief for their position.)

Second, it's misleading to say that the progressive definition of aggression is *broader* than the libertarian one, since while progressives may count some sorts of thing as aggression that most libertarians do not, they also fail to count as aggression various sorts of thing that libertarians generally *do* so count (e.g., most or all of what governments do). Indeed this seems inevitable, since for any X, if libertarians don't count X as aggression, then they will *ipso facto* count any forcible interference with X as aggression.⁶

Third, what libertarianism says is that aggression in the “narrow” libertarian sense is the only form of domination that should be combated by *force* – but *not* that it is the only form of domination that should be combated, period. Non-libertarians tend not to take this distinction seriously because they regard forcible, governmental solutions as the only effective means of

⁴ diZerega 2106, p. 57. For the purposes of this article I'm following diZerega's lead in the use of the term “politics,” though in fact I favour a broader usage; see Long and Johnson 2005, §2; Lavoie 1993.

⁵ diZerega 2016, pp. 57-58.

⁶ On this point see Long 2014a.

combating domination. But if there's any truth to libertarian social analysis (and as a libertarian I obviously think there is), then non-libertarians are greatly overestimating the effectiveness of forcible, governmental solutions, and likewise greatly underestimating the effectiveness of voluntary, non-governmental solutions.

Fourth, it is true that many libertarians talk as though if something bad does not violate the non-aggression principle (NAP) then it cannot represent a serious form of domination or oppression, and so should not be considered a matter of major concern. And I agree that this is deeply mistaken view, and a genuine and pervasive problem within the libertarian movement.⁷ However, this attitude is by no means universal among libertarians. Many libertarians – including Gus's *bête noire*, Ayn Rand – have insisted on the importance of recognising harmful power relationships that do not necessarily involve literal aggression.

Gus claims that “Rand's view of coercion as physical force represents the experience of a person raised in such violent societies” as first Czarist and the Soviet Russia, leaving her “numb to the other forms aggression could take.”⁸ But first, this psychologising explanation leaves unexplained how so many other thinkers with very different backgrounds (e.g., Herbert Spencer, Lysander Spooner, Benjamin Tucker) could converge on essentially the same view of aggression as Rand's. And second, Rand was by no means unconcerned with power relationships beyond aggression in the narrow libertarian sense. As Charles Johnson and I have written:

The Fountainhead pays relatively little attention to governmental oppression per se; its main focus is on social pressures that encourage conformity and penalize independence. Rand traces how such pressures operate through predominantly *non-governmental* and (in the libertarian sense) *non-coercive* means, in the business world, the media, and society generally. Some of the novel's characters give in, swiftly or slowly, and sell their souls for social advancement; others resist but end up marginalized, impoverished, and psychologically debilitated as a result. Only the novel's hero succeeds, eventually, in achieving worldly success without sacrificing his integrity – but only after a painful and *superhuman* struggle.⁹

⁷ Again, see Long 2019a.

⁸ diZerega 2016, p. 61.

⁹ Long and Johnson 2005, §2.

Gus seems to be assuming that if someone doesn't regard a given form of domination as a rights-violation, then she doesn't regard it as problematic. Now that does arguably seem to be true of some libertarians; but it's not remotely true of Rand (and many others).

Moreover, there is a long libertarian tradition – to which the dreaded Rand again belongs – of seeing economic, cultural, and governmental power relations as reciprocally reinforcing parts of an overall system, so that combating one requires combating them all (with the qualification that the parts not involving force must be combated by non-forcible means). Chris Matthew Sciabarra, for example, has published three books and an anthology devoted to exploring this “dialectical” theme within libertarian thought.¹⁰ The individualist anarchists – both historically and in the present day – have generally taken a similar line.¹¹

Indeed, as Charles Johnson and I have noted, the standard libertarian analysis of state power is straightforwardly committed to recognising the existence of problematic forms of power beyond state coercion:

As libertarians from La Boétie to Rothbard have rightly insisted, since rulers are generally outnumbered by those they rule, the state itself cannot survive *except* through popular acceptance which the state lacks the power to compel; hence state power is always part of an interlocking system of mutually reinforcing social practices and structures, not all of which are violations of the nonaggression axiom. There is nothing un-libertarian, then, in recognizing the existence of economic and/or cultural forms of oppression which, while they may draw *sustenance* from the state (and vice versa), are not *reducible* to state power.¹²

Charles, in particular, has developed the idea of “libertarian thickness,” according to which there are certain values and commitments that, while not strictly entailed by libertarian principle, are so connected with libertarianism that libertarians *qua* libertarians have special reason to adopt them as part of a package along with libertarianism.¹³

¹⁰ Sciabarra 1995, 2000, 2013; Bissell, Sciabarra, and Younkins 2019.

¹¹ Brooks 2017; Chartier 2011, 2012, 2014; Chartier and Johnson 2011; Tuttle and Massimino 2016; Carson 2007a, 2008a, 2013a; Johnson 2013; Long and Johnson 2005; Long 2006b, 2019a.

¹² Long and Johnson 2005, §2.

¹³ Right-libertarian critics of libertarian thickness often retort by arguing that these additional commitments, whatever their merits, are not “part of” libertarianism. This is an *ignoratio elenchi*, since the thickness thesis says nothing about these commitments being “part of”

For example:

There might be some commitments that a libertarian can reject without formally *contradicting* the non-aggression principle, but which she cannot reject without *in fact* interfering with its proper application. Principles beyond libertarianism alone may be necessary for determining where my rights end and yours begin, or stripping away conceptual blinders that prevent certain violations of liberty from being recognized as such. ...

[Or] there may be cases in which certain beliefs or commitments could be rejected without contradicting the non-aggression principle *per se*, but could not be rejected without logically undermining or contradicting the *deeper reasons* that justify the non-aggression principle. Although you could *consistently* accept libertarianism without accepting these commitments or beliefs, you could not do so *reasonably*: rejecting the commitments means rejecting the proper grounds for libertarianism. ...

There may be also cases in which certain ideas, practices, or projects are entailed by neither the non-aggression principle nor the best reasons for it, and are not logically necessary for its correct application, either, but are *causal preconditions* for *implementing* the non-aggression principle in the real world. Although rejecting these ideas, practices, or projects would be *logically compatible* with libertarianism, their success might be important or even causally necessary for libertarianism to get much purchase in an existing statist society, or for a future free society to emerge from statism without widespread poverty or social conflict, or for a future free society to sustain itself against aggressive statist neighbors, the threat of civil war, or an internal collapse back into statism. To the extent that other ideas, practices, or projects are causal preconditions for a flourishing free society, libertarians have *strategic* reasons to endorse them, even if they are conceptually independent of libertarian principles. ...

Finally, there may be social practices or outcomes that libertarians should (in some sense) be committed to opposing, even though they are not themselves coercive,

libertarianism. The thickness claim is rather that libertarianism and the other commitments are themselves both “part of” a larger program that is unified by these various thickness relations.

because (1) background acts of government coercion are a causal precondition for them to be carried out or sustained over time; and (2) there are *independent* reasons for regarding them as social evils. If aggression is morally illegitimate, then libertarians are entitled not only to condemn it, but also to condemn the destructive results that flow from it – even if those results are, in some important sense, external to the actual coercion.¹⁴

Charles further argues, in the spirit of the 19th-century individualist anarchists, that it is actually left-wing economic and cultural values to which libertarianism is bound by these various affiliations of thickness.¹⁵

3. Here in My Car I Feel Safest of All

Gus also resurrects the old charge traditionally raised against libertarianism (and classical liberalism before it) – that of *atomism*: “Libertarians consider individuals to be a kind of social atom.”¹⁶ I think the conflation of radical individualism with atomism is a serious mistake. I’ve distinguished elsewhere between atomistic and organic conceptions of individualism, and argued that the major thinkers in the libertarian tradition, despite their sometimes resorting to atomistic language, belong mainly to the organic camp. Both camps tend to be *motivational* individualists, in that they “emphasize, often to the point of psychological egoism, the need to explain action in terms of the pursuit of individual interests,” and also “endorse, often to the point of ethical egoism, the legitimacy of such pursuit.”

But the atomistic individualists view such pursuit as leading to inevitable conflicts, which only forcible constraint can resolve, while the organic individualists, with their greater emphasis on sociality, are led to embrace, often to the point of anarchism, a minimization of all coercive constraints on individual activity.¹⁷

Organic individualists are thus the more thoroughgoing in their individualism; since they “see human interests as harmonious and social cooperation as natural,” they are therefore “also social individualists, encouraging autonomy and independence, and economic and political individualists, trusting

¹⁴ Johnson 2008; cf. Johnson 2016a, Long 2008b.

¹⁵ Johnson 2016a; cf. Chartier 2012.

¹⁶ diZerega 2016, p. 57.

¹⁷ Long 2007b, pp. 263-265.

individuals to pursue their goals without coercive control.” By contrast, since atomistic individualists typically “see human interests as naturally conflictual,” they accordingly “do not expect social order to emerge unless it is imposed on society by coercive authority,” and so are inclined to be hostile to social economic, and political individualism (Thomas Hobbes being a salient instance of how atomism undermines individualism).

Libertarian thinkers also tend to be organic rather than atomistic in a further sense: namely, they view social phenomena as “organically interconnected across political, economic, and cultural spheres – so that addressing social problems calls for system-wide change rather than local fixes.” These two dimensions of organicity are connected, since “a focus on interconnectedness leads the organic individualists to view sociality as constitutive of human identity, and thus *not* as something which must be imposed by coercive government or conformist social pressure.”¹⁸ I, Chris Sciabarra, and others have argued that such major libertarian and classical liberal thinkers as Herbert Spencer, Benjamin Tucker, Ludwig von Mises, Friedrich A. Hayek, and Ayn Rand belong primarily to the organic rather than the atomistic camp.¹⁹

Take, for example, the following passage by Frédéric Bastiat:

It was ... Daniel Defoe’s original plan to cast Robinson Crusoe ashore on the Isle of Despair alone, naked, deprived of all that can be added to one man’s strength by united effort, specialized skills, exchange, and society.

Nevertheless ... Defoe would have deprived his novel of every trace of verisimilitude if, overfaithful to the thought he wished to develop, he had not made necessary social concessions by allowing his hero to save from the shipwreck a few indispensable objects, such as provisions, gunpowder, a rifle, an ax, a knife, rope, boards, iron, etc. – decisive evidence that society is man’s necessary milieu, since even a novelist cannot make him live outside it.

And note that Robinson Crusoe took with him into solitude another *social* treasure worth a thousand times more, one that the waves could not swallow up: I mean his ideas, his memories, his experience, and especially his language,

¹⁸ Ibid., pp. 263-265.

¹⁹ Ibid.; cf. Sciabarra 1995, 1999, 2000, 2013; Bissell, Sciabarra, and Younkens 2019; Long and Johnson 2005. (Note that I use the term “organic” somewhat differently from the way Chris does.)

without which he could not have communicated with himself or formed his thoughts.²⁰

Because we are born into groups that we do not choose (families, societies, etc.), and because these groups play a crucial role in determining our identities, Gus concludes that libertarians are wrong to insist that “the real issue is whether or not the groups are voluntary.”²¹ Well, real issue for what question? If the question is whether our unchosen group memberships can saddle us with unchosen moral obligations, I agree with Gus that they can (though within limits); but it does not follow that these obligations are legitimately *enforceable*.

Gus contrasts libertarians unfavourably with conservatives and progressives, both of whom, on Gus’s account, differ from libertarians in viewing people as embedded within a thick context of social relations.²² But this is not the difference at all; libertarians can happily view people as embedded selves of the sort Gus describes, and many do. What differentiates the libertarian from both the progressive and the conservative is that the latter two affirm, while the libertarian denies, that these thick social relations can justify the forcible subordination of some people to other people.

If you want to see what thick social embeddedness looks like *without* that crucial libertarian constraint, just consider the traditional doctrine of coverture, according to which a wife’s legal personality was absorbed into that of her husband, giving him the right to, for example, control her property or rape her with impunity – or the still older Roman view that the male head of household had the legal right to put his wife and children to death for any reason or none. Thick social embeddedness becomes toxic unless social relations are understood in libertarian fashion, in terms of free and voluntary cooperation among equals. Not for nothing did the classical liberals celebrate the “movement of the progressive societies ... from Status to Contract.”²³

4. This Land Is Your Land, This Land Is My Land

Libertarians, Gus charges, seek a world where all property is private, and regard this as the acme of liberation; for Gus, by contrast, the crucial value of public space is that certain freedoms (such as those enshrined in the First Amendment) can be guaranteed there, whereas on private property the rules are set by the arbitrary whims of individual owners.²⁴

²⁰ Bastiat 1964, p. 64.

²¹ diZerega 2016, p. 73.

²² *Ibid.*, p.58.

²³ Maine 2012, pp. 168-170, 368-369; Spencer 1897, 1978, 1982; Paterson 2017, ch. 5.

²⁴ diZerega 2016, pp. 55-56.

But first, while the view that all property should be private is admittedly widespread among libertarians, it is by no means universal. The ideal of a mix of public (though not necessarily *governmental*) and private spaces has been defended, on both economic and moral grounds, by many libertarians, both anarchist²⁵ and otherwise,²⁶ including myself;²⁷ and we at the Center for a Stateless Society have recently published an entire volume, *The Anatomy of Escape: Defending the Commons*,²⁸ devoted to the idea. (And that's not even to mention the Georgist current that has been part of the libertarian movement from the start.)

And second, even if we put libertarian defenses of the commons aside, a world where private space *was* all-pervasive would arguably not be as oppressive as Gus envisions, so long as private spaces were generally decentralised and competitive – which is what free-market economics²⁹ leads us to expect. When there are many private spaces competing for customers, and it is easy for such customers to move from one private space to another – and likewise easy for them to start up private spaces of their own – then private owners will have an economic incentive not to restrict visitors' freedom arbitrarily.³⁰

Perhaps Gus will worry that a mere economic incentive is less reliable than a legal *guarantee*. But legal guarantees do not magically enforce themselves;³¹ they too depend on human beings following incentives. And if we are to compare private provision with *likely* rather than with *idealised* state provision,³² then we must observe that while the state may do a decent job of protecting the freedom of affluent white people in public spaces frequented by other affluent white people, its record protecting the freedom of minorities and the poor in public spaces – whether those frequented by affluent white

²⁵ See, e.g., Holcombe 2005; Carson 2010a, 2013b, 2014; Hobbs 2003; and Mincy 2015.

²⁶ See, e.g., Schmidtz 1994.

²⁷ Long 1996a, 1998a, 2006a.

²⁸ Tuttle 2019.

²⁹ Particularly in its left-libertarian form; see, e.g., Chartier and Johnson 2011; Tuttle and Massimino 2016; Carson 2007a, 2008a.

³⁰ A related point: Gus also claims (p. 78) that the notion of property as a decomposable bundle of rights is alien to libertarians; but in my experience it's the position most libertarians hold (cf. Kelley 1984), though of course they don't think the contents of the bundle are arbitrary or purely socially contingent. (Indeed, if anything, many libertarians are *too* willing to view property rights in terms of decomposable bundles, as excessive indulgence in this way of thinking opens the door to the alienability of personal services, which Gus and I agree is a bad thing; see below.)

³¹ Long 2006c, 2014c, 2016.

³² Cf. Demsetz 1969 on the Nirvana Fallacy.

people or those frequented by minorities and the poor themselves – is rather abysmal. (To be sure, Gus does not regard the political order he favours as a “state,” but it seems to me to be exactly that; more on this below.)

5. The Suits Are Picking Up the Bill

Gus complains that “libertarians claim that government is the enemy of business,” when in fact “[l]ittle guys are treated far more harshly than the powerful.”³³ He’s right that many libertarians regard themselves as champions of big business against the rapacious state; Rand herself notoriously went so far as to call big business a “persecuted minority”³⁴ (though she could also be more nuanced, as when for example she noted that “attempts to obtain special economic privileges from the government were begun by businessmen, not by workers”).³⁵ But Gus pays scant attention to the extensive libertarian recognition and discussion of the alliance between big business and the state.

Left-libertarians are especially obviously not guilty of ignoring the business-state alliance, since it is one of the points we most frequently stress. This has been true since the modern revival of left-libertarianism in the 1970s. Here, for example, is Roy Childs in 1971:

To a large degree it has been and remains big businessmen who are the fountainheads of American statism. If libertarians are seeking allies in the struggle for liberty, then I suggest that they look elsewhere ... and begin to see big business as a destroyer, not a unit, of the free market.³⁶

And here’s Karl Hess four years later:

1.6 percent of the adult population owns 82 percent of all stock, and thus actually owns American business and industry. In a very real sense, that tiny 1 percent of the population faces the other 99 percent across a barrier of very real self-interest. That tiny 1 percent has been accumulating more as the years go on, not less. The key to that accumulation is assuring that the people who make up the

³³ diZerega 2016, p. 90.

³⁴ Rand 1967, p. 40.

³⁵ Rand 1990b, p. 96. For more on Rand’s complex attitude toward the role of big business, see Sciabarra 2013, ch. 12; Block 2005.

³⁶ Childs 1994, p. 45.

other 99 percent are sharply restricted in what power and privilege they accumulate.³⁷

And Samuel Konkin, founder of the Movement of the Libertarian Left, noted that “plutocrats run all the ... political parties in capitalist states.”³⁸

The business-state alliance continues to be a central theme in contemporary left-libertarianism. Kevin Carson, for example, writes:

The current structure of capital ownership and organization of production in our so-called “market” economy ... reflects coercive state intervention prior to and extraneous to the market. From the outset of the industrial revolution, what is nostalgically called “laissez-faire” was in fact a system of continuing state intervention to subsidize accumulation, guarantee privilege, and maintain work discipline.³⁹

In the same vein, Gary Chartier writes:

The state is actively involved in all aspects of economic life. And ... the practical result of its involvement – contrary to the impression you might get from the mainstream media – is that *the scales are consistently tipped in favor of privileged elites*. ... [T]he state tends to consolidate the power of the wealthy and to help them exploit others. It fosters poverty by securing privileges for the wealthy and well connected. It promotes hierarchical models of business organization and the centralization of power in the workplace. It creates and encourages the persistence of monopolies and other cartels that increase the power of privileged elites at the expense of everyone else. And it sanctions and perpetuates the violence that has been and continues to be used to dispossess poor, working class, and middle class people in favor of large land owners and wealthy business leaders.⁴⁰

³⁷ Hess 1975, p. 173. Tkacik 2012 suggests that Hess is the originator of Occupy Wall Street’s contrast between the one percent and the 99 percent.

³⁸ Konkin 1983, p. 7.

³⁹ Kevin A. Carson, “The Iron Fist Behind the Invisible Hand,” pp. 51-52; in Tuttle and Massimino 2016, 51-101.

⁴⁰ Chartier 2011, p. 25.

And Charles Johnson explains how left-libertarians often differ from right-libertarians in this regard:

The interventions that 20th century market libertarians were most likely to identify and oppose – progressive taxes, welfare programs, environmental regulations – are more politically controversial, but (really, *because*) they are *surface* interventions, economically speaking. While aiming to *reform* or *restrain* the corporate capitalist economy, each of these political interventions took the basic structural features of that economy – concentration, insulation, ratcheted costs and corporate power – bosses, banks, landlords and massive, entrenched firms – for granted, attempting only to contain their most unsightly downstream effects. Countervailing “progressive” regulations are like a *belt* put on capitalism. A man may need a belt or he may look better without, but he has the same body, for good or for ill, without the restraint.

But political means that consolidate the Many Monopolies do something more than just interfering further in the outcomes of preexisting market structures. State capitalist privileges shape basic patterns of ownership, access, and cost for essential goods and factors of production. They fundamentally *restructure* markets, inventing the class structures of ownership, ratcheted costs, and inhibited competition that produce wage-labor, rent, and the corporate economy we face. These primary interventions are no belt for capitalism to wear or take off; they are its very bones. Without them, what’s left is not a different look for the same body – but a totally different organism. ...

The Monopolies that create capitalists, landlords and financiers, and uphold corporate power, are so deeply embedded in the existing economy, so entrenched in consensus politics, it is easy to mistake them for an economic given, business as usual in a market society. ... Because you wear a belt on the surface, it’s easy to see, and easy to imagine how you might look without it. Because the belt is hitched by government coercion, 20th century libertarians rightly condemned it – but rarely noticed that however much the anti-business belt constrains the capitalist economy’s natural shape, capitalism without the belt is still a

political creature, shaped by intervention down to its pro-business bones.⁴¹

But while analysing the business-state alliance may be a left-libertarian specialty, it's not as though other libertarians have paid the issue no attention. Suspicion of business has a long pedigree in classical liberalism, running back at least as far as Adam Smith's observation that "[p]eople of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public," along with his warning against the use of the law "to facilitate such assemblies."⁴² And many contemporary libertarian thinkers not especially associated with the movement's left wing have made a case similar to (albeit often more moderate than) the left-libertarian one.

