

BOOK REVIEW: *LIBERTARIAN QUANDARIES*

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Jakub Bożydar Wiśniewski: *Libertarian Quandaries*. CreateSpace Independent Publishing Platform, 2016. ISBN-13: 978-1530579624.

Libertarian Quandaries, by Jakub Bożydar Wiśniewski (2016), is a slim volume of tight reasoning that makes a resolute case for libertarianism. This is defined in Chapter 1 as “the social philosophy that identifies individual liberty as the most fundamental social value, and by extension treats moral cooperation as the only morally permissible form of social interaction (p. 1).” More specifically, the book is a compendium of concise rebuttals to commonplace counterarguments advanced against libertarianism. Its overall purpose is to show, not only that libertarianism can withstand wide-ranging criticisms in principle, but also that it might be feasibly implemented in practice. In this regard, the book does an admirable job. But be warned: it is not aimed at lightweight lovers of liberty. The book’s content—conveyed in carefully crafted phrases—makes non-trivial intellectual demands on the reader. The reward for sticking with it may be illumination; but only Hans Hermann Hoppe would bring it to the beach (so to speak).

In Chapter 2, Wiśniewski kicks off by addressing both a semantic and a pragmatic objection to libertarianism. First: Do libertarians not beg the question in favour of their philosophy simply by defining “aggression” as

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objectionable? Not at all: the idea of aggression, like many other morally relevant ideas, is rooted non-redundantly in everyday notions. Opposition to aggression is therefore naturally present, not artificially engineered. (The title of another recent pro-libertarian book by Matt Kibbe [2014]—*Don't Hurt People and Don't Take Their Stuff*—perhaps illustrates this point). Second: Is libertarianism invalidated by practical difficulties in determining whether or not an ambiguous deed constitutes a bona fide instance of aggression? Again, not at all: the principle of non-aggression remains generally valid even if its applicability to any particular act can be debated. Moreover, a libertarian society would be ideally suited to resolving such debates fairly.

In Chapter 3, Wiśniewski addresses the threat to libertarianism posed by so-called lifeboat situations, where, under contrived circumstances, the ethic is put under seemingly fatal pressure by some compelling rival intuition. For example, is a beggar to be blamed for stealing a cheap loaf of bread to feed his starving children? Hardly. But if he is not blameworthy, then does that not make his violation of property rights at least occasionally permissible? And if so, isn't the libertarian ethic generally falsified by this critical counterexample? Wiśniewski replies judiciously that all acts of aggression against person or property, whatever their motivation, should still be classed as criminal under libertarian law; however, in the presence of extreme extenuating circumstances, perpetrators would be retrospectively pardoned by any fair-minded court. Thus, libertarianism can survive as a philosophical theory, and broadminded legal practice can take care of the loose ends.

One implication of this rebuttal, however, is that libertarianism does not constitute the whole of morality. Even so, this still would not imply that libertarianism is not *essential* to morality. I find the following anatomical analogy helpful. A skeleton is not, by itself, a living body. Yet, without a skeleton to support it, the living body would be but a sack of twitching viscera. The skeleton represents libertarianism; the organs, muscles, and skin represent other moral considerations. A robust superstructure is necessary for viability without being sufficient for it.

Another implication of this rebuttal is that libertarianism does not automatically furnish the “right” answer to all moral dilemmas: the possibility of *moral tragedy*—painful trade-offs between competing moral goods—persists. Indeed, I suspect that few libertarians would rigidly advocate the necessary supremacy, as opposed to indispensable relevance, of the libertarian ethic under any and all circumstances. At any rate, it is salutary to see Wiśniewski here debunking the pejorative stereotype of the inflexible libertarian.

In Chapter 8 (jumping forward, for perhaps the book might have benefitted from the presence of a more linear thread—a minor criticism), Wiśniewski pursues the objection that libertarians fixate upon liberty to the exclusion or neglect of other moral values. Despite denying the truth of this objection, Wiśniewski still makes an ambitiously universal claim: “liberty is [...] the most important value, since it constitutes a necessary precondition for the realization of any other social value.” (In *Libertarian Anarchy*—another recent and notable introduction to the philosophy—Gerard Casey [2012] comes close to making the same claim.) However, the case of the desperate and selfless thief, considered above, provides an ostensible counter-example. Here, to realize the social good of feeding his starving child, the thief must disregard the social good of respecting the vendor’s property rights, or vice versa. It’s a sad case of moral tragedy. More defensible, therefore, would be the somewhat qualified, but still substantial, claim that liberty should be generally extolled, lest many other pro-social virtues go by the wayside.

