

# Niche Libertarianism: A Critique

Institute for Humane Studies 15 August 2018

[YOUTUBE OF THE LECTURE:](https://youtu.be/7E1GiyTDz4w)  
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By Daniel Klein



# Niche libertarianism

- Bad features in some libertarian discourse:
  - Formulaic, simplistic, dogmatic, hubristic, scientific.

*“UP FROM NICHE LIBERTARIANISM”*

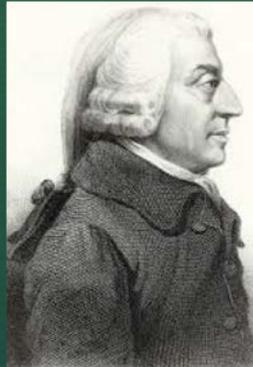
Up to what?

# Mere libertarianism, classical liberalism

A policy-views sensibility that, presupposing a stable polity, keeps its footing in the status quo, and leans against the governmentalization of social affairs, toward liberalization, across the range of domestic issues, by and large. It maintains a presumption of liberty, but it is mindful that the status quo also enjoys a presumption.



Hume



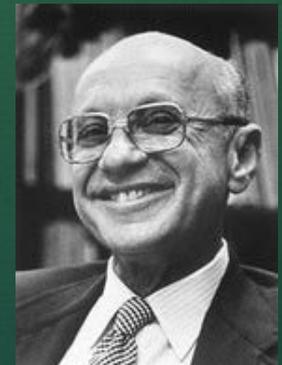
Smith



Burke

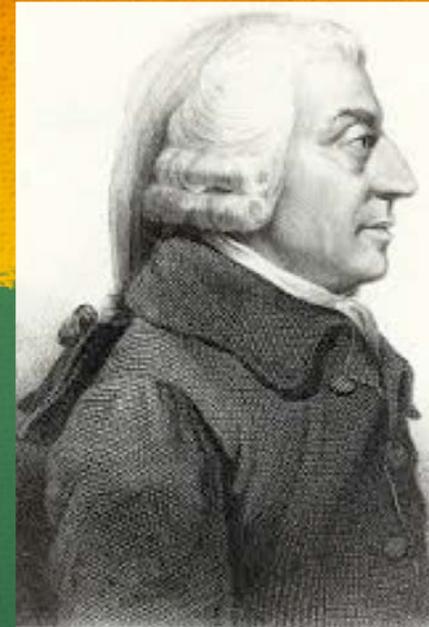


Hayek



Friedman

# Mere



- Attuned to:
  - paradoxes of government
  - limitations of the liberty principle
  - complications
- Yet affirms the liberty principle
- Overcomes brittleness, rigidity, dogmatism, sectarianism

# MERE higher than NICHE

MERE



NICHE

# Who are the niche libertarians?

- 16 features as “niche libertarian.”
  - Whirlwind
  - # enumeration of features
- Someone displays x of the 16...

Most self-described libertarians display at least one.

- I don't name names.

# “niche”

- **Market niche**—*libertarian* as opposed to *left/right*, *liberal/conservative*, *Democrat/Republican*.
  - peddling ‘libertarian’
- Sect, identity, creed, “science”
- Philosophical niche, from which we look down on all others

# #1: The two parties

*Niche feature:* “D and R are equally bad.”

- Maybe supports LP

But:

- We have a two party system.
  - Third parties are damaging to their own cause.
- Implausible that they are equally bad.

Rather: Assimilating to the two party system.

# #2 Destinational vs. Directional

*Niche feature:* The ideal or just system, as  
*destination:* “The free society”. Determining the  
proper limits and role of government.

Rather:

- We work from the status quo:  
*Directional.*

# Reforms to the status quo

R stands for a reform.