Here, for example, we have Milton Friedman in a public Q&A in 1978:

You must distinguish sharply between being pro-free-enterprise, which I am, and being pro-business, which I am not. Those are two different things. The reason I am pro-free-enterprise ... is primarily because I believe the problem in this world is to avoid a concentration of power, to have a dispersal of power. ...

Now Jane Fonda is right that if we have a system under which government is in a position to give ... and does give large favors, it's human nature for people to try to get those favors, whether those people are large enterprises such as the oil industry or the automobile industry or the steel industry, or whether they are small people like the farmers So that she is right insofar as she says there is a great danger of having large, small, and in-between corporations exert undue influence on government. Where people like Jane Fonda go wrong is in not recognizing what the answer is. ... But in my opinion the only effective cure is to reduce the scope of government, to get government out of the business.⁴³

Here's Murray Rothbard:

It was precisely in reaction to their impending *defeat* at the hands of the competitive storms of the market that business

⁴¹ Johnson 2016b, p. 47; cf. Christmas 2016.

⁴² Smith 1904, p. 130.

⁴³ M. Friedman 2012.

turned, increasingly after the 1900's, to the federal government for aid and protection. In short, the intervention by the federal government was designed, not to curb big business monopoly for the sake of the public weal, but to *create* monopolies that big business (as well as trade associations smaller business) had not been able to establish amidst the competitive gales of the free market. Both Left and Right have been persistently misled by the notion that intervention by the government is *ipso facto* leftist and anti-business.⁴⁴

David Friedman:

In the United States in this [20th] century the predominant form of monopoly has not been natural monopoly, artificial monopoly, or direct state monopoly, but state monopoly in private hands. Private firms, unable to establish monopolies or cartels because they had no way of keeping out competitors, turned to the government.⁴⁵

The decidedly non-lefty Hans Hoppe:

The more successful a business, the larger the potential danger of governmental exploitation, but the larger also the potential gains that can be achieved if it can come under government's special protection and is exempt from the full weight of capitalist competition. This is why the business establishment is interested in the state and its infiltration. The ruling elite in turn is interested in close cooperation with the business establishment because of its financial powers.⁴⁶

And more recently, Randall Holcombe:

When the government can deliver favors to businesses, the latter have an incentive to devote resources to acquiring the favors, which may take many forms. ... Firms increase their profits through government favors, and in exchange they support the politicians who provide the favors. That

⁴⁴ Rothbard 1965a, p. 13.

⁴⁵ D. Friedman 1989, p. 39.

⁴⁶ Hoppe 1990, p. 87.

relationship is cronyism. The profits that arise from rent seeking benefit the firm, but rather than adding value to the economy, as is the case when profits come from productive activity, these profits subtract value. ...

[A]lthough regulation may be introduced to promote the general public interest, once regulatory agencies have been established, they tend to be captured by the industries they were established to regulate and tend to work for the benefit of those who are regulated. ... [F]irms in the regulated industry constitute a concentrated interest group better able to organize to further its interests than is the populace in general, whom regulations are nominally designed to benefit. The general public will be rationally ignorant of government regulatory agencies' activities ... because its members realize they have almost no chance of influencing regulations, and even if one individual has influence, his benefit from wielding it is small because the benefit of his action is spread across a large population. Small costs per capita, imposed on members of the general public, can add up to large gains for concentrated interests, however, so the latter interests have an incentive to become informed and active in trying to influence the regulatory process. ...

When the government looms large in the economy through its regulatory power, taxing authority, and expenditures on transfers and subsidies, business profitability depends on the degree to which businesses can get subsidies, tax breaks, and regulations that work in their favor. This situation induces businesses to turn their attention toward the quest for favorable government treatment and away from entrepreneurial activity that adds to the economy's productivity. Insiders with political connections get those benefits; outsiders do not. This setup is crony capitalism. Cronies support their partners in government in exchange for the benefits they receive from government.⁴⁷

And earlier this year, Michael Munger and Mario Villarreal-Diaz:

Why would rational politicians eschew using their office to sell valuable services that are entirely within their legal power to provide? ... [I]n a system that sells legal protection and bottlenecking, why would a rational manager or stockholder

⁴⁷ Holcombe 2013, pp. 544-545, 556.

eschew cronyism? You're expecting investors to leave money on the table because at some point it is nearly certain that it becomes more profitable, at the margin, to invest in lobbying for protection than to invest in engineers for innovation. ...

The distinction between “economic” and “political” arenas is no longer sustainable. As Marx often claimed, “capitalists” recognize that their self-interest encourages co-optation of the state apparatus. The fact that the agents of the state *want* to be co-opted and even demand to be co-opted to serve their own self-interest does not improve matters.⁴⁸

And Munger and Villarreal-Diaz go on to quote favourably Marx's view that “the executive of the modern state is but a committee for managing affairs of the whole bourgeoisie” and “when commercial capital occupies a position of unquestioned ascendancy, it everywhere constitutes a system of plunder.”

Moreover, a wide range of libertarian writers, including Roy Childs,⁴⁹ Murray Rothbard,⁵⁰ David Friedman,⁵¹ Butler Shaffer,⁵² Paul Weaver,⁵³ Hans Hoppe,⁵⁴ Walter Block,⁵⁵ and of course Kevin Carson⁵⁶ have enthusiastically promoted the findings of Gabriel Kolko⁵⁷ and other New Left historians showing that the corporate elite have been the chief lobbyists for and beneficiaries of economic regulation. (Some Rand-influenced libertarians have been a bit less welcoming of Kolko's thesis;⁵⁸ for a recent defense of Kolko against their criticisms, see Joseph Stromberg's article elsewhere in this issue.)⁵⁹

⁴⁸ Munger and Villarreal-Diaz 2019, pp. 335-337.

⁴⁹ Childs 1994.

⁵⁰ Rothbard 2007, pp. 185-6; cf., e.g., Rothbard 1965a; Radosh and Rothbard 1972.

⁵¹ D. Friedman 1989.

⁵² Shaffer 2008.

⁵³ Weaver 1989.

⁵⁴ Hoppe 1990.

⁵⁵ Block 2005.

⁵⁶ Carson 2007a, 2008a, 2010d, 2016.

⁵⁷ Kolko 1963, 1965.

⁵⁸ Bradley and Donway 2013, 2015.

⁵⁹ Stromberg 2019.

It is true that not all right-libertarians take the business-state alliance as seriously as left-libertarians do. Kevin Carson complains about a tendency he calls “vulgar libertarianism”:

Vulgar libertarian apologists for capitalism use the term “free market” in an equivocal sense: they seem to have trouble remembering, from one moment to the next, whether they’re defending actually existing capitalism or free market principles. So we get the standard boilerplate article in *The Freeman* arguing that the rich can’t get rich at the expense of the poor, because “that’s not how the free market works” – implicitly assuming that this is a free market. When prodded, they’ll grudgingly admit that the present system is not a free market, and that it includes a lot of state intervention on behalf of the rich. But as soon as they think they can get away with it, they go right back to defending the wealth of existing corporations on the basis of “free market principles.”⁶⁰

On the same topic, I’ve written elsewhere:

Left-libertarians and right-libertarians ... often get frustrated with each other. Left-libertarians pull their hair out when right-libertarians at one moment acknowledge the existence of pervasive government favouritism to big business, and then at the next moment lapse back into treating criticisms of big business as criticisms of the free market. ... Right-libertarians, for their part, can’t see why left-libertarians keep harping about corporatist intervention when the right-libertarians have already acknowledged its existence and badness. ...

[R]ight-libertarians and left-libertarians see different things when they look at the existing economy. ... Of course ... they both notice (at some level of abstraction) the same facts: there’s a lot of more or less corporatist policies and there’s a lot of more or less free exchange. But for the right-libertarian, free exchange is what essentially characterises the existing economy, while the corporatist policies are so much friction; and just as you don’t constantly mention friction when talking about how a mechanism works, right-libertarians don’t constantly mention corporatism when

⁶⁰ Carson 2007a, p. 116.

talking about how the economy works. For the left-libertarian, by contrast, corporatism is a far more essential feature of the existing economy. ...Thus left-libertarians and right-libertarians are frustrated with each other because they're arguing from opposite sides of a Gestalt shift, where what looks essential to one side looks accidental to the other.⁶¹

All the same, it's clear that the problems to which Gus points have long been matters of serious discussion in the libertarian movement – particularly on the movement's left wing, but on the center and right as well. Munger and Villarreal-Diaz even worry that “capitalism” (by which they mean a free-market economy) *inevitably* transforms into cronyism or corporatism:

Paradoxically, if you believe that the pure form of capitalism is sustainable, you must claim that either corporate leaders or politicians, and probably both, are morally better than the rest of us. But that is just what most market enthusiasts would deny. Because, by the logic of the public-choice model, politicians are *not* better than the rest of us, [and so] pure capitalism is unsustainable. Pure capitalism requires politicians to forego [*sic*, for “forgo”] their own self-interest for the public good. ...

First, no one person alone can save capitalism from cronyism by acting virtuously. If one producer refuses government protection but competitors embrace it, in fact virtue is *punished* rather than rewarded. ... Second, no one person alone acting badly does much harm to the system. Even if all my competitors act virtuously, I can make still more money by buying government protection. And all it takes is a few people buying protection to force the issue.⁶²

But most left-libertarians would reply that what drives this dynamic is the continued existence of the monopoly itself, whose potential abolition Munger and Villarreal-Diaz fail to address.

Gus notes (more or less correctly, in my view) that nowadays “all branches of government are subordinated to the power of great wealth protected by corrupt judicial rulings as well as bought and paid for politicians,” but then adds – bizarrely, incredibly, jaw-droppingly – that

⁶¹ Long 2010b.

⁶² Munger and Villarreal-Diaz 2019, pp. 335-336.

“libertarians have nothing of interest to say about these problems.”⁶³ Gus thereby summarily sweeps aside, *inter alia*, the **entire public-choice tradition**,⁶⁴ the **entire tradition of libertarian class analysis**,⁶⁵ and the **entire tradition of left-libertarianism**.⁶⁶

Is Gus unaware of these traditions? That’s hard to believe, given his longtime involvement with the libertarian movement. Is it that he’s aware of them but regards them of containing “nothing of interest”? If so, it seems to me that he needs to make a stronger case for such a claim, and to engage those traditions’ actual arguments.

6. Working for the Man

Gus criticises widespread libertarian attitudes toward employment, which he sees as continuous with dubious views about contractual slavery.⁶⁷ I think he’s right about that; indeed, we on the libertarian left have been combating both contractual-slavery theories and right-libertarian views on employment for a while now. But in fairness, contractual slavery is not a popular position even among right-libertarians. Indeed, I can think of only two well-known libertarian thinkers who have defended it – Robert Nozick⁶⁸ and Walter Block.⁶⁹ Walter even notes explicitly: “The position on voluntary slavery which I support ... is not well-accepted by libertarians.”⁷⁰ The inalienability approach that Gus favours is in fact the dominant one among libertarian theorists – including Murray Rothbard, who writes:

[T]here are certain vital things which, in natural fact and in the nature of man, are inalienable, i.e., they *cannot* in fact be alienated, even voluntarily. Specifically, a person cannot alienate his *will*, more particularly his control over his own mind and body. ... Each man has control over his own will and person, and he is, if you wish, “stuck” with that inherent

⁶³ diZerega 2016, p. 85.

⁶⁴ See in particular the problem of concentrated vs. dispersed interests, in Boettke and Leeson 2004.

⁶⁵ See, e.g., Grinder and Hagel 1977; Hart 1997; Raico 2006; Long 1998c, 2012; and the various works collected in Hart, Chartier, Kenyon, and Long 2017.

⁶⁶ See, e.g., Chartier and Johnson 2011; Tuttle and Massimino 2016; Brooks 2017; Carson 2007a, 2008a.

⁶⁷ diZerega 2016, p. 90.

⁶⁸ Nozick 1974.

⁶⁹ Block 2003.

⁷⁰ *Ibid.*, p. 41, n. 4.

and inalienable ownership. Since his will and control over his own person are inalienable, then so also are his *rights to control that person and will*.⁷¹

This was likewise the dominant view in the classical liberal and individualist anarchist movements from which the modern libertarian movement grew. See, e.g., Lysander Spooner:

It is a natural impossibility for any man to make a *binding* contract, by which he shall surrender to others a single one of what are commonly called his ‘natural, inherent, *inalienable* rights.’” ... It is a natural impossibility for any man to make a *binding* contract, that shall invest others with any right whatever of arbitrary, irresponsible dominion over him.⁷²

And Benjamin Tucker:

Now, no man can make himself so much a slave as to forfeit the right to issue his own emancipation proclamation. Individuality and its right of assertion are indestructible except by death.⁷³

The most defensible libertarian theory of contractual obligation I know of is the title-transfer theory developed by Williamson Evers and Murray Rothbard, which rules out not only contractual slavery but all enforcement of specific performance (as opposed to material restitution) in the case of contracts for personal services.⁷⁴ Admittedly, and regrettably, the contractual-slavery view nowadays seems to have wider acceptance among rank-and-file libertarians than among libertarian theorists. All the same, from my experience teaching business ethics students for the past twenty years, I would say that non-libertarians are far more likely than libertarians to embrace the alienability of personal services. The difference is that when libertarians do embrace such alienability they take it all the way to its logical conclusion of full contractual slavery, whereas non-libertarians stop arbitrarily at some intermediate point. One might say that among those who accept the premise

⁷¹ Rothbard 1998, p. 135.

⁷² Spooner 1886, p. 11.

⁷³ Tucker 1893, p. 84.

⁷⁴ Evers 1977; Rothbard 1998, ch. 19; cf. Kinsella 2003, Barnett 1986, Hoppe 2010, pp. 28-29, and Hoppe 2018, p. 24. (Yes, even Hoppe rejects contractual slavery!) For my own defense of the inalienability of self-ownership, see Long 2019b.

of the alienability of personal services, the libertarians tend to choose the rational (logical consistency) over the reasonable (avoiding the odious outcome of justified slavery), while the non-libertarians tend to choose the reasonable over the rational. Happily, it is possible to embrace both the rational and the reasonable by rejecting the offending common premise.

Gus takes the inadmissibility of slavery contracts to impugn common libertarian assumptions about ordinary employment contracts. But again, this is something that those on the left wing of libertarianism have already been saying. Consider the following features of employment contracts:

While the employer's promise to pay the wage is legally enforceable, the worker's promise to bestow an adequate level of effort and care upon the tasks assigned, even if offered, is not. Work is subjectively costly for the worker to provide, valuable to the employer, and costly to measure. The manager-worker relationship is thus a contested exchange.⁷⁵

Conflict is inherent in the employment relation because the employer does not purchase a specified quantity of performed labor, but rather control over the worker's capacity to work over a given time period, and because the workers' goals differ from those of the employer. The amount of labor actually done is determined by a struggle between workers and capitalists.⁷⁶

On the basis of these features, plus the inalienability of the labourer's own agency, left-libertarian Kevin Carson draws the following conclusions:

Those who object morally to on-the-job direct actions like slowdowns and working-to-rule ... fail to consider the logical implications of a free contract in labor. ... The possibilities for such forms of resistance result from the fact ... that human will and moral agency are inalienable. ... "Voluntarily" selling oneself into slavery ... is a lot like selling a car and then remaining in the driver's seat. It is impossible to alienate moral agency. ... But the same is true of the wage labor contract. Unlike sellers of capital equipment and land, the seller of labor-power remains in the driver's seat at all times.

⁷⁵ Bowles and Gintis 1996, pp. 69-70.

⁷⁶ Reich and Devine 1981, pp. 27-28.

...

The agency problems of labor follow directly from the incompleteness of the labor contract That means that all its terms cannot be established *ex ante*, or ahead of time. ... The very term “adequate effort” is meaningless, aside from whatever way its definition is worked out in practice based on the comparative bargaining power of worker and employer. Since it’s impossible to design a contract that specifies exact levels of effort and standards of performance ahead of time, or for employers to reliably monitor performance after the fact, the workplace is contested terrain. Workers are justified entirely as much as employers in attempting to maximize their own interests within the leeway left by an incomplete contract. How much effort is “normal” to expend is determined by the informal outcome of the social contest within the workplace, given the *de facto* balance of power at any given time. And that includes slowdowns, “going canny,” and the like. The “normal” effort that an employer is entitled to, when he buys labor-power, is entirely a matter of convention – much like the “reasonable man” standards for implied warranties and fraud in a given community. If libertarians like to think of “a fair day’s wage” as an open-ended concept, they should bear in mind that “a fair day’s work” is equally open-ended.

The employer and employee, under free market principles, are equal parties to the employment contract. As things normally work now, and as mainstream libertarianism unfortunately take[s] for granted, the employer is expected as a normal matter of course to take advantage of the incomplete nature of the employment contract. One can hardly go to Cato or Mises.Org on any given day without stumbling across an article lionizing the employer’s right to extract maximum effort in return for minimum pay, if he can get away with it. His rights to change the terms of the employment relation, to speed up the work process, to maximize work per dollar of wages, are his by the grace of God.

Well, if the worker and employer really are equal parties to a voluntary contract, as free market theory says they are, then it works both ways. The worker’s attempts to maximize his own utility, under the contested terms of an incomplete contract, are every bit as morally legitimate as those of the boss. The worker has every bit as much of a right to attempt

to minimize his effort per dollar of wages as the boss has to attempt to maximize it. What constitutes a fair level of effort is entirely a subjective cultural norm, that can only be determined by the real-world bargaining strength of bosses and workers in a particular workplace.⁷⁷

Gus regards the libertarian movement as inadequately committed to worker empowerment; and we left-libertarians agree with him about that. But once again, Gus gives the impression that concern with worker empowerment is pretty much *nonexistent* in the movement, a claim that's hard to sustain.

Gus points out the inequality in bargaining power between employers and employees, as though no libertarian has ever said anything similar:

Employer/employee relations are almost never equal ones. Usually, many workers are seeking a few jobs and so a few employers have their choice among many workers. For all too many people, exercising power over subordinates is enjoyable. Were it the other way around, working conditions would be very different. There would be next to no sexual harassment because either it would be very expensive to hire a replacement employee, or leaving would be easy. ... Power indeed tends to corrupt, and unequal bargaining power in contracts tends to lead to corrupt contracts; the greater the inequality, the greater the tendency.⁷⁸

Well, yes. That's why left-libertarians offer the following type of analysis:

Every marginalized worker viscerally *knows* wage slavery to be a very real phenomenon – yet libertarians typically bury their heads in the sand and leftists typically fundamentally misunderstand the problem.

Most libertarians deny the existence of wage slavery, seeing only the voluntaristic nature of the *concept* of wages in principle rather than the real world of state-tainted injustice in practice.

Most radical leftists attack the voluntaristic nature of the concept of wages, assuming there is something inherently evil about wages for reasons that are mirror images of the intellectual errors commonly committed by libertarians.

⁷⁷ Carson 2007b, pp. 33-36.

⁷⁸ diZerega 2016, pp. 89-90.

They're both right and both wrong.

A *deeper* libertarian analysis, a *left libertarian* analysis, points to the role of the state in artificially concentrating capital in the hands of state-allied big business – giving statist plutocrats far more bargaining power in the labor market than is their natural due. Injustice happens to play out in the marketplace, but the cause is the state. ...

[T]he government-induced cartelization of industry creates oligopsony conditions in the labor market. It does this by artificially reducing the number of buyers of labor (businesses), thereby granting the existing ones an unnatural degree of bargaining power.

Austrian economics is quite clear on the cartelizing effects in the business world of statism. By pointing to statism as the cause of resulting oligopsony conditions in the labor market, a compelling case can be made that the completely free market (i.e. anarchy) truly is the proletarian revolution.⁷⁹

On the left-libertarian view, it is a background of government regulation that makes possible the inequality in bargaining power between employers and workers, and so any attempt to fix the problem that leaves the background framework untouched is doomed to fail. As Billy Christmas explains:

The structure of capitalistic privilege ... is a coercive one, since it depends at root upon threats of violence that condition socioeconomic relations in wider society. The privilege that an employer has in securing an employment contract that allows her to benefit more than the employee, though it does not involve *proximate* coercion (that is, the capitalist herself does not directly coerce the worker), is dependent upon a coercive system that prohibits certain kinds of market competition. One need not deny that given the set of options before the prospective employee, agreeing to wage-labour employment is her best course of action; however, *why* these options are the only ones open to her is not (at least not *only* or even *mostly*) the result of differential skills and preferences manifesting themselves on an open marketplace. ...