As Wiśniewski points out, chief among the virtues displaced by state-mandated entitlements are charity and gratitude. Furthermore, he puts the wickedness of (state) coercion well: “Every act of coercion destroys [again, this may be a little too strong] the moral worth of one’s intentions by trampling on the intentions of others—by their instrumental and exploitative treatment, which necessarily constitutes a dehumanization of their owners, the essential features of human beings being free will, purposiveness, and self-ownership.” This gets to the heart of the issue: coerced welfare is generally wrong because it illegitimately treats the people coerced as means to an end—inanimate things to manipulate—and not as ends in themselves—as self-aware agents to be respected. But what of those sceptics who nonetheless object that, because many if not most human beings lack any real love for liberty—preferring Big Macs and Pokémon Go—libertarianism must be a non-starter? Wiśniewski is unimpressed. He responds: Tread on yourself, but not on me. Worth quoting here are the two sentences with which this chapter concludes, because they illustrate how well Wiśniewski frequently marries felicitous phrasing with propositional punch: “In sum, while libertarianism does not claim that liberty is the only value that matters, it does claim that liberty is the value that matters the most. And while it does not claim that everyone wants to be free, it does claim that everyone must refrain from making others unfree.”

A related critique of libertarianism—at least where rigorously derived from the non-aggression principle—is that its purview is too restricted. In the currently fashionable jargon, it is painfully “thin” rather than agreeably “thick.” One way of putting this reservation (but not the only way) is to say that libertarianism errs in advocating negative rights only; it should advocate

positive rights also. (Briefly, negative rights involve freedom from unjust interference with one's person or property, whereas positive rights involve the freedom to enjoy various coveted social goods.) In Chapter 4, Wiśniewski contents himself with forthrightly contending that, because positive rights generate contradictions, they cannot exist. He plausibly assumes that human rights, if they are to be basic and non-arbitrary, must also be timeless and universal. However, as existing goods multiply, or as new goods evolve, positive rights must multiply and evolve too; positive rights must therefore be historically contingent, against assumption. Furthermore, where goods are scarce, all positive rights to goods cannot be exercised simultaneously; only particular individuals can therefore exercise those rights, again against assumption. With negative rights, in contrast, no such *reducios ad absurdum* arise: everyone can respect everyone else's person and property. Indeed, Wiśniewski suggests, positive rights are perhaps best understood as privileges, because they are often asserted against others' people's negative rights. Still, Wiśniewski is not an advocate of "thin" libertarianism alone. Later on, in Chapter 15, he contends that "thin" libertarianism is the secure foundation upon which a variety of desirable "thick" libertarianisms (e.g., involving charitable enterprises or community living) might be realistically built, although the precise shape they will take cannot be predicted. However, he rejects framing such idealistic endeavors in terms of positive rights.

In Chapter 5, Wiśniewski addresses the objection that libertarians—perhaps overdosing on Ayn Rand novels—unduly idealize the businessman and unfairly denigrate the politician. In response, he stitches together, in record time, a multifaceted argument invoking both economic and political principles. Its conclusion is that, in politics, maleficent despots will tend to outcompete beneficent ones, just as, in the free market, beneficent entrepreneurs will tend to outcompete maleficent ones. He also points out that, whereas a businessman may be crooked, a politician must be, given the essentially coercive nature of government. Here, however, the argumentation is so dense, that even informed readers may struggle.

In Chapter 6, Wiśniewski confronts head on the objection that, although governments may often underperform the free market, they do at least perform some necessary functions that the free market cannot—principal among them the provision of a so-called social safety net, to ensure that the struggling poor do not sink further into intolerable poverty. Wiśniewski's reply is brazen: such a safety net is actually an Orwellian misnomer. In reality, the ever-expanding attempt to deploy government coercion to secure welfare must ultimately fail because of the self-defeating anti-social dynamics it sets in motion. Aggressive redistribution, by promoting parasitism and deterring production, ironically exacerbates the