Status quo =  $R_0$

$R_1$  = some reform to the status quo

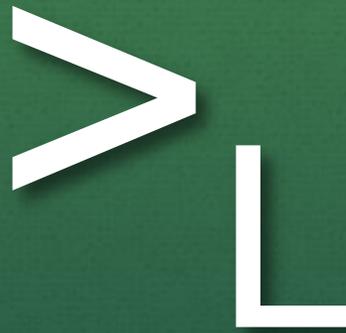
$R_2$  = some other reform to the status quo

# Compare $R_0$ and $R_1$

Two comparisons, two orderings:

1. Ordering in terms of liberty
2. Ordering in terms of desirability

# The liberty operator



$$R_1 \geq_L R_0$$

# The desirability operator

$\succ_D$

$$R_1 >_D R_0$$

# The Liberty Principle

If  $R_1 >_L R_2$ ,  
then  $R_1 >_D R_2$

- Anchored in the status quo.
- Compared to what?

# #3NAP vs Lib. Prin.

*Niche feature:*

Non-aggression principle.

Rather: The liberty principle.

# The Liberty Principle

If  $R_1 >_L R_2$ ,  
then  $R_1 >_D R_2$

100% of the time?

# #4 Axiom vs. Maxim

*Niche feature:* Uphold the liberty principle 100% of the time. Categorical, axiomatic.

Rather: By and large.

# #5 The holiness of the whole

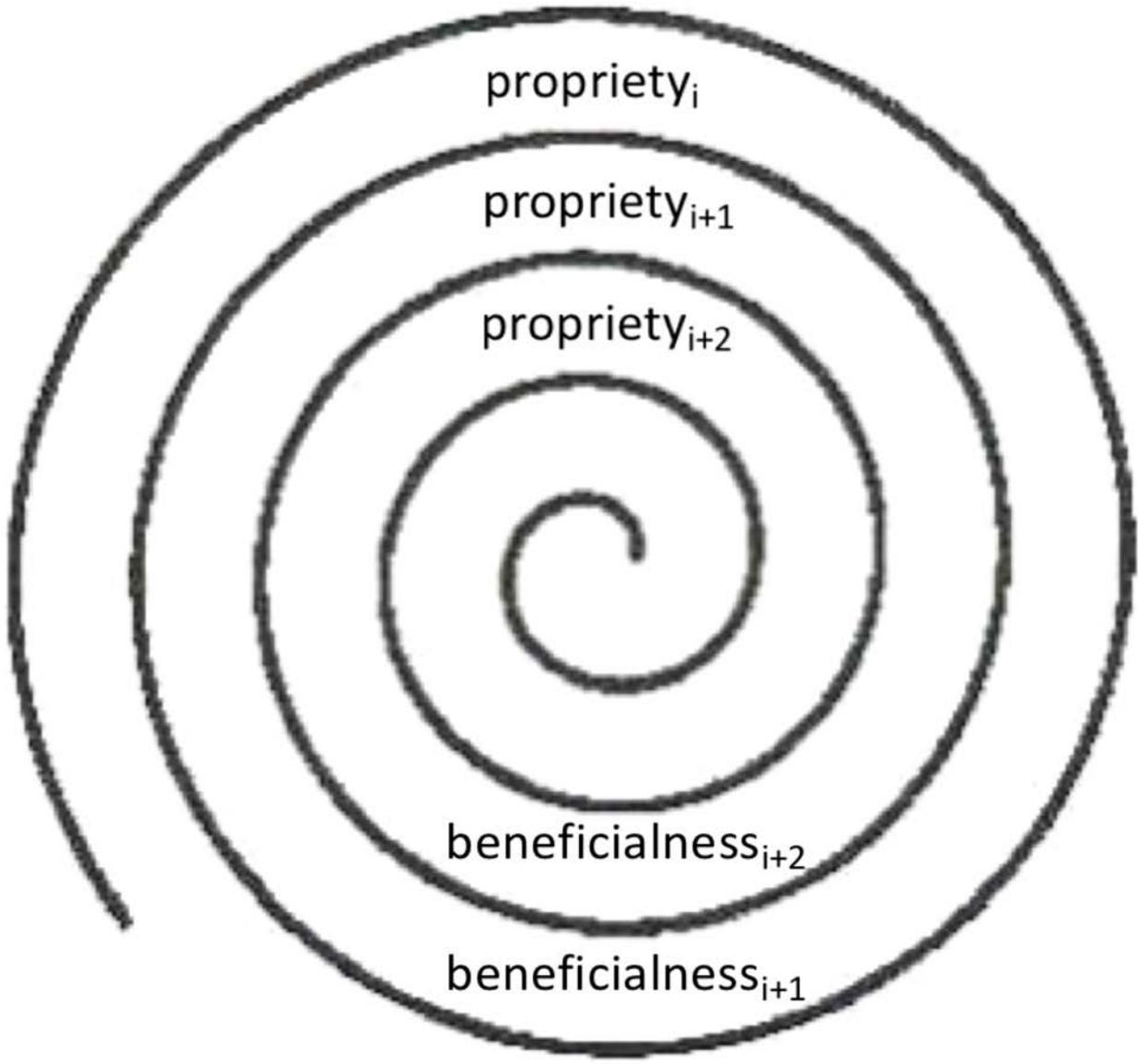
The holiness of the whole: The health of the whole can trump liberty rights.

