

# Criticisms to Libertarianism

Libertarianism: Epic Fail

# Hospers

- Hospers (and Nozick) argue against liberalism as characterized by Rawls—that is, they argue against distributive justice.
  - Hospers calls Rawls' distributive justice “moral cannibalism”.
  - *The following criticisms apply chiefly to Hospers and not to Libertarianism more broadly.*
  - The criticisms here include criticisms from Peter Singer and some even Dr. Scott Arnold.

# What Libertarianism gets wrong

- I will not present an equivalent critique of Rawls. However, I will say that the only place to criticize Rawls is in relation to his methodology; that is, relying upon the veil of ignorance and the original position. In the literature, that is where the criticisms focus.
  - You cannot respond to Rawls regarding the government mandating certain laws such as federal minimum wage, Medicare, and welfare being unjust as they are involuntary. Under Rawls' system they would be agreed upon (consented to) by the people.
  - The criticisms to Rawls are beyond this course. They are appropriate for a course in political theory with a prerequisite in epistemology.
  - Criticisms of the libertarian position *presented here* are appropriate for this course as we have already discussed their foundations.

# Historical Inaccuracies

- Part A: Jefferson changed the *Declaration of Independence* from “life, liberty, and property” because:
  - Property is a means for acquiring happiness.
  - Property ownership is an end state whereas happiness is a regulatory state.
  - Other factors besides property ownership alone are necessary for happiness.
- Part B: Political theory defended by the Federalists (the authors and signors of the *Constitution of the United States of America*) was based in Baron de Montesquieu’s political theory, not Lockean political theory.

# Property as a good

- Property ownership is a private good not a public good—property ownership is exclusionary.
- Property ownership might be jointly consumable:
  - time shares
  - cooperatives
- Property ownership is discretionary (shelter/housing is non-discretionary).

# Self-contradictory #1

- Libertarianism is logically contradictory in numerous ways. I will not outline all of them here. The most important way is on their view of rights and property as a natural right....
- Hospers says, “If you have a right to a job then who is to supply it?”
  - If  $X$  is a right then the government must either provide  $X$  or protect your participating in  $X$  (so long as your participation does not harm anyone else).
  - Does the government provide rights or merely protect access to rights? Hospers seems to want both while criticizing Rawlsian Liberalism for agreeing.

# Self-contradictory #2

- Recall property is a natural right under Libertarianism.
  - Should the government *provide* property (acquisition)?
    - 40 acres and a mule?
  - ...or simply protect one's access to property ownership?
    - (Hospers rejects this as he rejects both protecting equal access to jobs and equality in acquisition and equality in just deserts to jobs.)
  - Hospers plays a “gimmick” as property also “does not grow on trees” and is “*produced only by men*” (emphasis original)?
    - Property is a limited resource (exclusionary).
      - As one person(s) acquires more property others thereby lack property.
      - As one person(s) acquire more property others become less free (self-owned).
      - Yet Libertarians reject regulations aimed at controlling monopolies.\*

# State of Nature - Locke

- Locke's conception of the state of nature is a purely theological and theoretical construct.
  - It ignores how humans have actually developed:
    - Ignores actual human history
    - Does not take into account evolutionary selection pressures; humans evolved as social animals revolving around small social units that cooperate and share burdens/costs in order for the group to reap benefits.
      - Darwin came after Locke so Locke himself is excused but not contemporary Libertarians.
  - Locke treats the laws of nature as prescriptive when they are descriptive.
    - Contemporary Libertarianism has not found a valid secular foundation.

# State of Nature - Rousseau

- Rawlsian liberalism is grounded in Rousseau's version of the state of nature.
  - Rousseau attempted to give an accurate historical version.
    - He researched anthropology and zoology.
  - The family unit is the smallest social unit.
  - Early human life was much like the lives of apes.
  - Early forms of government served to promote the interests of the wealthy over the poor.
  - Rousseau conceived of people as generally more self-interested (egoistic) than altruistic.
  - Rousseau conceived of people as being rational.

# Straw Man Fallacies

- Nozick and Hospers commit a plethora of straw man fallacies in arguing against Rawls. We will examine only 3.

# Straw Man Fallacy #1

- Hospers creates a straw man fallacy:
  - Hospers says, “Thus, many people claim that they have a right to a job, the right to *free* medical care, to *free* food and clothing, to a *decent* home, and so on.” (emphasis added)<sup>1</sup>
  - Rawls never says people have a right to *free* medical care or anything else. Rawls is very clear that these are not free for anyone.
    - Rawls and Libertarians both agree that there should not be free riders on non-discretionary public goods. They disagree on how to solve the problem of free riders (aka The Public Goods Problem).