very scarcity it was meant to alleviate. The free market, however, being built upon a self-reinforcing foundation of voluntary and mutually beneficial trade, ultimately provides a firmer basis for fostering the production and distribution of valued goods and services, which by becoming ever more abundant and cheaper, the poor are ever more able to consume. Here, however, Wiśniewski is (uncharacteristically) guilty of argumentative license. He defines the “reliable” provision of goods and services as involving “consensual support, enthusiasm, and respect for the [goods and services on offer] (p. 14),” which presumes the (still highly plausible) thesis for which he is arguing. In addition, as Adam Smith once remarked, there is a great deal of ruin in a nation: as long as the Ponzi scheme of redistributed welfare can be sustained, its current beneficiaries, as economic individuals, will escape the costs of implementing it, which instead are imposed on those other economic individuals whom they currently parasitize, and on those members of future generations who must pay their accumulated debt or survive a financial crisis. Hence, only people with high time preference and a concern for their fellows are apt find Wiśniewski’s argument persuasive: in the long run, someone else can be dead! Nonetheless, the chapter concludes by providing a wonderfully succinct account of the virtuous and perverse incentives attending the provision of private and public welfare, respectively.

What of the objection that libertarianism, even if desirable in principle, is doomed in practice, for a range of reasons? For instance, in the absence of a stabilizing state—which monopolizes the use of decisive force in a geographical area—won’t society inevitably collapse into a bloody chaos of competing warlords? In Chapter 10, Wiśniewski fells this familiar Goliath with a precisely targeted slingshot: It is a matter of mentality, not materiel. In modern democracies, the state exercises its monopoly on the use of force only because enough citizens perceive it to be doing so legitimately. Without this collective perception, the state would duly dissolve. (For more on this point, see Michael Huemer’s monograph, *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey* [2013], as well as Larkin Rose’s popular *The Most Dangerous Superstition* [2011]). Hence, among a public inclined to reject the whole idea of political authority, warlords could never readily seize power because they could never mobilize sufficient popular support. Wiśniewski here draws a telling analogy with slavery. Now that nearly everyone in Western societies concurs that slavery is morally intolerable, its days as a state-sponsored institution are over; but so too are its days as a commonplace activity for self-employed slavers. There is no “slavery vacuum” created by the absence of any slaver-in-chief. Wiśniewski proceeds to note relevantly that the members of private security agencies—who fill the large gaps in the market left by the public security agencies (a.k.a. the police)—currently enjoy perfectly peaceful relations with one another,

and the market competition for their services is no less civil. Thus, the conviction that Ancapistan must devolve into MadMaxistan falsely presumes the persistence of a statist mindset.

Let us grant that anarchy is unlikely to entail social meltdown. Nonetheless, should we take the risk of transitioning? Should we not stay with the sovereign devil we know rather than run off with the anarchic demons we don't? The classic conservative case—associated with Edmund Burke [1790/1999]—is that, however objectionable current social arrangements are, they are at least partially viable, and reflect the accumulation of large number of tried-and-tested accommodations whose functionality may not be apparent at first glance. Hence, getting rid of them wholesale, to replace them with some fancy and new-fangled alternative, is usually short-sighted and foolhardy. On the other hand, people are also known to be prone to *status quo bias* (Eidelmann & Crandall, 2012). That is, they tend to derive an “ought” from an “is”—to assume how things are is how they should be—either because they cannot imagine how things could be different or because they are inclined to deny painful realities. Hence, radical political alternatives, of which anarchism is the epitome, will tend to be regarded with excessive suspicion. In this connection, Wiśniewski in Chapter 12 is at pains to expose how the case for the state, popularly supposed to be impregnable, is actually premised upon an abundance of self-defeating and preposterous assumptions, of which he catalogues no fewer than twenty. These assumptions include: If states can anarchically cooperate in the absence of a super-state, then why can't individuals also do so in the absence of a state? If people can be trusted to vote for rulers to spend their money for them, then why can't they be trusted to spend their money for themselves? If state-organized violence has historically exceeded non-state-organized violence by many orders of magnitude, then why is the state hailed as the only solution to violence? And if political rights are necessary to ensure property rights, then where did the original property come from that the state appropriated so as to maintain itself? In light of such trenchant observations, any Burkean preference for the “statist” quo starts to look prejudicial.