Libertarianism is not only well-equipped to provide an

⁷⁹ Spangler 2012.

analysis of capitalist privilege by tracing the privilege of nominally voluntary interactions to acts of coercion elsewhere in the social order, but out of this it is uniquely situated to provide solutions to end capitalist privilege. By viewing capitalist privilege as an outgrowth of state coercion, we can clearly see how such privilege must be brought to an end – by abolishing the state’s monopolies. ... Theories of privilege that only look for features *proximate* to discrete transactions, rather than their history, in order to explain them, will (if they condemn them) recommend restrictions on how these interactions may proceed. For example, if one explained capitalist privilege merely by reference to the employer’s unfair use of her superior bargaining power, this might lead to viewing the only solution as placing restrictions upon the way in which employers and employees may bargain, which in [Kevin] Carson’s terminology would be a *secondary* intervention to remedy the effect of a *primary* intervention, while leaving the overall structure that gives the employer her superior bargaining power intact. ... In analysing capitalist privilege as being emergent from explicit acts of unjust coercion elsewhere in society, libertarians are able to show how the superior bargaining power of the employer can be removed altogether, rather than merely checked. ... Abolishing the state’s monopolies would remove the employers’ superior bargaining power altogether, rather than *remedying* its effects.⁸⁰

Left-libertarians thus tend to envision an economy in which the wage system, no longer sustained by government privilege, withers away. That’s not to say that wage labour would necessarily become nonexistent;⁸¹ but it would have to compete on a level playing field with less hierarchical alternatives such as independent contractorships and workers’ cooperatives, thereby limiting both its extent and its abuses.

On behalf of independent contractorships, Sam Konkin, for example, writes:

In an agorist society, division of labor and self-respect of each worker-capitalist-entrepreneur will probably eliminate the traditional business organization – especially the corpo-

⁸⁰ Christmas 2016, pp. 34-35.

⁸¹ See Massimino 2014.

rate hierarchy, an imitation of the State and not the Market. Most companies will be associations of independent contractors, consultants, and other companies.” ...⁸² Whether or not “wage workers” would exist instead of “independent contractors” for all steps of production is arguable, but this author feels that the whole concept of “worker-boss” is a holdover from feudalism.”⁸³

David Friedman once held similar views, rejecting “giant, hierarchical corporations ... as either an attractive way for people to live or an efficient way of producing goods,” and instead favouring the “sort of economic institutions” under which “almost everyone is self-employed.” In David’s vision: “Instead of corporations there are large groups of entrepreneurs related by trade, not by authority. Each sells, not his time, but what his time produces.”⁸⁴

On behalf of workers’ cooperatives, Gary Chartier argues:

A worker-controlled firm can avoid the principal-agent problem that besets the typical corporate firm. Difficulties associated with knowing what others were doing would obviously be reduced in a smaller firm. More than that, however, in a firm controlled by workers able to reap the rewards of their own productivity, most workers would be principals, rather than agents, with the result that there would be built-in incentives for workers to cooperate with each other in boosting firm performance and to encourage each other to behave productively. This could be expected to increase productivity and economic viability directly, while also dramatically reducing expenses on monitoring and supervision and the conflict associated with these activities.

...

State-secured privilege and state-perpetrated and state-tolerated dispossession simultaneously boost the wealth of the ruling class and its cronies and reduce the resources and options available to ordinary people. Thus, they dramatically impact the structure of work-life, fostering hierarchy and

⁸² Konkin 1983, p. 27.

⁸³ *Ibid.*, p. 25, n. 8.

⁸⁴ D. Friedman 1989, pp. 144-45. David tells me he’s since retreated from this position, on the basis of the arguments in Williamson 1975. I’m not persuaded by Williamson’s arguments, which I don’t think take into account the sorts of considerations raised by, e.g., Carson 2008a.

wealth concentration, in at least three interlocking ways: (i) by minimizing pressures to reduce corporate size and replace divisions and departments within large organizations with small firms related by agreement, firms in which it would be easier for workers to manage themselves; (ii) by dramatically limiting the bargaining leverage of ordinary workers and thus their ability to secure opportunities to participate in workplace governance; and (iii) by increasing the costs to people of working for themselves and of creating partnerships and cooperatives, and ensuring that, when they do choose to work for others, they have little opportunity to work for smaller, more nimble, more human-scale, more participatory firms.⁸⁵

During his New Left period, Rothbard likewise defended similar views:

The crucial contribution to both ends and means by the New Left as well as its most direct form of confrontation with the Old Left is the concept of “participatory democracy.” In the broadest sense, the idea of “participatory democracy” is profoundly individualist and libertarian: for it means that each individual, even the poorest and the most humble, should have the right to full control over the decisions that affect his own life. Participatory democracy is at the same time, (here again bringing a profoundly new dimension to social thought), a theory of *politics* and a theory of *organization*, an approach to political affairs and to the way New Left organizations (*or any organizations, for that matter*) should function.⁸⁶

Rothbard even suggested that it might be appropriate for any corporation that owed more than 50% of its revenue to governmental privilege to be taken over by its workers.⁸⁷

The goal of worker empowerment was also a major (though certainly not exceptionlessly present) feature of the classical liberal and individualist anarchist traditions from which modern libertarianism arose⁸⁸ – and so again

⁸⁵ Chartier 2014, pp. 361-362.

⁸⁶ Rothbard 1965b, p. 38; last emphasis added.

⁸⁷ Rothbard 1969, pp. 3-4.

⁸⁸ For worker-empowerment ideas in these traditions, see, e.g., Hodgskin 1825; Bastiat 2012; Andrews 1852; Heywood 1868; Spooner 1846, 1886; Donisthorpe 1887; Lum 1890; Molinari 1893; Tucker 1893; Tandy 1896; Spencer 1897, vol. 3, part VIII, chs. 20-21.

not something as alien to libertarianism as Gus implies.

But can worker empowerment actually be achieved by free-market means? Here Gus seems of two minds. At one point in his article he apparently answers no, claiming that the abusive power of employers over employees was “only effectively pushed back against with the rise of unions and the regulations [that] libertarians denounce.”⁸⁹ Here left-libertarians must demur; while we are certainly friendlier to *unions* than is the libertarian mainstream, when it comes to *labour regulations*, both left-libertarians and New Left historians have convincingly shown⁹⁰ that those regulations, taken as a whole, actually had the effect (and aim) of defanging the labour movement and co-opting it into becoming a subservient junior partner in the business-state alliance. Hence Kevin Carson issues the following left-libertarian challenge to the capitalist class:

We'll gladly forgo federal certification of unions, and legal protections against punitive firing of union organizers, if you'll forgo the court injunctions and cooling-off periods and arbitration. We'll leave you free to fire organizers at will, to bring back the yellow dog contract, if you leave us free to engage in sympathy and boycott strikes all the way up and down the production chain, to boycott retailers, and to strike against the hauling of scab cargo, etc., effectively turning every strike into a general strike. We give up Wagner (such as it is), and you give up Taft-Hartley and the Railway Labor Relations Act. Instead of hiding behind the skirts of state bureaucrats, we'll embrace the potential of on-the-job direct action, and exploit all the possibilities of the Internet in exposing the filth of you cockroaches to the light of day.⁹¹

While Gus initially hails governmental regulation as the saviour of the worker, a couple of pages later he suddenly seems more optimistic about the capacity of free markets to solve the problems of labour exploitation and hierarchical workplaces. Gus offers workers' cooperatives in general, and Spain's Mondragon Cooperatives in particular, as an example of how the “nonaggression principle combined with free contract and a market economy can effectively address these issues”; but he complains that “not a single libertarian to my knowledge has given them any informed attention.”⁹² But in

⁸⁹ diZerega 2016, p. 91.

⁹⁰ Buhle 1999, Johnson 2004, Carson 2010c.

⁹¹ Carson 2010c pp59-60.

⁹² diZerega 2016, p. 93.

fact a fair bit of favourable libertarian analysis has been written about cooperatives in general and Mondragon in particular.⁹³ Once again Gus's analysis seems to be suffering from a one-sided diet of examples.

7. Maleficent, Mistress of Evil

Much of Gus's article is devoted specifically to a critique of Ayn Rand and her baleful influence on the libertarian movement. I agree that there is much to criticise in Rand, but I also see far more value in her ideas than Gus does;⁹⁴ and I find many of Gus's criticisms, again, unfairly one-sided. I'm also baffled by Gus's claim that even if not all libertarians are "slavishly devoted to Rand's ideas," nevertheless "*all* [emphasis mine] have internalized some version of [Rand's] failure to understand the very individuality they praise."⁹⁵ *All?* Seriously? In light of the enormous philosophical diversity of the libertarian movement, this is a bold claim.

Gus complains, reasonably enough, of Rand's modeling of society as a "pyramid" with an "aristocracy of virtue and ability" at the top on whose efforts the vaster number of "inferior people" depend – a vision Gus sees as deriving ultimately from Nietzsche.⁹⁶ I've argued elsewhere that Rand's "vision of titans of industry heroically striding across the economic landscape, their pyramid-shaped companies of the less-talented dangling from their pockets like watch fobs," is "an artefact of competition-strangling regulations that prevent the flattening of corporate structures, the proliferation of small businesses, and the emergence of workers' cooperatives."⁹⁷

Or, as Charles Johnson puts it, Rand's "aesthetic and affectional imagination were engaged on behalf of actually existing *capitalists*, i.e., "the grand bourgeoisie – big industrialists, business-owners, money-men, the top tier of entrepreneurial inventors, and ultimately the wealthy broadly – as the heroic prime movers in business, and thus as the 'world's motor,' driving the production of the material means of survival and human flourishing," whereas in fact "the bosses are the chief *beneficiaries* of the predatory state," and "the archetypical boss is a busybodying mediocrity, a cunning predator, or a petulant grafter, and ... their role in the workplace is a drag on the productive labor on the shop floor rather than the animating force behind it."⁹⁸

⁹³ On cooperatives in general, see Prychitko 1991; Johnson 2006a; Carson 2008a; Chartier 2014, pp. 351-362; Hess 1969, 1975; Morris and Hess 1975. On Mondragon in particular see especially Carson 2010d, 2016; but also Taylor 2012, Stern 2013, Shaw 2017.

⁹⁴ Long 2010a.

⁹⁵ diZerega 2016, 63.

⁹⁶ *Ibid.*, pp. 59-60.

⁹⁷ Long 2010a.

⁹⁸ Johnson 2006b.

But it's important to see that this elitist strand in Rand's thinking coexisted with decidedly anti-elitist strands. As I've written elsewhere:

Consider the architectural firm of Francon & Heyer, later Francon & Keating, in *The Fountainhead*. The head of the company, Guy Francon, is a gladhanding fraud who takes credit for work actually done by his draftsmen, and who cares more about the colour of his employees' neckties than about the quality of their work. And most of the businesses portrayed in the novel are similar. There are exceptions, most notably the case of the self-made millionaire Roger Enright; but most of the admirable characters are working-class.⁹⁹

One of Rand's biographers, Jennifer Burns, describes how Rand's early Nietzsche-influenced elitism was eroded by her experience working in Wendell Willkie's 1940 presidential campaign:

[Rand] visited theaters where Willkie newsreels were shown, staying afterward to field questions from the audience. ... These spontaneous sessions began to shake Rand loose from her pre-conceived notions about American voters. Before campaigning, Rad has been suspicious of American democracy. Instead of a government of, for, and by the people, she thought the state should be "a means for the convenience of the higher type of man." ... Now she found herself impressed by the questions her working-class audience asked ... She said of her time in the theaters, "It supported my impression of the common man, that they really were much better to deal with than the office and the Madison Avenue Republicans. ... Working on the Willkie campaign helped shake Rand out of her reflexive elitism."¹⁰⁰

Moreover, the character of Gail Wynand in *The Fountainhead* represents Rand engagement with and, in large part, her transcendence of the Nietzschean elitism that had previously attracted her. The whole point of Wynand's arc is to show that

⁹⁹ Long 2007a.

¹⁰⁰ Burns 2009, pp. 55-56, 65; cf. Barbara Branden (1987): "The experience further confirmed her in her respect for the American public, in her conviction that the so-called 'common man' is singularly *uncommon*. The most intelligent and rational questions she heard anywhere were asked by the audiences from the working-class area of the theater." (p. 61)

domination of others represents a *false* form of individualism; I particularly recommend Lester Hunt's excellent work on this subject.¹⁰¹

Moving on to *Atlas Shrugged*, and quoting myself again:

Atlas Shrugged of course has heroic capitalists at its center ... But even here, for every heroic entrepreneur like Dagny Taggart or Hank Rearden, there's a slimy rent-seeking plutocrat like James Taggart or Orren Boyle. Indeed James Taggart is, let it be remembered, Dagny's *boss*, who takes credit for all her achievements while blaming her for all his mistakes. ... And interestingly, the labour organiser Fred Kinnan, though technically a villain, is presented far more sympathetically than are the businessmen and bureaucrats with whom he colludes. ...

Atlas is torn between two different readings of the "strike" that forms its central plot device. On one reading, it's the exact reverse of the standard Marxist ideal: it's a strike by industrious capitalists against parasitic labourers. On another reading, it's a strike by the industrious of *all* economic classes against parasites of *all* economic classes, in the style of the French *industriels*. Now the second, more left-wing reading is clearly the "official" one, both because the novel draws its heroes and villains from capital and labour alike (and even the über-hero John Galt is a proletarian of sorts) and because in her nonfiction works Rand always insisted that the greatest conflicts between producers and parasites occur not between but within economic classes. But the novel is nonetheless heavily and unmistakably *flavoured* with the first, more right-wing reading.¹⁰²

Rand's anti-elitist strand also shows up in the following notes for *Atlas*:

Man being a rational creature, the only good possible to him is that which he himself has accepted rationally; his primary evil is to do *anything* without his own independent rational acceptance and understanding. ...

¹⁰¹ Hunt 2006; cf. Hunt 2015. And see also David Kelley's account (1993) of the ways in which Rand's mature ethics moderates its aristocratic elements by introducing mercantile and Christian elements.

¹⁰² Long 2007a.

[The] crucial error in thinking ... that one man can decide what is right (or good) for another the forcing of his ideas on those who, by his own definition, are inferior and cannot achieve or know what's good for them ... [is] worse than futile – it's a positive evil – putting them into a subhuman position, whereas they can exist or be happy only on the basis of whatever rationality they possess. ... This forcing of his ideas on others is monstrously destructive of the best among them ...

If he argues like this: “Well, those lesser people work and struggle on their own, but stupidly; let them have the benefit of my superior intelligence and direction; let them be forced to accept my directives whether they agree or not, whether they understand or not; the result will be to their own benefit” – the answer is: To accept or obey blindly is the only original sin for a man and the basic source of his destruction. Within *the specific sphere* of his own action, his job, his life, his active concerns, he must understand what he is doing to the best of his own intelligence ...

If a very stupid type of unskilled laborer takes a job turning a crank in a factory, without understanding or concern for what the factory is manufacturing or why – *that is quite proper* and safe; there is no obligation on man to venture beyond the limits of his intelligence; in fact, it is his moral law and the essence of his nature *not to touch* that which he cannot judge first-hand, *not to act without intelligence*. ...

Such a laborer knows his own reasons for taking the job – need of money, ease of the work, or whatever – and that is his proper and *only possible* motive. To force him against his wishes or understanding into some wonderful atomic factory where his limited skill can be used to best advantage (by the master's decision) will not do him, the factory, or the master any good. It is forcing him into a subhuman state. ... Who, then, sets a man's purpose here? Another creature, a master. By what right? It is the nature of man's intelligence, of survival by means of rationality, to function through purpose. But *he* himself must set the purpose.¹⁰³

¹⁰³ Rand 1997, pp. 495-497. Here and throughout, Rand's posthumously published writings are quoted subject to the caveat that Rand's estate has a well-documented, regrettable habit of silently editing and rewriting such material, sometimes substantially, and so Rand's posthumous work must be used with caution; see Sciabarra 1998; Campbell 2011; Burns 2009, pp. 291-293; cf. Campbell 2017, Bissell 2000, 2002.

These notes became the blueprint for the character of Robert Stadler in *Atlas*, who represents the idea that the ignorant masses should subordinate themselves to the guidance of the superior mind. Stadler is one of the book's villains, not one of the heroes. (And the novel's hero, John Galt, of course submits to torture rather than accept the role of benevolent leader.)

8. I Am a Rock, I Am an Island

Gus charges Rand, and – owing to her influence – libertarians generally, with holding to an exaggerated and unrealistic ideal of self-sufficiency and independence. But it seems to me that Gus has an exaggerated and unrealistic conception of what Rand (and other libertarians) *mean* by self-sufficiency and independence. For example, Gus claims that on Rand's view intellect is “self-contained.”¹⁰⁴ But Rand seems to have thought otherwise, when she wrote:

Man is the only species that can transmit and expand his store of knowledge from generation to generation; the knowledge potentially available to man is greater than any one man could begin to acquire in his own lifespan; every man gains an incalculable benefit from the knowledge discovered by others.¹⁰⁵

Gus also criticises Rand's supposed “image of complete self-sufficiency,” noting that Rand herself in fact “benefited in crucial ways from the kindness of others.”¹⁰⁶ But Rand makes clear that her conception of self-sufficiency does not preclude interdependence; indeed, she makes fun of the notion that “in order to be an individual, Thomas A. Edison would have had to appear in the jungle by parthenogenesis, as an infant without human parents, then rediscover, all by himself, the entire course of the science of physics, from the first fire to the electric light bulb.”¹⁰⁷ For Rand, it is precisely when the interdependence is voluntary and reciprocal that each party to the transaction is self-sufficient.

So Rand has no brief against *reciprocal* dependence; but what about *one-way* dependence, as in charity? Rand's answer is that charity, when it is proper, is not truly one-way, because Rand's conception of self-interest is much broader and more Aristotelean than Gus recognises; when we help somebody we *value*, we *do* receive a payment in return:

¹⁰⁴ diZerega 2016, p. 60.

¹⁰⁵ Rand 1964, pp. 35-36.

¹⁰⁶ diZerega 2016, p. 61.

¹⁰⁷ Rand 1982, pp. 145-146; cf. Palmer 1996.

In spiritual issues ... the currency or medium of exchange is different, but the principle is the same. Love, friendship, respect, admiration are the emotional response of one man to the virtues of another, the spiritual *payment* given in exchange for the personal, selfish pleasure which one man derives from the virtues of another man's character. ... [I]f one's friend is starving, it is not a sacrifice, but an act of integrity to give him money for food rather than buy some insignificant gadget for oneself, because his welfare is important in the scale of one's personal values¹⁰⁸

This applies to helping friends, but what about helping strangers? Rand holds that there is a certain level of benevolence that we owe to *every* human being "until and unless he forfeits it," and that it is "on the ground of that generalized good will and respect for the value of human life that one helps strangers in an emergency";¹⁰⁹ but as Darryl Wright notes, the details are less than clear:

At two points in "The Ethics of Emergencies" (*VOS* ch. 3), Rand says that one should only help strangers in an emergency (see 54-55). But she also says that it can be proper to help someone who is "ill and penniless," although illness is a normal occurrence rather than what she calls a "metaphysical emergency," such as a flood. Thus, her position on the scope of proper aid to strangers is somewhat unclear here. She writes, "It is only in emergency situations that one should volunteer to help strangers" (54-55). This could be read either as saying that in non-emergencies one should not help, though in emergencies one may; or, alternatively, as saying that in emergencies, but only then, one *should* help. If it has the latter sense, then Rand's view might be that in non-emergency cases of distress, such as that of illness, one *may* properly help, although it is not the case that one *should* do so (as in an emergency). Or perhaps she is distinguishing between different categories of emergency.¹¹⁰

¹⁰⁸ Rand 1964, pp. 31, 52.

¹⁰⁹ *Ibid.*, pp. 52-54.

¹¹⁰ Wright 2016, p. 179, n. 20. On issues of casuistry Rand could often be impatient and contradictory; see, e.g., Long 2005.

Wright thus offers Rand a choice between saying that a) help to others is *permissible* in emergencies and *impermissible* otherwise, and saying that b) help to others is *obligatory* in emergencies and *non-obligatory* otherwise. I'm not sure that those are the only two interpretive options; but in any case, the following passage from Rand seems to tell against (a), since it does not seem in any way limited to emergencies:

The fact that a man has no claim on others (i.e., that it is not their moral duty to help him and that he cannot demand their help as his right) does not preclude or prohibit good will among men and does not make it immoral to offer or to accept voluntary, non-sacrificial assistance. ... It is morally proper to accept help, when it is offered, not as a moral duty, but as an act of good will and generosity, when the giver can afford it (i.e., when it does not involve self-sacrifice on his part), and when it is offered in response to the receiver's virtues, not in response to his flaws, weaknesses or moral failures, and not on the ground of his need as such.¹¹¹

Elsewhere, in a 1936 letter on behalf of the Hollywood Studio Club, Rand offers an even stronger defense of charity, maintaining that an institution offering help to others (in what seem to be non-emergency situations) is “worthy of everyone’s support”; and in the same passage she explicitly rejects the unrealistic ideals of self-sufficiency that Gus takes her to champion:

That idea of hardships being good for character and of talent always being able to break through is an old fallacy. Talent alone is helpless today. Any success requires both talent and luck. And the “luck” has to be helped along and provided by someone. ... Talent *does not* survive all obstacles. In fact, in the face of hardships, talent is the first one to perish; the rarest plants are usually the most fragile. Our present-day struggle for existence is the coarsest and ugliest phenomenon that has ever appeared on earth. It takes a tough skin to face it, a very tough one. Are talented people born with tough skins? Hardly. In fact, the more talent one possesses the more sensitive one is, as a rule. And if there is a more tragic figure than a sensitive, worthwhile person facing life without money – I don't know where it can be found. ...