# Straw Man Fallacy #2

- Hospers says, “Thus, many people claim that they have a right to a job, the right to *free* medical care, to *free* food and clothing, to a decent home, and so on.... If you have a right to a job, who is to supply it?” (emphasis added)<sup>2</sup>
- Hospers is talking about a right of acquisition. Rawls is not talking about a right to acquisition or possession but a right to access.
  - For example, women in the USA prior to WWII were, for the most part, not allowed to work outside the home. The few jobs available to women outside the home were modeled on their expected duties as wives and mothers. So, women could be nurses but not doctors; secretaries but not executives; and day care workers. Women lacked equal *access to* employment.
    - Rawls argues for equality in access to employment not equality in acquisition of employment.
    - Libertarians only care about just desserts and do not consider equality in opportunity (access) which is why they disagree with any form of labor laws including the Americans with Disabilities Act and laws prohibiting race and gender discrimination in employment.

# Straw Man Fallacy #3

- This one is committed by both Hospers and Nozick.
- Distributive Justice does not mandate altruism (law type #3)
  - Such laws are voluntary and desired (or would be from the original position behind the veil of ignorance)
  - Promote opportunity for *everyone*
  - And promote the common good
- Nozick and Hospers need to argue either against Rawls' methodology—the Original Position and the Veil of Ignorance—not the consequent of employing that methodology; or, they must argue against actual consequents and not straw man consequents.

# Not supported by facts

- The questions of fact presented by Hospers on the last two pages of the reading assignment are not supported by data.
  - For example, Hospers claims that federal minimum wage laws lead to increased unemployment.
  - Look at employment prior to the passage of minimum wage laws in 1938. Minimum wage laws passed amid the Great Depression. During that time companies were reducing hourly wages by upwards of 50%. Of course, leaving the company for a better job was not a viable option.
  - Furthermore, a mere fraction of the total work force today earns minimum wage.
    - Only about 2% of minimum wage workers are over age 25.
    - Therefore, federal minimum wage could not lead to increased welfare as Hospers claims in the last paragraph of the reading assignment.\*

\* For further evidence see: Doucouliagos, Hristos, and Stanley, T. D. 2009. "Publication Selection Bias in Minimum-Wage Research? A Meta-Regression Analysis." *British Journal of Industrial Relations* 47(2); June: 406 – 428.

# Unsupported #2

- Hospers claims, "...with the restrictions removed, the economy would flourish as never before".<sup>3</sup>
  - Further support against Libertarianism comes from the Reagan era. Hospers type libertarian economic principles prevailed under Reagan (and all Republican administrations since). Under Reagan alone, income for corporate executives rose by 500% or more.
  - Income inequality has reached levels exceeding that of the Great Depression.
  - Median household wages are declining.
    - Worker productivity has risen but their incomes are declining.
  - The rich are getting wealthier. (Although on the 2009 Forbes 400 List the number who are billionaires has dropped by 25%.)
  - Tax structures favor the wealthy.
  - Unemployment is on the rise.
- Taken together, the data demonstrates the opposite of Hospers' predictions.

# Education and Healthcare

- Education and Healthcare both satisfy all Libertarian criteria for a public good yet Libertarians would completely privatize both.
  - They even reject employer-sponsored healthcare.
  - All education, K-12 and collegiate, would be private and costs would go up.
    - Even at UAB your education is partially subsidized by public funds.
- Private goods are often more costly than public goods for individuals to acquire.
  - Tying relations result in greater inequality in opportunity and acquisition.
  - Private goods are subject to free market pressures in a capitalistic system.
    - Should public goods also be subject to free market pressures?
      - Libertarians – Yes
      - Liberals – No

# Consequences of libertarianism

- What would the United States, for example, look like if Hospers-type libertarianism prevailed?
  - All medical research would be privatized.
    - Currently *all* medical research, not just pharmacological, is funded primarily by public funds (NIH, DHHS, DoJ, etc.).
    - Medical research if dependent exclusively on private funds would be decades, at minimum, behind its current status.
  - In short, the benefits each member of society reaps is far greater than the costs (income, capital, and property taxes) each person pays.
    - So there is no public goods problem, yet Hospers would privatize these goods and services.

# Moral Cannibals

- Hospers says, “A *moral cannibal* is one who believes he has a right to live off the “spirit” of other human beings—who believes he has a moral claim on the productive capacity, time, and effort expended by others.”<sup>4</sup>
- The data presented here demonstrates that Hospers-type libertarian economic policy is “moral cannibalism” rather than regulated markets guaranteeing *equality in access to* employment, housing, education, and healthcare defended by Rawls.

The End