In several chapters, Wiśniewski also takes on assorted objections to the economic viability of libertarianism. In Chapter 9, he notes that, even if libertarianism proves difficult to implement in practice—requiring as it does a profound and pervasive change in psychological outlook—it still has the edge over socialism, which is impossible to implement in principle, given Mises's (1920) classic argument that, in the absence of a price system, entrepreneurs cannot engage in the economic calculation required to allocate goods to their most valued uses. Hence, there is every reason to presume against socialist states, not in favour of them. In Chapter 7, Wiśniewski further argues that

even hypothetical bureaucrats equipped with God-like omniscience and benevolence, who could outperform the free market in furnishing what people want, would still not resort to coercive statism, because with such super-powers they could instead resort to peaceful persuasion, without thereby overriding anyone's preferences. And in Chapter 11, Wiśniewski addresses the sophisticated objection that, if stateless agents can successfully cooperate to provide public goods (e.g., security for all), then they should also be able to successfully collude to create public evils (cartels thwarting consumers), such that, if the latter possibility is denied, then so too should the former. Either way, state intervention would be called for (i.e., to prevent public evils, or to provide public goods). He responds that the two cases are not symmetrical: for whereas colluding to create public evils entails reputational costs that offset immediate gains, cooperating to provide public goods offers reputational benefits that offset immediate losses (and may furnish immediate reputational gains too); hence, in the long-term, the latter should win out.

But what are the prospects for people abandoning their deeply entrenched pro-state sympathies? Are humans not naturally inclined to either rule or be ruled? Does not the historical record testify to the inevitability of politics and the unfeasibility of anarchy? In Chapter 13, Wiśniewski contends that the presumption that anarchy is impossible to realize is indefensibly pessimistic, given that humanity demonstrably *has* made great progress both technologically and civilizationally. Witness the Industrial Revolution and the abolition of slavery—two relatively recent, but difficult-to-reverse, and altogether transformative developments. Furthermore, Wiśniewski contends that all such technological and civilizational progress has involved an expansion of individual liberty together with a concomitant contraction in political power. Who then, given this promising trajectory, would bet against libertarian anarchy ultimately prevailing? Nonetheless, Wiśniewski weighs some key arguments both for and against the possibility of its eventually taking hold. Among the arguments against, he cites evolutionary pressures on our ancestors, which likely favored the survival of those who were inclined to obey and rationalize authority, as well as the fateful lure of contemporary democracy, which corrupts the masses by blurring the distinction between the rulers and the ruled. Among the arguments for, he cites the rapid expansion of internet culture, which tends to erode parochial identities, as well as the continuing dissemination of disruptive technologies, which empowers individuals beyond the capacity of states to control. On balance, Wiśniewski is optimistic. I would add that, if the primary barrier to libertarian anarchy is ideological, then the cultivation of such optimism is imperative, to avoid a self-*un*fulfilling prophecy.

In Chapter 14, Wiśniewski suggests a list of factors most likely to undermine the statist mentality. He singles out the encouragement of entrepreneurship, especially in the domain of disruptive technologies; the spreading of sound economic knowledge far and wide; the promotion of individual self-reliance and of political decentralization; the embracing of a cosmopolitan outlook that focuses on human universals; and the use of philanthropy to refute narrow-minded prejudices about libertarian selfishness. He emphasizes that there is more to being in favour of liberty than merely being against the state, and opines that promoting liberty rather than opposing coercion serves both to preserve morale and maximize persuasiveness. Wiśniewski finds no conflict between “thick” and “thin” libertarianism.

As this review makes clear, *Libertarian Quandaries* abounds with material, providing many well-placed stepping stones to further reflection. One thought that recurred to me while reading it had to do with the finer preconditions for getting libertarian anarchy off the ground. Let us grant it could be realized in principle and that it would work in practice. Among what populations would it be more likely to be realized and to work? Even if seeds of libertarian anarchy are intrinsically healthy, into what fertile soil can they be successfully sown? Such soil may, I suspect, consist uniquely of people who have the right but rare combination of intelligence, open-mindedness, prudence, and principle. As the contents of *Libertarian Quandaries* prove, the case for libertarian anarchy is not straightforward. Furthermore, in the current intellectual climate, one also has to be willing to think outside the box even to consider it. Finally, the ethical reserve of libertarianism—competing as it does with indulgent urges and sentimental feelings—may appeal only to the most sober and conscientious. If so, then libertarian anarchy may never naturally catch on in the general population but be forever an elitist pursuit: the software of freedom (to switch metaphors) may only run on some rare operating systems. If so, then what are libertarian advocates to do? The non-aggression principle prevents libertarian anarchy being promulgated through force. Accordingly, the explicit formation of voluntary enclaves—populated through rigorous discrimination and maintained through resolute defence—may be required if libertarian anarchy is ever to flourish even on a small scale. I append my speculations here merely to illustrate how stimulating *Libertarian Quandaries* is to read. I would encourage others to seek it out for like stimulation.

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