¹¹¹ Rand 1990b, p. 41.

[H]elp for young talent not only provides human, decent living conditions which a poor beginner could not afford anywhere else, but it provides that other great necessity of life: understanding. It makes a beginner feel that he is not, after all, an intruder with all the world laughing at him and rejecting him at very step, but that there are people who consider it worthwhile to dedicate their work to helping and encouraging him. Isn't such an organization worthy of everyone's support? ... So many gamble on roulette, and slot machines, and horses. Why not gamble for a change on human beings and human futures?¹¹²

And other thinkers in the Randian tradition, such as David Kelley and Tibor Machan, have defended a more robust virtue of charity than Rand did, *but* on specifically Randian grounds.¹¹³

Gus also complains of the “glaring absence” of the notion of *empathy* both from Rand and from the broader libertarian tradition.¹¹⁴ But it's *not* absent from Rand; the notion of “psychological visibility” (developed by Rand's associate Nathaniel Branden, but endorsed by Rand) plays essentially the same role.¹¹⁵ And it's certainly not absent from the libertarian tradition, as it's the centerpiece of the ethical systems of, e.g., Adam Smith (as Gus himself notes) and Herbert Spencer (as he doesn't).¹¹⁶

¹¹² Letter to Marjorie Williams (18 June 1936); in Rand 1995, pp. 31-33. Although this was a personal letter and not a published piece, Rand explicitly gives the recipient permission to reproduce the letter, in whole or in part, for the purposes of raising money for the Studio Club, so I think we can treat Rand's claims here as intended for publication and not merely as tentative musings. On the other hand, the letter's early date means that it cannot necessarily be expected to be consistent with her mature views – though it does not strike me as significantly out of line with them.

¹¹³ Kelley 2003, Machan 1998; cf. Silk 2011.

¹¹⁴ diZerega 2016, p. 69.

¹¹⁵ Branden defended the concept of psychological visibility in, e.g., Branden 1967, which appeared in the Rand-edited, Rand-approved journal *The Objectivist* and so presumably enjoyed her blessing. (See also Branden 1968a and 1968b.) Rand also made use of the concept in her private journals (see Valliant 2005); and although she later broke with Branden, she noted that all of his “writings and lectures up to this time were valid and consonant with Objectivism” (Rand 1968, p. 5), presumably including the material on visibility. So it seems safe to infer Rand's endorsement of the concept. For further elaboration of the concept of psychological visibility, see Branden 2001, pp. 194-204, and Branden 2008, pp. 58-66.

¹¹⁶ See, e.g., Spencer 1954, 1978. Empathy also plays a crucial *epistemological* role for Friedrich Hayek: “in discussing what we regard as other people's conscious actions, we invariably interpret their action on the analogy of our own mind: that is, that we group their actions, and the objects of their actions, into classes or categories which we know solely from the knowledge of our own mind.” (Hayek 1948, p. 63)

It's certainly true that many of the versions of libertarianism that prevail today, whether Randian or otherwise, *are* deeply deficient in empathy. But this is a fact that has been frequently pointed out and decried within the libertarian movement,¹¹⁷ and so *ipso facto* cannot be straightforwardly applied to libertarianism as a whole. And I would commend to Gus's attention Mary Ruwart's book *Healing Our World: The Compassion of Libertarianism: How to Enrich the Poor, Protect the Environment, Deter Crime, and Defuse Terrorism*¹¹⁸ as evidence that versions of libertarianism that place empathy at the center of their approach are no strangers to our movement.¹¹⁹

As evidence of libertarians' lack of empathy, Gus points to some libertarians' remarks trivialising sexual harassment in the workplace, which he takes to evince an inability to "imaginatively place themselves in the shoes of people unlike themselves"¹²⁰ or to "understand what it is to be a human being of moderate to low income and subordinate to another."¹²¹ Gus is right that this sort of failure of empathy is widespread within the libertarian movement and deserves to be vigorously combated. But this problem is hardly confined to libertarians. Conservatives tend to show very little empathy toward, e.g., immigrants; progressives tend to show very little empathy toward, e.g., gun owners.¹²²

Moreover, there are many libertarians who deploy distinctively libertarian resources – such as Hayekian epistemology – *against* such trivialisation (thus showing that the problem does not lie within libertarian principle as such). Left-libertarian Nathan Goodman, for example, writes:

Hayek's point about distributed knowledge applies to more than just economic issues. It also applies to social issues. Take issues of gender. Women experience misogyny in their day to day lives. Many individual women know things about sexual harassment, casual sexism, and a wide range of other gender issues that I will never know, because I am not a woman, and I do not experience them. Recognizing that this distributed knowledge exists has consequences. It means that

¹¹⁷ See, e.g., Tucker 2014.

¹¹⁸ Ruwart 2015 (a revision of a work popular in libertarian circles since 1992).

¹¹⁹ Also, for a history of the libertarian movement that stresses its bleeding-heart side, even in figures ordinarily regarded as anything but bleeding hearts, see Zwolinski and Tomasi (forthcoming 2020).

¹²⁰ diZerega 2016, p. 92.

¹²¹ *Ibid.*, p. 98.

¹²² cf. Long 2017.

I should not dismiss women’s experiences of sexism or presume I know more about sexism than they. It means that within the realm of feminist activism, I should not always have as important a decision making role as the women who actually experience the oppression caused by patriarchy.¹²³

It’s also worth noting that on a left-libertarian analysis, the asymmetries of power between employers and employees that facilitate workplace sexual harassment are in large part a byproduct of state actions;¹²⁴ and further, that right-libertarians’ frequent reluctance to see workplace sexual harassment as a violation of the employment contract must be viewed in the context of the unjustified right-libertarian tendency to interpret employee obligations broadly and employer obligations narrowly.¹²⁵

Gus also sees libertarians’ lack of moral concern for nonhuman animals as further evidence of empathy failure. But many libertarians believe in animal rights, and even those who do not, often believe in moral obligations (albeit not legitimately enforceable by legal institutions) toward nonhuman animals.¹²⁶

9. The Man in the Mirror

One of Gus’s oddest claims is that “Rand and the libertarian tradition generally take the ‘self’ for granted.”¹²⁷ In the case of Rand, at least, nothing could be further from the truth. Gus plugs Rand into traditional debates about psychological and ethical egoism without noticing that her neo-Aristotelean conception of self-interest is boldly revisionary and simply does not fit into the prefab categories that Gus marshals.

As an example, consider the scene in *The Fountainhead* where a financially

¹²³ Goodman 2013.

¹²⁴ More about this below.

¹²⁵ See Carson 2007b, 2010c.

¹²⁶ For libertarian arguments for a strong moral status for nonhuman animals – some rising to the level of enforceable rights, some not – see, e.g., Chartier 2010, 2014; Clark 1987; Graham 2004; Huemer 2019; Milburn 2018; Nozick 1974, pp. 35-42; and Wissenburg 2019.

In passing: while it’s true that Descartes attributed to human beings a special faculty of consciousness that transcended the material world and thus divided us sharply from other animals, it is surely overstating the case to say that he did so because, as Gus says (p. 72), he “believed in a traditional, literal way in *Genesis*.” In his *Treatise on the World and on Light*, Descartes describes the formation of the earth as the spontaneous result of physical particles interacting in accordance with natural laws – hardly the theory of a *Genesis* literalist. (In any case, it’s a matter of scholarly controversy how sharp a line Descartes really draws between human and nonhuman animals; see, e.g., Harrison 1992.)

¹²⁷ diZerega 2016, p. 69.

desperate Howard Roark turns down a lucrative contract rather than compromise his artistic principles, even knowing that losing the contract means having to close his architectural business and take up work as a manual labourer:

“Good God!” Weidler cried suddenly. “Don’t you know how big a commission this is? You’re a young man, you won’t get another chance like this. And ... all right, damn it, I’ll say it! You need this! I know how badly you need it! ... It’s sheer insanity! ... Do you have to be quite so fanatical and selfless about it?”

“What?” Roark asked incredulously.

“Fanatical and selfless.”

Roark smiled. He looked down at his drawings. His elbow moved a little, pressing them to his body. He said:

“That was the most selfish thing you’ve ever seen a man do.”¹²⁸

Lester Hunt, commenting on this scene, writes:

Typically, one’s ideals are thought to be for the most part antithetical to one’s interests while money is treated as if it were infallibly conducive to it, and this is clearly not what Rand and Roark think. Obviously, there is a heterodox theory about the nature of self-interest involved here.¹²⁹

Clearly Rand is not taking the self “for granted.” Not for nothing is her book *The Virtue of Selfishness* subtitled “A *New* Concept of Egoism.”

It’s true that Rand does not regard the self as socially constituted, a view that Gus favours.¹³⁰ But social constitution of the self is hardly unknown in libertarian circles. Hayek, for example, argues:

Mind is as much the product of the social environment in which it has grown up and which it has not made as something that has in turn acted upon and altered these institutions. ... The cultural heritage into which man is born consists of a complex of practices or rules of conduct The

¹²⁸ Rand 1994, p. 196.

¹²⁹ Hunt 1999, p. 79.

¹³⁰ diZerega 2016, p. 67.

mind does not so much make rules as consist of rules of action, a complex of rules¹³¹

And Crispin Sartwell has argued that there is no conflict between the self's having libertarian autonomy and its being socially constituted: "a person consists of a web or knot of relations," and an "anarchism that emphasizes the connections of the individual to other persons as constitutive of individuality" must also involve an "affirmation of individuality [as] the first moment in re-establishing this connection."¹³² Or, as I have written elsewhere, the libertarian conception of the self

does seem to depend on a basic *distinctness* of persons; but to say that my identity *depends* in part on my relations to other people does not imply that other people are literally part of me or vice versa. To treat mutual distinctness as inconsistent with mutual dependence is an atomist mistake, not an individualist one.¹³³

10. They Took the Whole Cherokee Nation

Gus devotes a fair bit of space to Rand's views on the European conquest of the American Indians.¹³⁴ And fair enough, her statements on this topic are dreadful – and easily refuted. In response to her claim that Indians societies had no concept of property rights, I've noted elsewhere:

Native American society comprised a wide variety of different nations, tribes, and cultures. Some were nomadic; others, sedentary and agricultural. Some practiced collective or communal property, others – many¹³⁵ – private property, and others a mix. So even if it were true that nomadic and communal societies have no just land claims, that would justify dispossessing only some Indian communities, not all of them. ... In any case, there is nothing inherently illegitimate ... about communal or collective property As for nomadic cultures, even when habitual use is not transformative enough to secure an exclusive property right,

¹³¹ Hayek 2012, p. 18.

¹³² Sartwell 2008, p. 110.

¹³³ Long 2019b.

¹³⁴ diZerega 2016, pp. 94-98.

¹³⁵ See Anderson 1992.

it at least grounds easement rights, which European settlers had no right to violate.¹³⁶

In answer to Rand's claim that anyone who "brought with him an element of civilization had the right to take over this continent"¹³⁷ – what happened to Rand's previously-cited claim that to "force [someone] against his wishes or understanding into some wonderful atomic factory where his limited skill can be used to best advantage (by the master's decision) is forcing him into a subhuman state"?¹³⁸ Rand points out that many Indian tribes practiced slavery, torture, and human sacrifice. Okay, yes, very bad. But Europeans also practiced slavery, torture, and human sacrifice.¹³⁹ Would it have been okay for Indians to invade and loot, say, Spain, and massacre children and other innocents, because of the Spanish practice of *auto-da-fé*? It's not clear why Europeans get a pass on such things but Indians don't. Rand asserts, in addition, that Indians had no rights deserving of respect because their societies were constantly making war on one another. What were European countries doing at this period?

So okay, Rand had terrible views on the colonisation of the Americas. We can add her to the long line of thinkers who failed to apply their own principles consistently when their prejudices were at stake. But for Gus this somehow points a broader moral against *libertarianism as such*. On his view, Rand's remarks on Indians explain why libertarianism has (allegedly) had an "extraordinarily negative impact upon our country."¹⁴⁰ Why? Because all libertarians march in lock-step to Rand's every pronouncement? That's news to me.

Gus himself notes¹⁴¹ that "[i]ronically a libertarian think tank offers a telling rebuttal to Rand." But if there is irony here, it cuts against Gus's position. He offers Rand's view of Indians as evidence of a general problem with libertarians, but – "ironically" – provides evidence that the problem is not so general.

If Rand's remarks on Indians are representative of libertarian thought in

¹³⁶ Long 2014b; cf. Long 2003, 2018. See also William Finnegan (2018): "Native Americans had used seasonal burning for many purposes, including hunting, clearing trails, managing crops, stimulating new plant growth, and fireproofing areas around their settlements. The North American 'wilderness' encountered by white explorers and early settlers was in many cases already a heavily managed, deliberately diversified landscape."

¹³⁷ Rand 2005, p. 104.

¹³⁸ Rand 1997, p. 497.

¹³⁹ I take executions for heresy or witchcraft to be essentially equivalent to human sacrifice.

¹⁴⁰ diZerega 2016, p. 98.

¹⁴¹ *Ibid.*, p. 95, n. 51, citing Rodriguez, Galbraith, and Stiles (2006).

general, then what should we make of Leonard Liggio's¹⁴² or Rosalie Nichols'¹⁴³ or Carl Watner's¹⁴⁴ defense of Indian land claims? Or Rothbard's argument that land in Latin America seized by the Spanish *conquistadors* should be returned to the peasants from whom ancestors it was taken?¹⁴⁵ Or Ilana Mercer's Hoppe-inspired (of all things) takedown of Rand's arguments on Indians?¹⁴⁶ Or Indian rights activist and AIM national director Russell Means's losing the Libertarian Party presidential nomination to Ron Paul in 1987 by only 196-120?¹⁴⁷ Is all this just more "irony"? Like a black fly in your Chardonnay?

Just this year, writing in *Reason* magazine – the most prominent libertarian periodical – Amy Sturgis documents how the U.S. government bullied the Creek nation into exchanging its “decentralized, adaptable framework of predominantly local decision making” for a “far bloodier” hierarchical system in which “stick-bearing warriors delivered the new state justice to their fellow Creeks via beatings, mutilations, and executions.”¹⁴⁸ It's hard to make the argument that the mind of the libertarian movement as a whole is in captivity to Rand on this issue.

11. Free to Be You and Me

Continuing his crusade against Rand (apparently, and inexplicably, as a proxy for libertarianism *per se*), Gus maintains that Rand's outlook deteriorated from a focus, in *The Fountainhead*, on artistic creation and thus on a “multiplicity of excellences based on internal standards of creativity,” to a focus, in *Atlas Shrugged*, on reason, which for Gus implies a “single scalar” and thus “only one rational way to live a life.”¹⁴⁹

But while Gus may think of reason implies a single value scalar, there is little evidence that Rand does so, in *Atlas* or elsewhere. On the contrary, Dagny's commitment to her work is clearly to *railroad* work, as Rearden's is to metallurgy and Halley's is to music and the unnamed bakery owner's is to childrearing.

It is true that a much narrower conception of rational modes of living, amounting to a stifling and cultish conformity, famously came to prevail in

¹⁴² Liggio 1971.

¹⁴³ Nichols 1968, 1970a, 1970b, 1971.

¹⁴⁴ Watner 1983.

¹⁴⁵ Rothbard 1998, chs. 9-11.

¹⁴⁶ Mercer 2017.

¹⁴⁷ Turner 1987.

¹⁴⁸ Sturgis 2019, p. 66.

¹⁴⁹ diZerega 2016, p. 61. Gus's arguments here are reminiscent of Greenberg 1977.

the intellectual circle of friends and disciples that later grew up around Rand; but the question is whether this was the expression of a natural reading of *Atlas's* conception of reason, and I don't see that it was.

Gus notes that according to Rothbard, Rand's view implies that he "could be just as good in music as in economics if I applied myself."¹⁵⁰ But nowhere does Rand herself say anything like this; Gus seems to be taking a dubious Rothbardian interpretation as a Randian *hadith*. Instead, Rand stresses the role, in determining one's personality and one's artistic and romantic choices (and likewise, I should think, one's career choices), of a unique "sense of life" not identical with (though closely bound up with) a list of codified intellectual commitments:

A given person's sense of life is hard to identify conceptually, because it is hard to isolate: it is involved in everything about that person, in his every thought, emotion, action, in his every response, in his every choice and value, in his every spontaneous gesture, in his manner of moving, talking, smiling, in the total of his personality. It is that which makes him a "personality."¹⁵¹

If Gus's interpretation were correct, then Rand would have to hold that everyone should have the same sense of life. Does she? One might think so, if one focused on the following passage in isolation:

Philosophy does not replace a man's sense of life, which continues to function as the automatically integrated sum of his values. But philosophy sets the criteria of his emotional integrations according to a fully defined and consistent view of reality (if and to the extent that a philosophy is rational). Instead of deriving, subconsciously, an implicit metaphysics from his value-judgments, he now derives, conceptually, his value-judgments from an explicit metaphysics. His emotions proceed from his *fully convinced* judgments. The mind leads, the emotions follow.¹⁵²

There are two ways of reading this passage. On the narrow reading, Rand is saying that every implicit value-judgment within one's sense of life should be logically deducible from one's rational philosophical judgments. Since

¹⁵⁰ diZerega 2016, p. 62.

¹⁵¹ Rand 1971, p. 31.

¹⁵² *Ibid.*, pp. 29-30.

there can be only one philosophically correct view of the world, the narrow reading would seem to imply that the senses of life of all rational people should coincide completely. On the broader reading, Rand is instead saying only that our rational philosophical judgments should set the *constraints* or *parameters* that determine which sets of value-judgments are permissible, while allowing variation from person to person within those constraints. While Rand's claim that "philosophy sets the criteria of his emotional integrations" is compatible with either reading, her further claim that a rational person "*derives, conceptually, his value-judgments from an explicit metaphysics*" (emphasis mine) might seem to favour the narrow reading.

Against the narrow reading, however, is nearly everything else she says about the sense of life. For example, Rand speaks of "the embodiment of the values that formed a person's character, which are reflected in his widest goals or smallest gestures, which create the *style* of his soul – the individual style of a unique, unrepeatable, irreplaceable consciousness."¹⁵³ If she thinks the style of a person's soul is "unique" and "unrepeatable," Rand can hardly be expecting everyone to strive to adopt the *same* style, like inmates of some bleak orphanage all dressed in the same uniforms (to borrow an image from *We the Living*).

Rand also repeatedly affirms that individuals can differ from one another in sense-of-life judgments without any of them being objectively mistaken. For example, she says:

You have no way of knowing my sense of life, even though ... you've read my books [N]obody except my husband actually can give me paintings or records and know infallibly, as he does, what I would or would not like. ... It's no reflection on you, nor on me. [Emphasis added. – RTL] It's just that sense of life is enormously private.¹⁵⁴

Likewise, in her writing seminar, Rand notes that if an editor's suggested title "grates on you, *even though it is good*" (emphasis added), that is because it is not "consistent with your style," which is "a sense of life issue."¹⁵⁵

I think it's clear, then, that Rand regards multiple styles of living as consistent with rationality, in contrast to Gus's claim that for Rand reason reduces the good life to a single scalar. One might say that on Rand's view, a sense of life represents an evaluation of existence in relation (not just to

¹⁵³ Ibid., p. 32.

¹⁵⁴ Q&A session for Leonard Peikoff's *Philosophy of Objectivism*, Lecture 12, 1976, quoted in Campbell 2011, p. 120.

¹⁵⁵ Rand 2001, p. 172.

humanity as such but) to *oneself*, with one's own particular history, talents, and proclivities.¹⁵⁶ (And this likewise suggests that when Rand distinguishes between an “abstract principle” and a “concrete, specific purpose,” holding that the former is a “measurement or gauge” to “guide a man's choices” in achieving the latter¹⁵⁷— or, again, when she says that a “moral code is a set of abstract principles” which “an individual must translate ... into the appropriate concretes” by defining “his particular hierarchy of values,”¹⁵⁸ a broad rather than a narrow readings is indicated in those passages too.)

12. Imperial, Mysterious, in Amorous Array

Many of Gus's criticisms of libertarianism involve cases where he has identified a genuinely mistaken view, but erroneously treated that view as more prevalent in the libertarian movement than it is. Thus the bulk of my responses have been broadly eirenic: “Yes, we (or many of us) do after all make the points you're wishing we would make; come back in, the water's fine.”

But with regard to Gus's defense of “political democracy,”¹⁵⁹ I have to disappoint him. Here I have far less agreement to offer.

For Gus, political democracy offers what libertarians falsely claim that markets offer: namely, control not only over the immediate and individual results of one's actions, but also over their long-run and aggregate results.

Starting with a lesser point first – do libertarians really hold, as Gus claims, that free-market outcomes are “a perfect reflection of the choices free men and women made when choosing to interact voluntarily”?¹⁶⁰ I'm not convinced that many libertarians actually believe this. After all, the idea that free choices will have unintended consequences in the aggregate is not exactly news to libertarians, given their frequent citation of Adam Smith's famous remark that market participants are “led by an invisible hand to promote an end which was no part of [their] intention.”¹⁶¹ Hayek's idea that “the chief kind of order on which the working of society rests” belongs to a class of “orders ... which have not been designed by men but have resulted from the action of individuals without their intending to create such an order”¹⁶² is

¹⁵⁶ cf. Cicero (2008), pp. 37-41, on the role of universal human nature, individual nature, social circumstances, and free choice in determining the content of one's final end.

¹⁵⁷ Rand 1964, p. 25.

¹⁵⁸ Rand 1990a, p. 33.

¹⁵⁹ diZerega 2016, p. 57.

¹⁶⁰ Ibid., p. 63.

¹⁶¹ Smith (1904), p. 421.

¹⁶² Hayek 1964, pp. 4-5.

likewise popular in the movement. And Austrian economists in particular are fond of quoting Ludwig Lachmann's dictum: "Economics has two tasks. The first is to make the world around us intelligible in terms of human action and the pursuit of plans. The second is to trace the unintended consequences of such action."¹⁶³

So the idea that actions we desire may have consequences we don't desire is a familiar one to libertarians. Admittedly, most of the examples that come first to a libertarian's mind are a) those in which *government* actors inadvertently produce outcomes *worse* than what they (purportedly) intended, and b) those in which *market* actors inadvertently produce outcomes *better* than what they intended. (With regard to the latter category, think of the ways in which price incentives lead to breaking up cartels, overcoming discrimination, and the like.) But nothing in libertarianism rules out the possibility of cases where c) *market* actors inadvertently produce outcomes *worse* than what they intended. An example would be the impact on independent booksellers of the aggregated choices of consumers to shop online. Probably the millions of consumers who repeatedly chose, at the margin, the convenience of buying a book online had no desire to drive independent bookstores out of business.

The question is (well, questions are): how pervasive are such cases in a free(d) market, and are they best addressed through market or through non-market means? (And by "market means" I mean any and all free exchanges, not just the "cash nexus" – though of course including it.)¹⁶⁴ My bookseller example is a case in point. First, massive online retailers like Amazon depend heavily on a variety of direct and indirect forms of government assistance, from tax-funded highways (where long-distance shippers cause the lion's share of wear and tear on the roads but do not bear a proportionate share of the tax burden for their maintenance) to competition-suppressing regulations that allow big box stores to benefit from economies of scale while socialising diseconomies of scale¹⁶⁵ – so their victory over local, independent retailers has not exactly been won on a level free-market playing field. And second, despite the cards stacked against them, independent bookstores have been making a steady comeback, by specialising in face-to-face services that the likes of Amazon can't provide.¹⁶⁶ So what might look like a market-driven problem needing a governmental solution turns out to be an at least partly government-driven problem that's beginning to get a market solution. (And

¹⁶³ Lachmann 1977, pp. 261-262.

¹⁶⁴ Johnson 2011; cf. Johnson 2013, Carson 2014, 2015.

¹⁶⁵ Carson 2007a, 2008a.

¹⁶⁶ Rosenberg 2019; cf. Farrow 2019, Kraker 2019, Griner 2019.

of course the exploration of market solutions to public-goods problems is a standard part of libertarian social analysis.)¹⁶⁷

As an example of how the market purportedly deprives people of desirable control over the long-run aggregate outcomes of their actions, Gus points to the fact that individual shareholders in a corporation have minimal voice in its activities, since each share controls “such a tiny portion of the whole”; nor can they successfully penalise a corporation by exiting, since other, less scrupulous investors may simply buy up their shares. Thus “no one has much individual influence on how a corporation acts.”¹⁶⁸

This is a somewhat odd argument to offer in the context of making an argument for political democracy, since the minimal impact that any individual voter has on the outcome is one of the standard libertarian criticisms democratic voting as a vehicle of consent.

Gus’s suggestion that the shareholders’ relationship to the corporation does not rise to the level of control necessary to count as ownership is also a familiar one within libertarianism. Gus offers no hint of awareness that the status of the corporation is a matter of controversy in libertarian circles; but many libertarians have argued that the corporate form does not satisfy libertarian standards of ownership,¹⁶⁹ or else – even leaving that aside – that massive corporations of the sort Gus has in mind would be exceptions in a free(d) market.¹⁷⁰

Yet of course it’s true that in any market system there will be unintended long-range aggregate consequences of individual actions. But to say that true freedom involves the right to control these unintended consequences (except when those consequences constitute a rights-violation)¹⁷¹ is both tyrannical (since it would require micromanaging everyone’s actions) and incoherent (since it would involve destroying freedom in order to save it). Gus writes as though he is offering, *in addition* to control over our direct choices, control over indirect outcomes *as well* – not just basic-package liberty but expanded-packs liberty. But attempts to extend forcible control over indirect outcomes necessarily involves the suppression of freedom at the level of individual actions. As I’ve written elsewhere:

¹⁶⁷ See, e.g., Cowen 1999.

¹⁶⁸ diZerega 2016, p. 64.

¹⁶⁹ van Dun 2003; van Eeghen 2005a, 2005b; Carson 2008b; cf. Konkin 1983, p. 31, n. 3.

¹⁷⁰ Chartier and Johnson 2011; Tuttle and Massimino 2016; Carson 2007a, 2008a; Chartier 2011, ch 3; Chartier 2014, pp.351-362.

¹⁷¹ In Long 2008a, I argue for the legitimacy, in certain circumstances, of holding individuals legally responsible for their contributions to malign aggregate outcomes.

Since every right carries with it a permissibility of enforcement, to introduce a new right is always to introduce a new permissible use of force to restrict people's activities, and thus to close off forcibly certain choices that were previously open to them. If I gain a right to be treated in manner M, you must correspondingly lose the right *not* to treat me in manner M. Hence every time we add a right here, we *ipso facto* subtract a right there; the total quantity of rights can thus be rearranged, but not increased. Perhaps libertarians recognize the *wrong* rights; but it makes no sense to complain that they recognize too *few*.¹⁷²

Shall liberalism be immanent, realizing contract values directly at the level of society, or vicarious, realizing such values only indirectly and fictively through the intermediary of the state[?] ... The danger to liberalism is that, in focusing on the role of consent *to* the ... framework, liberals may lose sight of consent, or its absence, *within* that framework – bartering, in Benjamin Constant's terms, the liberty of the moderns for the liberty of the ancients.¹⁷³

Gus seems all too willing to make that barter. Thus he happily embraces the notorious misuse of the concept of *tacit consent* so common to many (not all) social-contract theories. By voluntarily moving to a locality, diZerega tells us, one has thereby “voluntarily accepted its decisions over property use.”¹⁷⁴ Let's consider what this means.

Let me begin by noting that, as I've argued previously, land can legitimately come to be owned by a community at large rather than by individuals, so long as this is done by Lockean means such as collective (even if not consciously coordinated) homesteading.¹⁷⁵ In a case like that, if one joins the community, then certainly one is bound by community norms for land use; where common property is legitimate, collective governance can be legitimate too (although in real life, when people are left free to manage a commons, they tend to choose institutions that bear little resemblance to the sort of blunt-instrument majoritarian democracy that Gus favours).¹⁷⁶ But

¹⁷² Long 2014a.

¹⁷³ Long 1995, pp. 10-11.

¹⁷⁴ diZerega 2016, p. 82.

¹⁷⁵ Long 1996a, 1998a, 2006a.

¹⁷⁶ See Ostrom 2015, Carson 2013b.

when a community has not done anything to gain legitimate title to land in its environs, then for it to claim the right to impose its property norms on newcomers (beyond what's involved in sharpening the fuzzy edges of the Lockean core) seems rather more suspect. Surely it is circular reasoning to say that moving to a given territory counts as consent to certain people's authority over that territory, when their authority over that territory is precisely what you're trying to justify in the first place.

How might Gus's principle work in practice? Well, suppose you're an entrepreneur in 1955, and you move to Montgomery, Alabama, with the intent of starting a bus company. If you're black, you might have trouble obtaining a license for such an enterprise. If you're white, maybe you'll obtain a license, but you'll be told that under a city ordinance you'll be legally required to segregate your buses along racial lines. In either case, if you object, the authorities might explain: "well, according to this here article by Gus di ... Gus something ... that landed in our office through a wormhole from the future, by choosing to move to our fine community and go into business here, you have voluntarily accepted our community's decisions over property use, and this city ordinance of which you complain is one of those decisions." What recourse does Gus's argument allow you?

Admittedly, black voters in Alabama communities did not generally enjoy full and equal access to the voting process; but suppose they had? Whites still outnumbered blacks in 1955 Montgomery – according to census data anyway¹⁷⁷ (which I'll accept for the sake of argument) – so a fairly administered one-person-one-vote system might easily have produced the same outcome.

As I have written elsewhere:

The beneficent power of greed in overcoming harmful cooperative ventures lies not so much in its ability to undermine the venture from within, as in its ability to attract rival cooperative ventures to outcompete the bad ones. The white racist who has lived all his life in Kluxville may prefer social conformity to profit, but if the resulting low wages for blacks in the Kluxville area serve as a cheap-labor magnet motivating Amalgamated Widgets to open a new plant in Kluxville, the folks who run Amalgamated Widgets may not care that much of the whites in Kluxville shun them; they already have their own peer group, after all.

The ease with which the greed of outsiders can defeat the hate of the exclusive group (or, switching to the cartel situation, the ease with which the short-term greed of outsiders can defeat the long-term greed of the exclusive

¹⁷⁷ Gibson and Jung 2005, p. 26.

group) depends on the degree of competition. If regulations make it extremely difficult to start new ventures or expand old ones, then there will be a smaller number of long-established players, insulated from competition and therefore free to try their hand at harmful cooperation. (It is in this sense that governmental regulation may be described as *subsidizing* racism and cartelization.) The easier it is for a new venture to start up, the easier it is for harmful cooperative ventures to be undermined from without.¹⁷⁸

In short, then Gus's proposal that communities be able to impose their unearned property rules on newcomers short-circuits the very process by which the market undermines discrimination, cartels, and the like.

Gus charges that libertarian complaints of majority tyranny are "akin to saying that the winners of a chess or baseball game have oppressed the losers."¹⁷⁹ Gus's no-means-yes position here is chillingly reminiscent of Albert Carr's notoriously callous argument that by merely participating in the market, economic actors have agreed to a set of rules that make it legitimate for others to deceive and manipulate them, in the same way that poker players have consented to the practice of bluffing.¹⁸⁰ (Of course, it's also reminiscent of Socrates' argument in Plato's *Crito* that by voluntarily residing in democratic Athens he has committed himself to allowing the state to execute him for practicing philosophic inquiry.)¹⁸¹ This is unsettling company to be keeping.

In Herbert Spencer's words:

Perhaps it will be said that [a citizen's] consent is not a specific, but a general one, and that the citizen is understood to have assented to everything his representative may do, when he voted for him.

But suppose he did not vote for him; and on the contrary did all in his power to get elected some one holding opposite views – what then?

The reply will probably be that, by taking part in such an election, he tacitly agreed to abide by the decision of the majority.

And how if he did not vote at all?

¹⁷⁸ Long 1998c, pp. 345-346.

¹⁷⁹ diZerega 2016, p. 84.

¹⁸⁰ Carr 1968.

¹⁸¹ *Crito*, trans. G. M. A. Grube; in Plato 1997, pp. 37-48.

Why then he cannot justly complain of any tax, seeing that he made no protest against its imposition.

So, curiously enough, it seems that he gave his consent in whatever way he acted – whether he said yes, whether he said no, or whether he remained neuter!

A rather awkward doctrine this.¹⁸²

In repudiating a community's right to control the long-run aggregate outcomes of the individual actions of its individual members, am I thereby granting Gus's contention that the market "narrows the power of human values to influence anything" beyond the goods and services that individuals buy directly?¹⁸³ I don't think so. There is nothing in libertarianism that rules out the option of collectively combating widespread and systematic non-rights-violating social evils, *so long as these are combated in non-rights-violating ways*. Non-libertarians tend to be skeptical of claims to replace government regulation with market-driven regulation – but that's because they have, from a libertarian perspective, both an exaggeratedly high estimation of the effectiveness of governmental solutions and an exaggeratedly low appreciation of the effectiveness of market solutions.

As Charles Johnson writes:

[A] freed market includes not only individual buyers and sellers, looking to increase a bottom line, but also our shared projects, when people choose to work together, by means of *conscious but non-coercive* activism, alongside, indeed as a part of, the undesigned forms of spontaneous self-organization that emerge. We are "market forces," and the regulating in a self-regulating market is done not only by us equilibrating our prices and bids, but also by deliberately working to *shift* the equilibrium point, by means of conscious entrepreneurial action — and one thing that libertarian principles clearly imply, even though actually-existing libertarians may not stress it often enough, is that entrepreneurship includes *social* entrepreneurship, working to achieve non-monetary social goals.

¹⁸² Spencer 1954, p. 190; cf. Claudia Card (1991): "These rules confer the value, or part of the value, of consent upon a woman's status, appearance, behavior, or situation. ... No matter what the men do to them, it is not really rape, because *the rules give the women's status itself the value of consent.*" (pp. 309-310)

¹⁸³ diZerega 2016, p. 65.

So when self-regulating workers rely on themselves and not on the state, abusive or exploitative or irresponsible bosses can be checked or plain run out of the market, by the threat or the practice of strikes, of boycotts, of divestiture, and of *competition*

When liberals or “Progressives” wonder who will check the power of the capitalists and the bureaucratic corporations, their answer is – a politically-appointed, even less accountable bureaucracy. The libertarian answer is – the power of the people, organized with our fellow workers into fighting unions, strikes and slow-downs, organized boycotts, and working to develop alternative institutions like union hiring halls, grassroots mutual aid associations, free clinics, or worker and consumer co-ops. In other words, if you want regulations that check destructive corporate power, that put a stop to abuse or exploitation or the trashing of the environment, don’t lobby – organize!¹⁸⁴

And Kevin Carson has written a 400-page book, with the self-explanatory title *The Desktop Regulatory State: The Countervailing Power of Individuals and Networks*,¹⁸⁵ in which he details the advantages of market-driven network democracy over clunky political democracy. (Has Gus read it? Has Gus given left-libertarian literature in general his, to borrow a phrase, “informed attention”? Of course he is under no obligation to do so; but without having done so he is poorly placed to make sweeping claims about what libertarians do and do not believe, or about what sorts of problems libertarians do and do not have solutions for.)

In Carson’s words:

Thanks to desktop computers and the Internet ... we don’t have to rely on Tweedledum to monitor Tweedledee. ... [N]etworked organization drastically lowers the transaction costs entailed in a single node of committed activists leveraging support through the network, and drastically increases the size of the larger coalition which the committed activists can leverage from the less committed. ... [T]he entry barrier to being a watchdog has fallen to virtually zero. ... The network revolution may mean the final realization of ...

¹⁸⁴ Johnson 2009; cf Johnson 2013, 2016a, 2016b, Carson 2007b, 2010c.

¹⁸⁵ Carson 2016.

genuine democratic self-rule, not through the representative state, but through voluntary association.¹⁸⁶

A central part of Gus's defense of the democratic state (he doesn't want to call it a state, but come on, it's a state) over free-market anarchism, even of the left-wing variety, is his contention that, first, markets presuppose property rights and so cannot determine them ("without defined property there cannot be a market to decide anything")¹⁸⁷ – while, second, Lockean rights theory cannot establish precise boundaries to property rights either, so therefore a system of rights must instead be the product of a (politically) democratic process:

The only way to define rights when people disagree so that the inevitable losers will recognize the outcome as legitimate is to be fair to all sides, *and the only way to be considered fair is if everyone affected by the decision gets some opportunity for input, and at some crucial point equal input, into the decision.* ... If the principle of nonaggression is to be honored, democratic procedures are the only way decisions can be made when establishing a community's basic framework of property rights¹⁸⁸

So in Gus's view, to complain that taxation is theft is to ignore the fact that the democratic process is the legitimate way to determine what your property rights are; so if the democratic process favours taxation, then paying up is simply paying what is due.¹⁸⁹

Here I have many objections. First, although I agree with Gus that basic Lockean principles are consistent with more than one way of implementing those principles, so that social conventions may well need to play a role in shaping their precise contours, nevertheless they are not infinitely elastic; there is still a Lockean core that convention may only make more specific and may not contradict – namely, that any putative property right must be reasonably conceivable as an extension of the right of self-ownership.¹⁹⁰

Gus is at great lengths to point out that what counts as an impermissible crossing of one's property boundaries is context-dependent.¹⁹¹ Of course this

¹⁸⁶ Ibid., pp. 101-104.

¹⁸⁷ diZerega 2016, p. 77.

¹⁸⁸ Ibid., pp. 81-83.

¹⁸⁹ Gus's argument here is reminiscent of Murphy and Nagel 2004, and seem to me vulnerable to many of the criticisms that Gordon 2002 raises against that work.

¹⁹⁰ For my case for this claim, see Long 2006a, 2014a, 2019b.

¹⁹¹ diZerega 2016, p. 79.

is not news to libertarians.¹⁹² But as I have argued elsewhere:

There are two ways one can go wrong with regard to the non-aggression principle (NAP). ... One way to go wrong is to treat the NAP as a rigid, out-of-context principle that can be applied fairly mechanically with little attention to other values or to the details of the situation. ... The other way to go wrong is to reject the NAP, or to downgrade it to the status of a defeasible presumption or rule of thumb. ...

From the eudaimonist perspective I favour ... the content of justice stands in reciprocal determination with the content of the other virtues. That means that virtues like prudence and benevolence play a role in determining the content of justice, but also – via a process of mutual adjustment – that justice plays a role in determining the content of virtues like prudence and benevolence. ...

Since rights are a matter of justice, one upshot of the eudaimonist approach is that any defensible theory of rights will have to be informed by considerations of prudence and benevolence. And this means that consequence-oriented considerations will have to play a role in determining the content of rights. But inasmuch as reciprocal determination is a two-way street, rights will also play a role in determining what count as a better or worse consequence.¹⁹³

Of course Gus will insist that the process of specifying Lockean rights must be carried out by some non-market institution (since markets presuppose property rights and so cannot determine them), and that the only institution that fits the bill is political democracy (for reasons of fairness, considering fairness both as a value its own right and as a means to conflict-resolution).

But regarding the first point, Gus seems to think the only two possible options are “no rights specified yet” and “all rights specified in their full detail.” With this kind of all-or-nothing thinking, one could just as easily “prove” that legal institutions presuppose property rights, since setting up legal institutions and their necessary tools (courthouses, meeting halls, lawbooks, cudgels with spikes, whatever) requires use of contested material resources, and so cannot be legitimate unless those uses are legitimate. But in such chicken-and-egg relationships, it’s generally not the case that one side of

¹⁹² See, e.g., D. Friedman 1989, pp. 167-176.

¹⁹³ Long 2013.

the relation must be fully established before anything can at all be accomplished on the other side. Rather, there's a back-and-forth process; reciprocal determination applies to causal relationships, not just to conceptual ones. In Wittgenstein's words: "Light dawns gradually over the whole."¹⁹⁴

As for Gus's praise of one-person-one-vote political democracy, the idea that everyone affected by a decision has a right to a say over it would enthrone bigotry, as noted above. What weight should we give to the desires of a majority of residents in a given neighbourhood not to share that neighbourhood with a black or gay or Mexican or Muslim minority? On the libertarian view, if a family representing a disliked minority buys a home in that neighbourhood, or rents it from a private owner, that home is their castle, and the neighbours' bigoted preferences must be dismissed – unless the bigots are willing to put their money where their mouths are and buy the minorities out, or bear the costs of setting up and policing their own bigoted housing cartel. But once the bigots are armed with this supposed right to have a say over any decisions that affect them, then whenever they happen to be in the majority, political democracy makes it relatively *costless* for such a bigoted majority to enact its preferences; standard democratic choice procedures are in effect a way for majorities to externalise the costs of their choices onto unconsenting minorities.

That is why we need *both* a *principle* and an *institutional mechanism* for distinguishing which kinds of "affectings" are legitimately actionable and which are not. For libertarians, NAP fulfills the function of the principle. Is it the only way to fulfill that function? Probably not. I think it's the best way; but in any case we need *some* way. As for the institutional mechanism, courts, many libertarian thinkers have argued, persuasively to my mind, that *courts*, particularly *competitive* courts, are superior to political democracy – better at marshaling dispersed information, better at defusing conflicts rather than creating them, and better (because they can only respond when there is a specific complaint) at avoiding the risk of over-legislation.¹⁹⁵

Gus, by contrast, champions legislation over law (in Hayek's senses of those terms), and instances pollution as an example favourable to his case. In his original article, he says that treating pollution as a collection of individual torts, as he takes libertarianism to require, is too unwieldy to be workable.¹⁹⁶ In his contribution to the present issue, in responding to Chris Sciabarra's suggestion that such tort cases could instead be combined into a single class-action suit,¹⁹⁷ Gus opines that "legislation is better than waiting till enough

¹⁹⁴ Wittgenstein 1972, §141.

¹⁹⁵ Hayek 2012; Leoni 1991; Hasnas 2005; Barnett 2014.

¹⁹⁶ diZerega 2016, pp. 79-80.

¹⁹⁷ Sciabarra 2019, p. 99; cf. Long 2008a.

people have been harmed so a class action might theoretically work.”¹⁹⁸ But on standard libertarian theories of rights, if a given harm would be rights-violating, a credible *threat* of such harm will also ordinarily be rights-violating;¹⁹⁹ so Gus’s worry about waiting for harm seems a red herring.

But Gus thinks the verdict of history is on his side: “Regarding pollution, class action suits and such have long been possible in this country, but it took legislation to clean our rivers and air to the degree they have been.”²⁰⁰ But governments have long protected corporations from full legal liability for the harms they cause,²⁰¹ so the tort solution has hardly had a fair chance to prove itself. Gus acknowledges that “legislation can be captured by industry,” but thinks this is “not an argument against legislation as such” but is rather “an argument against business having more influence than people.”²⁰² But given the inherent informational and incentival perversities to which monopoly power, democratic or otherwise, is notoriously subject²⁰³ – including in particular the problem of dispersed costs and concentrated interests,²⁰⁴ thoroughly explored in the public-choice literature that Gus so blithely treats as nonexistent – it’s hard to see how regulatory capture is not virtually *inevitable* in the sort of democratic monopoly that Gus favours. As I’ve written elsewhere:

[E]ven if we were to imagine that the government issues its legislation and regulations *at random*, with no bias on behalf of big business, the result would still be much as it is now. Imagine that half of the government’s regulations run contrary to the interests of the rich and the other half run contrary to the interests of the poor; what will be the result? The rich are a concentrated interest with the resources to hire lawyers and lobbyists (or make campaign contributions) in order to combat these laws; the poor are not. So when these (for the sake of argument) randomly chosen laws hit the filter of socioeconomic inequality, the laws that hurt the rich face pressure for repeal or lax enforcement while the

¹⁹⁸ diZerega 2019, p. 102.

¹⁹⁹ See, e.g., Rothbard 1982; and cf. Christmas 2016, p. 26; Long 1999, p. 126.

²⁰⁰ diZerega 2019, p. 102.

²⁰¹ Carson 2010b, 2011; Ruwart 2015.

²⁰² diZerega 2019, p. 102.

²⁰³ Barnett 2014.

²⁰⁴ See, again, Boettke and Leeson 2004.

laws that hurt the poor do not; thus the “fit” regulations are selected for and the “unfit” regulations are weeded out.

Moreover, government actors are disproportionately responsive to bribes because the funds they expend on behalf of the bribers are not their own; if you want to motivate me to direct a million dollars of my own money to your favoured project, you’ll need to offer me more than a million, but if you want to motivate me to direct a million dollars of someone else’s money to your favoured project, you’ll only need to offer me a few thousand. Thus the government’s taxing power and territorial monopoly status magnify the power of the wealthy (thus enhancing their ability to bribe, thus magnifying their power still further, in a self-reinforcing cycle).²⁰⁵

If one wants to break the power of plutocracy, there is no substitute for *full* competition, that is, free-market anarchy. By contrast, relying on political democracy to rein in the plutocrats is a like tying up a dog with a leash made of sausages.

Gus complains about the limited control that market actors have over the consequences of their choices; but when compared with markets, political democracy comes off rather worse. As David Friedman points out:

When a consumer buys a product on the market, he can compare alternative brands. ... When you elect a politician, you buy nothing but promises. ... You can compare 1968 Fords, Chryslers, and Volkswagens, but nobody will ever be able to compare the Nixon administration of 1968 with the Humphrey and Wallace administrations of the same year. It is as if we had only Fords from 1920 to 1928, Chryslers from 1928 to 1936, and then had to decide what firm would make a better car for the next four years. ...

Not only does a consumer have better information than a voter, it is of more use to him. If I investigate alternative brands of cars decide which is best for me, and buy it, I get it. If I investigate alternative politicians and vote accordingly, I get what the majority votes for. ...

Imagine buying cars the way we buy governments. Ten thousand people would get together and agree to vote, each for the car he preferred. Whichever car won, each of the ten thousand would have to buy it. It would not pay any of us to

²⁰⁵ Long 2010c, pp. 7-8.

make any serious effort to find out which car was best; whatever I decide, my car is being picked for me by the other members of the group. ... This is how I must buy products on the political marketplace. I not only cannot compare the alternative products, it would not be worth my while to do so even if I could.²⁰⁶

I don't mean to deny that there is room for a kind of democratic vision within libertarianism; but it must be a *distributed* market democracy, not a *unified* political democracy. As Don Lavoie writes:

The force of public opinion, like that of markets, is not best conceived as a concentrated will representing the public, but as the *distributed* influence of political discourses throughout society. These open discourses are our eyes on the polity, and the attempt to resolve their differences into a single political will embodied in a monopoly institution destroys our political vision.²⁰⁷

(I note in passing that a conversation that is destined to end with the stronger party *forcing* its judgment on the weaker seems a poor model for public deliberation.)

Gus cites James Madison to the effect that allowing minorities to veto the decisions of majorities would unfairly place minorities rather than majorities in charge of the political process.²⁰⁸ But surely it matters whether what is being blocked is an increase or a decrease in oppressive control.²⁰⁹ If Montgomery's black minority had had the ability to veto Jim Crow legislation, would that not have been an increase in freedom?²¹⁰

²⁰⁶ D. Friedman 1989, pp. 131-132.

²⁰⁷ Lavoie 1993, p. 110.

²⁰⁸ diZerega 2016, p. 85.

²⁰⁹ cf. Robert Heinlein's suggestion: "[T]he more impediments to legislation the better I suggest one house of legislators, another whose single duty is to repeal laws. Let the legislators *pass laws only with a two-thirds majority* ... while the repealers are able to *cancel any law through a mere one-third minority*. [Emphasis added. – RTL] ... What I fear most are affirmative actions of sober and well-intentioned men, granting to government powers to *do* something that appears to need doing." (Heinlein 1997, pp. 301-302.)

²¹⁰ John C. Calhoun (1851) seems to have had the right idea in proposing the idea of a generalised minority veto. Of course the cunning old bastard was proposing it largely in order to protect slavery; but if he had applied the idea of minority veto *consistently* instead of hypocritically, he would have had to extend the power of veto to slaves as well – in which case, farewell slavery.

For Gus, a central purpose of political democracy is to decide on “public values,” where a public value is one that in its adherents’ view “should apply within their society as a whole,” and more specifically “should apply more broadly than would be the case if left to the independent decisions of individuals.”

There are two ways to interpret this. If we read “independent” as “uncompelled” (in the libertarian understanding of that term), then it seems to mean simply the enthroning of the desire, on the part of some people, to promote their own values by forcibly imposing negative externalities on the unconsenting. Wasn’t the city ordinance on bus segregation in 1955 Montgomery an expression of a “public value” that, in its adherents’ eyes, should have applied more broadly than would be the case if left to the independent decisions of individuals? The less ominous way to interpret Gus’s notion of “public values” is to read “independent” as “not intentionally coordinated.” In that case, as I’ve already noted, libertarianism can (and should) happily accommodate intentionally coordinated activities in pursuit of public values, so long as they are voluntary.²¹¹ But to all evidence, Gus intends the more ominous meaning.

Gus notes that “proposed public values can be contradictory, as with contemporary claims that gays should be able to marry and receive the legal privileges currently going to married couples, and that gay marriage should be constitutionally banned,” but what matters is that such disputes be “decided justly,” which Gus equates with deciding them by the method of “one-person-one-vote.”²¹² But “one-person-one-vote” seems an odd way of achieving justice in such a case. What if the straight majority votes to ban same-sex relationships entirely, as up until recently they usually have? Surely the fairest procedure is the one most likely to *protect* gays from straight oppression, not one that facilitates it. And that means that the fairest procedure is the *market*, which requires bigots to *bear the costs of their bigotry*, rather than being able to externalise it on others with a simple pull of a lever in a voting booth. Gus’s approach, it seems to me, sacrifices substantive fairness in the name of a simplistic procedural fairness.

How will civil liberties, such as freedom of speech and press, fare in the sort of democratic society Gus favours, where property norms are imposed on dissenters in the name of whatever “public values” the majority happens to favour? As Jason Lee Byas writes elsewhere in this issue:

²¹¹ cf. Johnson 2013, Christmas 2016.

²¹² diZerega 2016, p. 86. Incidentally it seems to me that by any reasonable conception of equality, it is unjust for the law to treat married and unmarried couples differently, as the first option requires, and *also* unjust for the law to treat gays and straights differently, as the second option requires. So what GD offers is by my lights a false alternative. I do think, however, that the second option involves *greater* injustice than the first.

In a market setting, a person who is either unable or simply unwilling to convince someone else of the inherent goodness of whatever they want to do with a given resource can simply purchase it. When you're buying pens and paper, the person you're buying from doesn't have to approve of what you're going to write – they usually don't even know. You just have to be able to provide value for value in explicit trade.²¹³

Thus, contrary to Gus's contentions, majoritarian democracy (as opposed to the distributed democracy that Lavoie and Carson favour) would not be legitimate *even if it were possible*. But in most cases it *isn't* possible; for in fact, given the public-choice considerations pointed out above, attempts to implement majoritarian rule reliably lead instead to *oligarchic rule by concentrated interests*. Gustave de Molinari's description of the functioning of political democracy seems more recognisable than Gus's rose-tinted vision:

[T]he national representatives are nominally chosen by the nation ... but in point of fact they are no more than the nominees of associations, or *parties*, who contend for the position of "State-conductors" on account of the material and moral benefits which accompany the position.

These associations, or political parties, are actual armies which have been trained to pursue power; their immediate objective is to so increase the number of their adherents as to control an electoral majority. Influential electors are for this purpose promised such or such share in the profits which will follow success, but such promises – generally place or privilege – are redeemable only by a multiplication of "places," which involves a corresponding increase of national enterprises, whether of war or of peace. It is nothing to a politician that the result is increased charges and heavier drains on the vital energy of the people. The unceasing competition under which they labour, first in their efforts to secure office, and next to maintain their position, compels them to make party interest their sole care, and they are in no position to consider whether this personal and immediate interest is in harmony with the general and permanent good of the nation.²¹⁴

²¹³ Byas 2019, p. 19.

²¹⁴ Molinari 1904, pp. 25-27.

Or, in Butler Shaffer's more succinct formulation, "democracy is the illusion that my wife and I, combined, have twice the political influence of David Rockefeller."²¹⁵

Gus cites James Madison on behalf of his position, but I can cite him equally well on behalf of mine. Madison writes:

The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed? Another effect of public instability is *the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people*. Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest *to those who watch the change, and can trace its consequences*; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for the FEW, not for the MANY.²¹⁶

Madison understood the problem of dispersed versus concentrated interests long before the rise of the public-choice school. His proposed solution – as history has proven – was woefully inadequate;²¹⁷ but his statement of the problem was exact. Those with the leisure to keep up with new legislation, or the money to hire lawyers and lobbyists to do so on their behalf, systematically benefit at the expense of ordinary people.

This is true not only in representative democracies like those that prevail in today's western world and/or global north, but even of direct democracies

²¹⁵ Shaffer 2009.

²¹⁶ Madison, Federalist §62; in Hamilton, Madison, and Jay 2014, pp. 305-306; emphasis added.

²¹⁷ cf. Lysander Spooner (1870): "But whether the Constitution really be one thing, or another, this much is certain – that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist." (p. 55.)

like that of ancient Athens, which, despite its many advantages over representative democracy, was never fully able to restrain plutocratic power and patronage.²¹⁸ And constitutional checks and balances to address the problem are unstable, with a tendency toward mutual aggrandisement of power via logrolling, *unless there is free entry into the checks-and-balances business*, or in other words, free-market anarchy rather than the state.²¹⁹

Gus claims, of course, that a political democracy, despites its coercive monopoly over the legal system, is *not* a state: “The principle of a state is sovereign power over subjects. States rule over people. The principle of democracy is self-government.”²²⁰ But it seems to me that Gus is illegitimately transferring the concept of self-government from the individual to the collective, without acknowledging that when it comes to decisions over which members of the collective disagree, collective self-government can only mean the government of some people over other people. To elide the difference between the two is to commit the error of, in Rawls’s famous formulation, “extending to society the principle of choice for one man,” a procedure that “does not take seriously the distinction between persons.”²²¹

Even in Gus’s ideal scenario, where the majority prevails, political democracy would not be true self-government; still less is it self-government in the real world, where the informational and incentival perversities that afflict every monopoly institution virtually guarantee that political democracy will reliably channel power and privilege to the few, the happy few, the band of looters.

Gus tells us that as an “economy develops,” its members are “linked together with greater intensity into increasingly complex networks,” and “boundary issues continue to arise,” with the result that “new rules must be made while others fall into disuse.” So long as libertarianism “treats democracy as simply one more organized means by which some people coerce others,” Gus continues, it will have “no way of solving the most basic issues that need addressing if a society based on nonaggression is to exist beyond the scale of a small tribe.”²²² I should think it’s far more the other way around: political democracy might be workable at the level of a small tribe, but once a community begins to scale up, public-choice problems of dispersed costs and concentrated benefits come to the fore. Moreover, Gus oddly writes as though the workings of competing court systems, and rule-

²¹⁸ Long 1996b, 1998b.

²¹⁹ Long 2016.

²²⁰ diZerega 2016, p. 84.

²²¹ Rawls 1971, p. 24; cf. Nozick 1974, p. 34.

²²² diZerega 2016, pp. 86-87.

formation under polycentric law, were something that libertarians hadn't been discussing at length, for decades.²²³ Maybe Gus finds their theoretical and historical analyses inadequate; but if so, he doesn't say why.

Gus also says that for libertarians it must be a mystery why “most people, including nearly all libertarians, prefer more regulated large cities to the greater ‘freedom’ of small rural communities.”²²⁴ But first, I certainly know many libertarians (though I confess I'm not one of them) who prefer rural to urban life. Second, I'm not convinced that small rural communities necessarily have many fewer regulations than big cities,²²⁵ as opposed to having *different* regulations (e.g., blue laws).²²⁶ Third, even if big cities are more regulated than small communities, that doesn't mean a preference for living in big cities is a preference for more regulation – any more than it is a preference for more smog or more traffic jams. Surely people who prefer big cities do so *despite* smog and the like, not because of them. I reckon the main reason so many people prefer big cities is the greater range of opportunities (both economic and cultural) – and government regulations generally work to decrease that range, not increase it. And fourth, as for those regulations that are beneficial rather than harmful, Gus needs to show why – against the considerable evidence to the contrary offered in libertarian literature – we should expect political democracy to be a more reliable producer of them than freed markets.

13. None of Us Are Free But Some of Us Are Brave

I fear that some of my responses to Gus in this piece may come across as a libertarian analogue of #NotAllMen. But I think there's a difference. The problem with #NotAllMen is that it falsely treats feminist criticisms of men as though they *were* intended to apply to all men, and thus serves to deflect criticism of actual male misbehaviour.²²⁷ Gus, however, really does seem to think that the issues he points to are problems with libertarianism as such, and not just problems that are widespread among libertarians; and he treats various major currents within libertarian thought (such as public-choice theory, libertarian class theory, and left-libertarianism) as though they were nonexistent. So the #NotAllLibertarians response seems apt.

²²³ See, e.g., Bell 1992; Friedman 1989; Anderson and Hill 2004; Hasnas 2005, 2016; Stringham 2007, 2015; Benson 2011; Leeson 2014; Barnett 2014; Chartier 2014; Tucker and de Bellis 2015; cf. Ellickson 1994; Axelrod 2006; Beito, Gordon, and Tabarrok 2009.

²²⁴ diZerega 2016, p. 86.

²²⁵ See Bolick 1993 on the intense proliferation of regulations at the local level.

²²⁶ On the different styles of control that apply at differently scaled communities, see Levy 2015, Long 2015.

²²⁷ Stricklan 2017.

Moreover, given my (some would say notorious) record of criticising right-libertarianism from the libertarian left, I don't think I can fairly be suspected of seeking to downplay right-libertarian failings.

As I've written elsewhere:

Part of being a left-libertarian is that on the one hand you're constantly trying to prod fellow libertarians into moving farther left, while on the other hand you're constantly trying to show fellow leftists that libertarianism is already farther left than they realise. ... Thus I close with the ringing slogan, proudly inscribed on the streaming banners of the left-libertarian vanguard: *Libertarianism: Less Left Than It Should Be, But Lefter Than You Think.*²²⁸

And therewith I close here also.

References

- Anderson, Terry L. 1992. *Property Rights and Indian Economies*. New York: Rowman & Littlefield.
- Anderson, Terry L., and Hill, Peter J. 2004. *The Not So Wild, Wild West: Property Rights on the Frontier*. Stanford: Stanford University Press.
- Andrews, Stephen Pearl. 1852. *The Science of Society*. New York: Fowlers and Wells.
- Axelrod, Robert. 2006. *The Evolution of Cooperation*, rev. ed. New York: Basic Books.
- Barnett, Randy E. 1986. "Contract Remedies and Inalienable Rights." *Social Philosophy and Policy* 4.1 (Autumn): 179-202.
- . 2014. *The Structure of Liberty: Justice and the Rule of Law*, 2nd ed. Oxford: Oxford University Press.
- Bastiat, Frédéric. 1964. *Economic Harmonies*. W. Hayden Boyers, trans. Irvington-on-Hudson NY: Foundation for Economic Foundation.
- . 2012. "The Repression of Industrial Unions." In Bastiat, "The Law," "The State," and Other Political Writings, 1843-1850 (*Collected Works of Frédéric Bastiat*, vol. 2), Jacques de Guenin, Dennis O'Keefe, and David M. Hart, eds. (Indianapolis: Liberty Fund): 348-361.
- Beito, David T.; Gordon, Peter; and Tabarrok, Alexander, eds. 2009. *The Voluntary City: Choice, Community, and Civil Society*. Oakland CA: Independent Institute.
- Bell, Tom W. 1992. "Polycentric Law." *Humane Studies Review* 7.1.
<http://osf1.gmu.edu/~ihs/w91issues.html>
- Benson, Bruce L. 2011. *The Enterprise of Law: Justice Without the State*, 2nd ed. Oakland CA: Independent Institute.
- Bissell, Roger E. 2000. "... To Give Us Ayn Rand Faithfully ...": A Critical Note on the Boeckmann Transcript." *Daily Objectivist* (28 March).
<http://www.rogerbissell.com/id111.html>
- . 2002. "A Neglected Source for Rand's Aesthetics." *Journal of Ayn Rand Studies* 4.1 (Fall): 187-204.

²²⁸ Long 2006d.

- Bissell, Roger E.; Sciabarra, Chris Matthew; and Younkins, Edward W., eds. 2019. *The Dialectics of Liberty: Exploring the Context of Human Freedom*. Lanham, Maryland: Lexington Books.
- Block, Walter. 2003. "Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Smith, Kinsella, Gordon, and Epstein." *Journal of Libertarian Studies* 17.2 (Spring): 39-85. https://cdn.mises.org/17_2_3.pdf
- . 2005. "Ayn Rand and Austrian Economics: Two Peas in a Pod." *Journal of Ayn Rand Studies* 6.2 (Spring): 259-69.
- Boettke, Peter, and Leeson, Peter. 2004. "An 'Austrian' Perspective on Public Choice." In Charles K. Rowley and Friedrich Schneider, eds., *The Encyclopedia of Public Choice* (Boston: Springer).
<http://mercatus.org/uploadedFiles/Mercatus/Publications/An%20%27Austrian%27%20Perspective%20on%20Public%20Choice%20-%20WP.pdf>
- Bolick, Clint. 1993. *Grassroots Tyranny: The Limits of Federalism*. Washington DC: Cato Institute.
- Bowles, Samuel, and Gintis, Herb. 1996. "Is the Demand for Workplace Democracy Redundant in a Liberal Economy?" In Ugo Pagano and Robert Rowthorn, eds., *Democracy and Efficiency in the Economic Enterprise* (London: Routledge): 64-81.
- Bradley, Robert L., Jr. and Donway, Roger. 2013. "Reconsidering Gabriel Kolko: A Half-Century Perspective." *Independent Review* 17.4 (Spring 2013): 561-576.
https://www.independent.org/pdf/tir/tir_17_04_05_bradley.pdf
- . 2015. "Gabriel Kolko's 'Political Capitalism': Bad Theory, Bad History." *EconLib* (2 November).
<https://www.econlib.org/library/Columns/y2015/BradleyDonwayKolko.html>
- Branden, Barbara. 1987. *The Passion of Ayn Rand*. New York: Doubleday.
- Branden, Nathaniel. 1967. "Self-Esteem and Romantic Love" (part 1 of 3). *Objectivist* 6.12 (December): 1-8.
- . 1968a. "Self-Esteem and Romantic Love" (part 2 of 3). *Objectivist* 7.1 (January): 1-7.
- . 1968b. "Self-Esteem and Romantic Love" (part 3 of 3). *Objectivist* 7.2 (February): 1-7.
- . 2001. *The Psychology of Self-Esteem: A Revolutionary Approach to Self-Understanding that Launched a New Era in Modern Psychology*. 32nd Anniversary Edition. San Francisco: Jossey-Bass.
- . 2008. *The Psychology of Romantic Love: Romantic Love in an Anti-Romantic Age*. New York: Penguin.
- Brooks, Frank H., ed. 2017. *The Individualist Anarchists: An Anthology of Liberty, 1881-1908*. London: Routledge.
- Buhle, Paul. 1999. *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland, and the Tragedy of American Labor*, 2nd ed. New York: Monthly Review Press.
- Burns, Jennifer. 2009. *Goddess of the Market: Ayn Rand and the American Right*. Oxford: Oxford University Press.
- Byas, Jason Lee. 2019. "Supplying the Demand of Liberation: Markets as a Structural Check Against Domination." *Molinari Review* 1.2 (Autumn): 9-23.
- Calhoun, John C. 1851. *A Disquisition on Government and a Discourse on the Constitution and Government of the United States*. Charleston SC: A. S. Johnston.
- Campbell, Robert L. 2011. "The Rewriting of Ayn Rand's Spoken Answers." *Journal of Ayn Rand Studies* 11.1 (July): 81-151. <http://campber.people.clemson.edu/rewritingrand.pdf>
- . 2017. "Six Years Outside the Archives: The Chronicle of a Misadventure, in Three Acts." *Journal of Ayn Rand Studies* 17.1 (July): 68-83.
- Card, Claudia. 1991. "Rape As a Terrorist Institution." In R. G. Frey and Christopher W. Morris, eds., *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press).
- Carr, Albert Z. 1968. "Is Business Bluffing Ethical?" *Harvard Business Review* (January-February): 143-53. <https://hbr.org/1968/01/is-business-bluffing-ethical>
- Carson, Kevin A. 2007a. *Studies in Mutualist Political Economy*. Charleston SC: Booksurge.
<https://kevinacarson.org/pdf/mpe.pdf>

- . 2007b. “The Ethics of Labor Struggle: A Free Market Perspective.” <https://theanarchistlibrary.org/library/kevin-carson-the-ethics-of-labor-struggle-a-free-market-perspective>
- . 2008a. *Organization Theory: A Libertarian Perspective*. Charleston SC: Booksurge. <https://kevinacarson.org/pdf/ot.pdf>
- . 2008b. “The Conflation Conflict.” Mutualist Blog (7 December). <http://mutualist.blogspot.com/2008/12/conflation-conflict.html>
- . 2010a. “Common Versus Government Property.” *Freeman* (May): 34-37. <https://fee.org/articles/common-versus-government-property/>
- . 2010b. “In a Truly Free Market, BP Would Be Toast.” *Center for a Stateless Society* (2 June). <https://c4ss.org/content/2685>
- . 2010c. “Labor Struggle: A Free Market Model.” *Center for a Stateless Society Paper No. 10*. <https://c4ss.org/wp-content/uploads/2010/09/C4SS-Labor.pdf>
- . 2010d. *The Homebrew Industrial Revolution: A Low-Overhead Manifesto*. Charleston SC: Booksurge. http://apw.org.nz/wp-content/uploads/2015/06/HomeBrewRevolution_Carson.pdf
- . 2011. “Is the Environment a Public Good?” *Center for a Stateless Society* (26 January). <https://c4ss.org/content/5915>
- . 2013a. “Class vs. ‘Identity Politics,’ Intersectionality, Etc.: Some General Observations.” *Center for a Stateless Society* (26 March). <https://c4ss.org/content/17886>
- . 2013b. “Governance, Agency, and Autonomy: Anarchist Themes in the Work of Elinor Ostrom.” *Center for a Stateless Society Paper No. 16*. <https://c4ss.org/wp-content/uploads/2014/01/Anarchist-Themes-in-the-Work-of-Elinor-Ostrom.pdf>
- . 2014. “The Role of Commons in a Free Market.” *Center for a Stateless Society* (25 August). <https://c4ss.org/content/30862>
- . 2015. “Will Free Markets Recreate Corporate Capitalism?” *Center for a Stateless Society* (1 October). <https://c4ss.org/content/40154>
- . 2016. *The Desktop Regulatory State: The Countervailing Power of Individuals and Networks*. Auburn AL: Center for a Stateless Society. <http://kevinacarson.org/pdf/drs.pdf>
- Chartier, Gary. 2010. “Natural Law and Animal Rights.” *Canadian Journal of Law and Jurisprudence* 23.1: 33-46.
- . 2011. *The Conscience of an Anarchist: Why It’s Time to Say Good-Bye to the State and Build a Free Society*. Ale Valley CA: Cobden Press. <http://praxeology.net/Chartier-Conscience.pdf>
- . 2012. “The Distinctiveness of Left-Libertarianism.” *Bleeding Heart Libertarians* (5 November). <http://bleedingheartlibertarians.com/2012/11/the-distinctiveness-of-left-libertarianism/>
- . 2014. *Anarchy and Legal Order: Law and Politics for a Stateless Society*. Cambridge: Cambridge University Press. https://zodml.org/sites/default/files/%5BGary_Chartier%5D_Anarchy_and_Legal_Order_Law_and_P.pdf
- Chartier, Gary, and Johnson, Charles W., eds. 2011. *Markets Not Capitalism: Individualist Anarchism Against Bosses, Inequality, Corporate Power, and Structural Poverty*. London: Minor Compositions. <http://radgeek.com/gt/2011/10/Markets-Not-Capitalism-2011-Chartier-and-Johnson.pdf>
- Childs, Roy A., Jr. 1994. “Big Business and the Rise of American Statism.” In Joan Kennedy Taylor, ed., *Liberty Against Power: Essays by Roy A. Childs, Jr.* (San Francisco: Fox & Wilkes): 15-47.
- Christmas, Billy. 2016. “Libertarianism and Privilege.” *Molinari Review* 1.1 (Spring): 25-46. <http://praxeology.net/MR1-1-S16-CHRISTMAS.pdf>
- Cicero, Marcus Tullius. 2008. *On Obligations*. P.G. Walsh, trans. Oxford: Oxford University Press.

- Clark, Stephen R. L. 1987. "Animals, Ecosystems, and the Liberal Ethic." *Monist* 70.1 (January): 114-133.
- Cowen, Tyler, ed. 1999. *Public Goods and Market Failures: A Critical Examination*. New Brunswick NJ: Transaction Publishers.
- Demsetz, Harold. 1969. "Information and Efficiency: Another Viewpoint." *Journal of Law and Economics* 12 (April): 1-22.
- diZerega, Gus. 2016. "Turning the Tables: The Pathologies and Unrealized Promise of Libertarianism." *Molinari Review* 1.1 (Spring 2016): 55-98. <http://praxeology.net/MR1-1-S16-DIZEREGA.pdf>
- . 2019. "Response to Chris Matthew Sciabarra." *Molinari Review* 1.2 (Autumn): 101-102.
- Donisthorpe, Wordsworth. 1887. *Labour Capitalization*. London: G. Harmsworth.
- Ellickson, Robert. 1994. *Order Without Law: How Neighbors Settle Disputes*, rev. ed. Harvard: Harvard University Press.
- Evers, Williamson M. 1977. "Toward a Reformulation of the Law of Contracts." *Journal of Libertarian Studies* 1.1: 3-13. https://cdn.mises.org/1_1_2_0.pdf
- Farrow, Hannah. 2019. "Community Drives Three Independent Bookstores to Thrive Despite Digital-Heavy Environment." *Medill Reports* (10 December). <https://news.medill.northwestern.edu/chicago/community-drives-three-independent-bookstores-to-thrive-despite-digital-heavy-environment/>
- Finnegan, William. 2018. "California Burning." *New York Review of Books* (16 August). <https://web.archive.org/web/20180803103502/https://www.nybooks.com/articles/2018/08/16/wildfires-california-burning/>
- Friedman, David D. 1989. *The Machinery of Freedom: Guide to a Radical Capitalism*, 2nd ed. La Salle IL: Open Court.
- Friedman, Milton. 2012. "Big Business, Big Government." *LibertyPen* (14 September). Video: https://youtu.be/R_T0WF-uCWg
- Gibson, Campbell and Jung, Kay. 2005. "Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in The United States." Population Division Working Paper No. 76. Washington DC: U.S. Census Bureau. <https://www.census.gov/population/www/documentation/twps0076/twps0076.pdf>
- Goodman, Nathan. 2013. "The Knowledge Problem of Privilege." *Center for a Stateless Society* (9 September). <https://c4ss.org/content/21320>
- Gordon, David. 2002. "Property: Convention or Right?: *Mises Review* 8.2 (1 July). <https://mises.org/library/property-convention-or-right-liam-murphy-and-thomas-nagel>
- Graham, David. 2004. "A Libertarian Replies to Tibor Machan's 'Why Animal Rights Don't Exist.'" *Strike the Root* (28 March). <http://www.strike-the-root.com/4/graham/graham1.html>
- Greenberg, Sid. 1977. *Ayn Rand and Alienation: The Platonic Idealism of the Objective Ethics and a Rational Alternative*. San Francisco: Greenberg Publishing.
- Grinder, Walter E., and Hagel, John, III. 1977. "Toward a Theory of State Capitalism: Ultimate Decision-making and Class Structure." *Journal of Libertarian Studies* 1.1, pp. 59-79. https://cdn.mises.org/1_1_7_0.pdf
- Griner, Ken. 2019. "Return of Independent Bookstores?" *WTOC* 11 (11 December). <https://www.wtoc.com/2019/12/10/return-independent-bookstores/>
- Hamilton, Alexander; Madison, James; and Jay, John. 2014. *The Federalist Papers*. Mineola NY: Dover Publications.
- Harrison, Peter. 1992. "Descartes on Animals." *Philosophical Quarterly* 42.167 (April): 219-227.
- Hart, David M. 1997. *Class Analysis, Slavery, and the Industrialist Theory of History in French Liberal Thought, 1814-1830: The Radical Liberalism of Charles Comte and Charles Dunoyer*. <http://davidmhart.com/liberty/Papers/ComteDunoyer/CCCD-PhD/CCCD-Book-2010.pdf>

- Hart, David M.; Chartier, Gary; Kenyon, Ross Miller; and Long, Roderick T., eds. 2017. *Social Class and State Power: Exploring an Alternative Radical Tradition*. London: Palgrave Macmillan.
- Hasnas, John. 2005. "Toward a Theory of Empirical Natural Rights." *Social Philosophy and Policy* 22.1 (January) 111-146.
<http://faculty.msb.edu/hasnasj/GTWebSite/SPPCPublishedArticle.pdf>
- . 2016 "The Obviousness of Anarchy." In Roderick T. Long and Tibor R. Machan, eds., *Anarchism/Minarchism: Is a Government Part of a Free Country?* (London: Routledge): 111-131. <https://fiatjaf.alhur.es/the-obviousness-of-anarchy.pdf>
- Hayek, Friedrich A. 1948. "The Facts of the Social Sciences." In Hayek, *Individualism and Economic Order* (Chicago: University of Chicago Press): 57-76.
https://cdn.mises.org/Individualism%20and%20Economic%20Order_4.pdf
- . 1964. "Kinds of Order in Society." *New Individualist Review* 3.2 (Winter): 3-12.
<https://oll.libertyfund.org/pages/hayek-on-kinds-of-order-in-society>
- . 2012. *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*. London: Routledge.
- Heinlein, Robert A. 1997. *The Moon Is a Harsh Mistress*. New York: Tom Doherty Associates.
- Hess, Karl. 1969. "Where Are the Specifics?" *Libertarian Forum* 1.6 (15 June), p. 2.
https://web.archive.org/web/20071029134927/http://mises.org/journals/lf/1969/1969_06_15.pdf
- . 1975. *Dear America*. New York: William Morrow.
- . 1979. *Community Technology*. New York: Harper & Row.
- Heywood, Ezra H. 1868. *The Labor Party: A Speech Delivered Before the Labor Reform League of Worcester, Mass., Explaining the Ideas and Objects of the Labor Movement, What Workingmen Want, Whom It Concerns, and How to Get It*. New York: Journeymen Printers Co-operative Association.
- Hobbs, Carlton. 2003. "Common Property in Free Market Anarchism: A Missing Link."
https://web.archive.org/web/20030417154355/http://www.anti-state.com:80/article.php?article_id=362
- Hodgskin, Thomas. 1825. *Labour Defended Against the Claims of Capital; Or the Unproductiveness of Capital Proved with Reference to the Present Combinations Amongst Journeymen*. London.
- Holcombe, Randall G. 2005. "Common Property in Anarcho-Capitalism." *Journal of Libertarian Studies* 19.2 (Spring): 3-29. https://cdn.mises.org/19_2_1.pdf
- . 2013. "Crony Capitalism: By-Product of Big Government." *Independent Review* 17.4 (Spring): 541-559. https://www.independent.org/pdf/tir/tir_17_04_04_holcombe.pdf
- Hoppe, Hans-Hermann. 1990. "Marxist and Austrian Class Analysis." *Journal of Libertarian Studies* 9.2 (Fall): 79-93. https://cdn.mises.org/9_2_5_0.pdf
- . 2010. *A Theory of Socialism and Capitalism*. Auburn AL: Mises Institute.
https://cdn.mises.org/Theory%20of%20Socialism%20and%20Capitalism,%20A_4.pdf
- . 2018. *Getting Libertarianism Right*. Auburn AL: Mises Institute.
- Huemer, Michael. 2019. *Dialogues on Ethical Vegetarianism*. New York: Routledge.
- Hunt, Lester H. 1999. "Flourishing Egoism." *Social Philosophy and Policy* 16.1 (Winter): 72-95.
- . 2006. "Thus Spoke Howard Roark: The Transformation of Nietzschean Ideas in *The Fountainhead*." Published as "Thus Spake Howard Roark: Nietzschean Ideas in *The Fountainhead*." *Philosophy and Literature* 30.1 (April 2006): 79-101.
<https://lesterhunt.philosophy.wisc.edu/home/thus-spoke-howard-roark>
- . 2015. "Beyond Master and Slave: Developing a Third Paradigm." *Journal of Value Inquiry* 49.3 (September): 353-367.
<https://lesterhunt.philosophy.wisc.edu/home/beyond-master-and-slave>
- Johnson, Charles W. 2004. "Free The Unions (and All Political Prisoners)." *Rad Geek People's Daily*. (1 May). http://radgeek.com/gt/2004/05/01/free_the/
- . 2006a. "How Not to Argue Against Worker Co-ops." *Rad Geek People's Daily* (30 March). http://radgeek.com/gt/2006/03/30/how_not/

- . 2006b. “What’s in a Name? or: Over My Shoulder #23: From Chris Matthew Sciabarra, *Ayn Rand: The Russian Radical* (1995).” *Rad Geek People’s Daily* (14 May) http://radgeek.com/gt/2006/05/14/whats_in/
- . 2008. “Libertarianism Through Thick and Thin.” *Rad Geek People’s Daily* (3 October): http://radgeek.com/gt/2008/10/03/libertarianism_through/
- . 2009. “In a Freed Market, Who Will Stop Markets from Running Riot and Doing Crazy Things? And Who Will Stop the Rich and Powerful from Running Roughshod Over Everyone Else?” *Rad Geek People’s Daily* (12 June): <http://radgeek.com/gt/2009/06/12/freed-market-regulation/>
- . 2011. “Markets Freed From Capitalism.” In Chartier and Johnson (2011): 59-81.
- . 2013. “Women and the Invisible Fist: How Violence Against Women Enforces the Unwritten Law of Patriarchy.” <http://charleswjohanson.name/essays/women-and-the-invisible-fist/women-and-the-invisible-fist-2013-0503-max.pdf>
- . 2016a. “Liberty, Equality, Solidarity: Toward a Dialectical Anarchism.” In Roderick T. Long and Tibor R. Machan, eds. *Anarchism/Minarchism: Is a Government Part of a Free Country?* (London: Routledge, 2016): 155-188. <http://radgeek.com/gt/2010/03/02/liberty-equality-solidarity-toward-a-dialectical-anarchism/>
- . 2016b. “State Capitalism and the Many Monopolies.” *Industrial Radical* 2.1 (Autumn): 42-48. <http://praxeology.net/cjohnson-state-monopolies.pdf>
- Kelley, David. 1984. “Life, Liberty, and Property.” *Social Philosophy and Policy* 1.2 (Spring): 108-118.
- . 1993. “The Code of the Creator.” In David Kelley and Stephen Cox, *The Fountainhead: A Fiftieth Anniversary Celebration* (Poughkeepsie NY: Institute for Objectivist Studies): 25-43. <https://atlassociety.org/sites/default/files/codeofcreator.pdf>
- . 2003. *Unrugged Individualism: The Selfish Basis of Benevolence*, rev. ed.. Washington DC: Atlas Society. https://atlassociety.org/sites/default/files/Unrugged_Ind.pdf
- Kinsella, N. Stephan. 2003. “A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability.” *Journal of Libertarian Studies* 17.2 (Spring): 11-37. https://cdn.mises.org/17_2_2.pdf
- Kolko, Gabriel. 1963. *The Triumph of Conservatism: A Re-interpretation of American History, 1900-1916*. New York: Free Press of Glencoe.
- . 1965. *Railroads and Regulation, 1877-1916*. Princeton: Princeton University Press.
- Konkin, Samuel Edward, III. 1983. *New Libertarian Manifesto*. Huntington Beach CA: Koman Publishing. <http://agorism.info/docs/NewLibertarianManifesto.pdf>
- Kraker, Dan. 2019. “Indie Booksellers Create Community to Survive the Age of Amazon.” *MPR News* (27 December). <https://www.mprnews.org/story/2019/12/27/indie-booksellers-create-community-to-survive-the-age-of-amazon>
- Lachmann, Ludwig M. 1977. “Sir John Hicks as a Neo-Austrian.” In Walter E. Grinder, ed., *Capital, Expectations, and the Market Process*. Kansas City: Sheed Andrews McMeel.
- Lavoie, Don. 1993. “Democracy, Markets, and the Legal Order: Notes on the Nature of Politics in a Radically Liberal Society.” *Social Philosophy and Policy* 10.2 (Summer): 103-120.
- Leeson, Peter T. 2014. *Anarchy Unbound: Why Self-Governance Works Better Than You Think*. Cambridge: Cambridge University Press.
- Leoni, Bruno. 1991. *Freedom and the Law*, 3rd ed. Indianapolis: Liberty Fund.
- Levy, Jacob T. 2015. *Rationalism, Pluralism, and Freedom*. Oxford: Oxford University Press.
- Liggio, Leonard P. 1971. “Native Americans and Property Rights.” *Libertarian Forum* 3.1 (January): 4-6. https://web.archive.org/web/20120508145736/http://www.mises.org/journals/lf/1971/1971_01.pdf

- Long, Roderick T. 1995. "Immanent Liberalism: The Politics of Mutual Consent." *Social Philosophy and Policy* 12.2 (Summer): 1-31.
<http://praxeology.net/immanent-liberalism.PDF>
- . 1996a. "In Defense of Public Space." *Formulations* 3.3 (Spring).
<http://freenation.org/a/f3312.html>
- . 1996b. "The Athenian Constitution: Government by Jury and Referendum." *Formulations* 4.1 (Autumn). <http://www.freenation.org/a/f4111.html>
- . 1998a. "A Plea for Public Property." *Formulations* 5.3 (Spring).
<http://freenation.org/a/f5311.html>
- . 1998b. "Civil Society in Ancient Greece: The Case of Athens." *Praxeology.net*.
<http://praxeology.net/civsoc.htm>
- . 1998c. "Toward a Libertarian Theory of Class." *Social Philosophy and Policy* 15.2 (Summer): 303-349. <http://praxeology.net/libclass-theory-uni.pdf>
- . 1999. "The Irrelevance of Responsibility." *Social Philosophy and Policy* 16.2 (Summer): 118-145. <http://praxeology.net/RTL-irrelevance.pdf>
- . 2003. "Columbus, Iraq, and Manichean Imperialism." *In a Blog's Stead* (29 November). <http://praxeology.net/unblog11-03.htm#10>
- . 2005. "A View to a Kill." *Austro-Athenian Empire* (24 November).
<http://praxeology.net/unblog11-05.htm#09>
- . 2006a. "Land-Locked: A Critique of Carson on Property Rights." *Journal of Libertarian Studies* 20.1 (Winter). https://cdn.mises.org/20_1_6.pdf
- . 2006b. "Politics Against Politics." *Austro-Athenian Empire* (16 October).
<https://aeblog.com/2006/10/16/politics-against-politics/>
- . 2006c. "Rule-following, Praxeology, and Anarchy." *New Perspectives on Political Economy* 2.1: 36-46.
<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.188.8705&rep=rep1&type=pdf>
- . 2006d. "Hitchens, Left and Right." *Austro-Athenian Empire* (8 November).
<https://aeblog.com/2006/11/08/hitchens-left-and-right/>
- . 2007a. "Ayn Rand and the Capitalist Class." *Austro-Athenian Empire* (2 February).
<https://aeblog.com/2007/02/02/ayn-rand-and-the-capitalist-class/>
- . 2007b. "The Classical Roots of Radical Individualism." *Social Philosophy and Policy* 24.2: 262-297. <http://praxeology.net/RadGreek.PDF>
- . 2008a. "On Making Small Contributions to Evil." Working paper.
<http://praxeology.net/SmallContributions-REVISED.doc>
- . 2008b. "Monster Thickburger Libertarianism." *Austro-Athenian Empire* (24 July 24).
<https://aeblog.com/2008/07/24/monster-thickburger-libertarianism/>
- . 2010a. "The Winnowing of Ayn Rand." *Cato Unbound* (20 January).
<https://www.cato-unbound.org/2010/01/20/roderick-t-long/winnowing-ayn-rand>
- . 2010b. "Fall Right, Swing Left." *Austro-Athenian Empire* (15 May).
<https://aeblog.com/2010/05/15/fall-right-swing-left/>
- . 2010c. "Invisible Hands and Incantations: The Mystification of State Power." Working paper. <http://praxeology.net/invisible-hands-and-incantations.pdf>
- . 2012. "Left-Libertarianism, Market Anarchism, Class Conflict, and Historical Theories of Distributive Justice." *Griffith Law Review* 21.2: 413-431.
<http://praxeology.net/historical-justice-GLR-proofs.pdf>
- . 2013. "Eudaimonism and Non-Aggression." *Bleeding Heart Libertarians* (30 April).
<http://bleedingheartlibertarians.com/2013/04/eudaimonism-and-non-aggression>
- . 2014a. "Why Libertarians Believe There is Only One Right." *Center for a Stateless Society* (7 April). <https://c4ss.org/content/25648>
- . 2014b. "A Cold Day on the Railroad." *Yellow Brick Meat Garden* (27 June).
<http://yellowbrickmeatgarden.blogspot.com/2014/06/i-believe-ill-take-your-head-part-3-of-3.html#14e>

- . 2014c. “Wittgenstein on Rule-Following.” In Kelly Dean Jolley, ed., *Wittgenstein: Key Concepts* (New York: Routledge): 81-91. <http://praxeology.net/RTL-wiggy-rules-KDJKC.pdf>
- . 2015. “Two Liberalisms.” *Reason* 47.5 (October): 60-64. <https://reason.com/2015/09/23/two-liberalisms/>
- . 2016. “Market Anarchism as Const n Roderick T. Long and Tibor R. Machan, eds. *Anarchism/Minarchism: Is a Government Part of a Free Country?* (London: Routledge, 2016); 133-154. <http://praxeology.net/Anarconst2.pdf>
- . 2017. “Stop Banning Muslims, Stop Banning Guns.” *Austro-Athenian Empire* (11 March). <https://aeblog.com/2017/03/11/stop-banning-muslims-stop-banning-guns/>
- . 2018. “Reign of Fire.” *Austro-Athenian Empire* (12 September). <https://aeblog.com/2018/09/12/reign-of-fire/>
- . 2019a. “Why Libertarians Should Be Social Justice Warriors.” In Bissell, Sciabarra, and Younkins 2019: 235-253.
- . 2019b. “Getting Self-Ownership in View.” Working paper. <http://praxeology.net/RTL-self-ownership-PPE2019.pdf>
- Long, Roderick T. and Johnson, Charles W. 2005. “Libertarian Feminism: Can This Marriage Be Saved?” Working paper. <http://charleswjohnson.name/essays/libertarian-feminism/>
- Lum, Dyer D. 1890. *The Economics of Anarchy A Study of the Industrial Type*. New York: Twentieth Century Publishing Co. <https://theanarchistlibrary.org/library/dyer-d-lum-the-economics-of-anarchy.pdf>
- Machan, Tibor R. 1998. *Generosity: Virtue in Civil Society*. Washington DC: Cato Institute.
- Maine, Henry Sumner. 2012. *Ancient Law: Its Connection with the Early History of Society, and its Relation to Modern Ideas*. Cambridge: Cambridge University Press.
- Massimino, Cory. 2014. “Abolish the Wage System, not Wage Labor.” *Center for a Stateless Society* (6 December). <https://c4ss.org/content/33657>
- Mercer, Ilana. 2017. “Everyone Has Property Rights, Whether They Know it or Not.” *Mises Wire* (11 October). <https://mises.org/wire/everyone-has-property-rights-whether-they-know-it-or-not>
- Milburn, Josh. 2018. “Nozick’s Libertarian Critique of Regan.” *Between the Species* 21, no. 1 (Spring): 68-93. <https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=2156&context=bts>
- Mincy, Grant A. 2015. “Rebel Governance: In Defense of the Common Sector.” *Center for a Stateless Society* (29 August). <https://c4ss.org/content/40037>
- Molinari, Gustave de. 1893. *Les bourses du travail*. Paris: Guillaumin.
- . 1904. *The Society of Tomorrow: A Forecast of its Political and Economic Organization*. Hodgson Pratt and Frederic Passy, eds.; P.H. Lee Warner, trans. New York: G.P. Putnam’s Sons. <https://oll.libertyfund.org/titles/228>
- Morris, David J., and Hess, Karl. 1975. *Neighborhood Power: The New Localism: Returning Political and Economic Power to Community Life*. Boston: Beacon Press.
- Murphy, Liam, and Nagel, Thomas. 2004. *The Myth of Ownership: Taxes and Justice*, rev. ed. Oxford: Oxford University Press.
- Munger, Michael C., and Villarreal-Diaz, Mario. 2019. “The Road to Crony Capitalism.” *Independent Review* 23.3 (Winter 2019): 331-344. https://www.independent.org/pdf/tir/tir_23_3_02_munger.pdf
- Nichols, Rosalie. 1968. “An Open Letter to an American Author.” *Indian Historian* 1.2 (Spring): 17-18.
- . 1970a. “Right-Wing Rationale of Non-Recognition of Indian Rights.” *Indian Historian* 3.2 (Spring): 25-36, 65.
- . 1970b. “America the Beautiful: On Whose Land?” *Reason* 2.9 (May/June): 13-18. <https://reason.com/1970/05/01/america-the-beautiful-on-whose/>
- . 1971. “America the Beautiful: On Whose Land? Part II.” *Reason* 2.10 (January): 10-15. <https://reason.com/1971/01/01/america-the-beautiful/>

- Nozick, Robert. 1974. *Anarchy, State and Utopia*. New York: Basic Books.
- Ostrom, Elinor. 2015. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Palmer, Tom G. 1996. "Myths of Individualism." *Cato Policy Report* 18.5 (September/October 1996), pp. 1, 6-7, 12-13. <https://object.cato.org/sites/cato.org/files/serials/files/policy-report/1996/9/cpr-18n5-1.pdf>
- Paterson, Isabel. 2017. *The God of the Machine*. Ed. Stephen Cox. New York: Routledge. <https://fee.org/media/22562/paterson-isabel-godofthemachine.pdf>
- Plato. 1997. *Complete Works*. Eds. John Cooper and D. S. Hutchinson. Indianapolis: Hackett.
- Prychitko, David L. 1991. *Marxism and Workers' Self-Management: The Essential Tension*. Westport CT: Greenwood Press.
- Radosh, Ronald, and Rothbard, Murray N., eds. 1972. *A New History of Leviathan: Essays on the Rise of the American Corporate State*. New York: Dutton. https://cdn.mises.org/A%20New%20History%20of%20Leviathan_2.pdf
- Raico, Ralph. 2006. "Classical Liberal Roots of the Marxist Doctrine of Classes." *Mises Daily* (14 June). <https://mises.org/library/classical-liberal-roots-marxist-doctrine-classes>
- Rand, Ayn. 1964. *The Virtue of Selfishness: A New Concept of Egoism*. New York: New American Library.
- . 1967. *Capitalism: The Unknown Ideal*. New York: New American Library.
- . 1968. "To Whom It May Concern." *Objectivist* 7.5 (May): 1-8.
- . 1971. *The Romantic Manifesto: A Philosophy of Literature*, rev. ed. New York: New American Library.
- . 1982. *Philosophy: Who Needs It*. New York: New American Library.
- . 1990a. *Introduction to Objectivist Epistemology: Expanded Second Edition*. Harry Binswanger and Leonard Peikoff, eds. New York: New American Library.
- . 1990B. *The Voice of Reason: Essays in Objectivist Thought*. Leonard Peikoff, ed. New York: Meridian Books.
- . 1994. *The Fountainhead*. New York: Penguin.
- . 1995. *Letters of Ayn Rand*. Michael S. Berliner, ed. New York: Penguin.
- . 1997. *The Journals of Ayn Rand*. David Harriman, ed. New York: Dutton.
- . 2001. *The Art of Nonfiction: A Guide for Writers and Readers*. Robert Mayhew, ed. New York: New American Library.
- . 2005. *Ayn Rand Answers: The Best of Her Q&A*. Robert Mayhew, ed. New York: New American Library.
- Rawls, John. 1971. *A Theory of Justice*. Harvard: Harvard University Press.
- Reich, Michael, and Devine, James. 1981. "The Microeconomics of Conflict and Hierarchy in Capitalist Production." *Review of Radical Political Economics* 12.4 (Winter): 27-45.
- Rodriguez, Carlos; Galbraith, Craig; and Stiles, Curt. 2006. "American Indian Collectivism: Past Myth, Present Reality." *PERC Reports* 24.2 (June). <https://web.archive.org/web/20080525155309/https://www.perc.org/articles/article802.php>
- Rothbard, Murray N. 1965a. "Left and Right: The Prospects for Liberty." *Left & Right* 1.1 (Spring): 4-22. https://web.archive.org/web/20121110160627/http://mises.org/journals/lar/pdfs/1_1/1_1_2.pdf
- . 1965b. "Liberty and the New Left." *Left & Right* 1.2 (Autumn): 35-67. https://web.archive.org/web/20121110160311/http://mises.org/journals/lar/pdfs/1_2/1_2_4.pdf
- . 1969. "Confiscation and the Homestead Principle." *Libertarian Forum* 1.6 (15 June): 3-4. https://web.archive.org/web/20071029134927/http://mises.org/journals/lf/1969/1969_06_15.pdf

- . 1982. “Law, Property Rights, and Air Pollution.” *Cato Journal* 2 (Spring): 55-99.
<https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/1982/5/cj2n1-2.pdf>
- . 1998. *The Ethics of Liberty*, 2nd ed. New York: New York University Press.
<https://mises.org/library/ethics-liberty>
- . 2007. *The Betrayal of the American Right*. Auburn AL: Mises Institute.
https://cdn.mises.org/The%20Betrayal%20of%20the%20American%20Right_2.pdf
- Rosenberg, Joyce M. 2019. “Indie Booksellers Persevere Despite Amazon, Rising Costs.” *San Francisco Chronicle* (24 December). <https://www.sfchronicle.com/business/article/Indie-booksellers-persevere-despite-Amazon-14930715.php>
- Ruwart, Mary J. 2015. *Healing Our World: The Compassion of Libertarianism: How to Enrich the Poor, Protect the Environment, Deter Crime, and Defuse Terrorism*, 4th ed. Kalamazoo MI: SunStar Press. [Cover has “Defuse,” title page has “Diffuse”; hopefully the former, not the latter, was intended.]
- Sartwell, Crispin. 2008. *Against the State: An Introduction to Anarchist Political Theory*. Albany NY: State University of New York Press.
- Schmidtz, David. 1994. “The Institution of Property.” *Social Philosophy and Policy* 11.2 (Summer): 42-62.
<https://web.archive.org/web/20060905084139/http://www.u.arizona.edu/~schmidtz/manuscripts/InstitutionofProperty.doc>
- Sciabarra, Chris Matthew. 1995. *Marx, Hayek, and Utopia*. Albany NY: State University of New York Press.
- . 1998. “Bowdlerizing Ayn Rand.” *Liberty* 11.7 (September): 65-66.
<https://www.nyu.edu/projects/sciabarra/essays/liberty.htm>
- . 1999. “The First Libertarian.” *Liberty* 13.8 (August): 48-50.
<http://www.nyu.edu/projects/sciabarra/essays/spencer.htm>
- . 2000. *Total Freedom: Toward a Dialectical Libertarianism*. University Park: Pennsylvania State University Press.
- . 2013. *Ayn Rand: The Russian Radical*, 2nd ed. University Park: Pennsylvania State University Press.
- . 2019. “Reply to Gus diZerega on His Essay, ‘Turning the Tables: The Pathologies and Unrealized Promise of Libertarianism.’” *Molinari Review* 1.2 (Autumn): 93-100.
- Shaffer, Butler D. 2008. *In Restraint of Trade: The Business Campaign Against Competition, 1918-1938*. Auburn AL: Mises Institute.
https://cdn.mises.org/In%20Restraint%20of%20Trade%20The%20Business%20Campaign%20Against%20Competition,%201918-1938_2.pdf
- . 2009. “On the Receiving End of Democracy.” *LewRockwell.com* (29 October 29).
<https://www.lewrockwell.com/2009/10/butler-shaffer/what-the-taliban-actually-think/>
- Shaw, Chris. 2017. “Basic Income as a System of Control.” *Center for a Stateless Society* (15 March). <https://c4ss.org/content/48127>
- Silk, Christine. 2011. “Why Did Kitty Genovese Die?” *Atlas Society* (10 November).
<https://atlassociety.org/commentary/commentary-blog/4866-why-did-kitty-genovese-die>
- Smith, Adam. 1904. *The Wealth of Nations*, vol. 1. Edwin Cannan, ed. London: Methuen.
- Spangler, Brad. 2012. “Wages versus [Austrian Economics and] Wage Slavery.” *Spangler Pensive* (18 November). <https://spanglerpensive.wordpress.com/2012/11/18/wages-versus-austrian-economics-and-wage-slavery/>
- Spencer, Herbert. 1897. *The Principles of Sociology*. (3 vols.) New York: D. Appleton and Company.
- . 1954. *Social Statics: The Conditions Essential to Human Happiness Specified, and The First of Them Developed*. New York: Robert Schalkenbach Foundation.
http://davidmhart.com/liberty/EnglishClassicalLiberals/Spencer/Spencer_SocialStatics_FalkenbachEd1954.pdf
- . 1978. *The Principles of Ethics*. (2 vols.) Indianapolis: Liberty Fund.

- . 1982. *The Man Versus the State; With Six Essays on Government, Society, and Freedom*. Indianapolis: Liberty Fund.
- Spooner, Lysander. 1846. *Poverty: Its Illegal Causes and Legal Cure: Part First*. Boston: B. Marsh.
- . 1870. *No Treason, No. VI: The Constitution of No Authority*. Boston: L. Spooner.
- . *A Letter to Grover Cleveland on His False Inaugural Address, the Usurpation and Crimes of Lawmakers and Judges, and Consequent Poverty, Ignorance, and Servitude of the People*. Boston: Benjamin R. Tucker.
- Stern, Sebastian A. 2013. “Worker Cooperatives: Retooling the Solidarity Economy.” *Center for a Stateless Society* (30 April). <https://c4ss.org/content/18574>
- Stricklan, Kirsty. 2017. “Why Men Should Stop Saying #NotAllMen. Immediately.” *Medium* (25 October). <https://medium.com/@KirstyStricklan/why-men-should-stop-saying-notallmen-immediately-f657e244f7a1>
- Stringham, Edward P., ed. 2007. *Anarchy and the Law: The Political Economy of Choice*. Oakland CA: Independent Institute.
- . 2015. *Private Governance: Creating Order in Economic and Social Life*. Oxford: Oxford University Press.
- Stromberg, Joseph R. 2019. “The War on Kolko.” *Molinari Review* 12 (Autumn): 25-54.
- Sturgis, Amy. 2019. “The Creek Nation and the Culture of Consent.” *Reason* 51.6 (November): 66-67. <https://reason.com/2019/10/19/the-creek-nation-and-the-culture-of-consent/>
- Tandy, Francis Dashwood. 1896. *Voluntary Socialism: A Sketch*. Denver: F. D. Tandy.
- Taylor, Keith. 2012. “The Lost Generation’s Call To Action.” *Center for a Stateless Society* (20 January). <https://c4ss.org/content/9526>
- Tkacik, Maureen. 2012. “The Radical Right-Wing Roots of Occupy Wall Street.” *Reuters* (20 September). <http://blogs.reuters.com/great-debate/2012/09/20/the-radical-right-wing-roots-of-occupy-wall-street/>
- Tucker, Aviezer, and de Bellis, Gian Piero, eds. 2015. *Panarchy: Political Theories of Non-Territorial States*. New York: Routledge.
- Tucker, Benjamin R. 1893. *Instead of a Book, by a Man Too Busy to Write One: A Fragmentary Exposition of Philosophical Anarchism*. New York: B. R. Tucker, 1893.
- Tucker, Jeffrey A. 2014. “Against Libertarian Brutalism.” *Foundation for Economic Education* (12 March). <https://fee.org/articles/against-libertarian-brutalism/>
- Turner, Wallace. 1987. “Libertarians Pick Ex-Congressman in ‘88 Bid.” *New York Times* (6 September). <https://www.nytimes.com/1987/09/06/us/libertarians-pick-ex-congressman-in-88-bid.html>
- James Tuttle, ed. 2019. *The Anatomy of Escape: A Defense of the Commons*. Auburn AL: Center for a Stateless Society.
- James Tuttle and Cory Massimino, eds. 2016. *Free Markets & Capitalism?: Do Free Markets Always Produce a Corporate Economy?* Auburn AL: Center for a Stateless Society.
- Valliant, James S. 2005. *The Passion of Ayn Rand’s Critics: The Case Against the Brandens*. Dallas TX: Durban House.
- van Dun, Frank. 2003. “Is the Corporation a Free-Market Institution?” *Ideas on Liberty* (March): 29-33: <https://fee.org/articles/is-the-corporation-a-free-market-institution/>
- van Eeghen, Piet. 2005a. “The Corporation at Issue, Part I: The Clash with Classical Liberal Values and the Negative Consequences for Capitalist Practice.” *Journal of Libertarian Studies* 19.3 (Summer): 49-70. https://cdn.mises.org/19_3_3.pdf
- . 2005b. “The Corporation at Issue, Part II: A Critique of Robert Hessen’s *In Defense of the Corporation* and Proposed Conditions for Private Incorporation.” *Journal of Libertarian Studies* 19.4 (Fall): 37-57. https://cdn.mises.org/19_4_3.pdf
- Watner, Carl. 1983. “Libertarians and Indians: Proprietary Justice and Aboriginal Land Rights.” *Journal of Libertarian Studies* 7.1 (Spring): 147-156. https://cdn.mises.org/7_1_9_0.pdf

- Weaver, Paul. 1989. *The Suicidal Corporation: How Big Business Fails America*. New York: Touchstone.
- Williamson, Oliver. 195. *Markets and Hierarchies: Analysis and Antitrust Implications: A Study in the Economics of Internal Organization*. New York: Free Press.
- Wissenburg, Marcel. 2019. "The Concept of Nature in Libertarianism." *Ethics, Policy & Environment* 22: 287-302.
- Wittgenstein, Ludwig. 1972. *On Certainty*. G. E. M. Anscombe and G. H. von Wright, eds.; Denis Paul and G. E. M. Anscombe, trans. New York: Harper & Row.
- Wright, Darryl. 2016. "A Human Society: Rand's Social Philosophy." In Allan Gotthelf and Gregory Salmieri, eds., *A Companion to Ayn Rand* (Chichester UK: Wiley Blackwell): 159-186.
- Zwolinski, Matt, and Tomasi, John. 2020 (forthcoming). *A Brief History of Libertarianism*. Princeton: Princeton University Press.