Defeasibility.

Universal benevolence.

*Niche feature:* Not affirming the holiness of the whole.

Rather: Affirming the holiness of the whole.



# Attitudes toward government

Liberty Maxim: By and large, if  $R_1 >_L R_2$ , then  $R_1 >_D R_2$ .

Government has at least one necessary and important function: dismantling other government functions.

# Two jural relationships

- Equal-equal
- Superior-inferior

The S-i jural relationship is our fate, like growing old and dying.

# #6 Jural monism I: Flattening to one

*Niche feature:* Flattening the two  
into one.

Rather: Embrace jural dualism.

# #7 Jural monism II: “Anarchy”

*Niche feature:* Talking “anarchy”

Rather: Embrace jural dualism.



“Ideals are peaceful. History is violent.”

Evil is not only top-down; also bottom-up (family, clan, tribe, gang, fief, barons/lords, local govt, religious sect, ethnicity) and side-to-side (raiding, invasion, conquest).

Many nation-states have augmented overall liberty.

The nation-state is our fate.



Daniel Hannan:

“It is extremely rare to find justice, freedom, or representative government flourishing in any context other than a nation-state.”

We learn by appreciating the best ones.

# #8 The nation-state

*Niche feature:* Lack of acceptance of nation-state, and appreciation for better ones.

Rather: Acceptance and appreciation.

# The Liberty *Maxim*

*By and large,*

if  $R_1 >_L R_2$ ,

then  $R_1 >_D R_2$

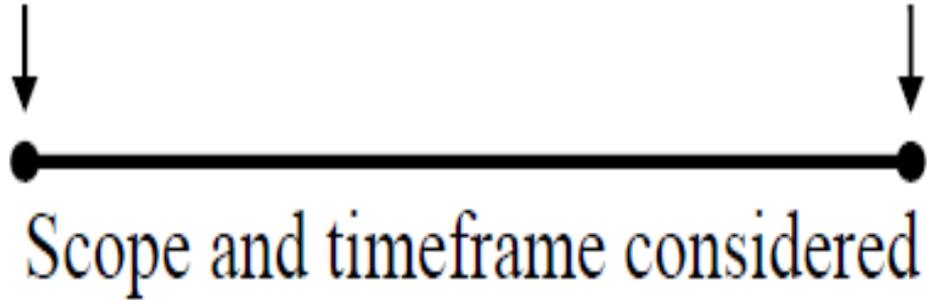
Can we make some sense of the exceptions?

# Some examples

- 1776? 1861? WWII? Korean War?
- Legalize bazookas?
- Open borders?
- Liberalize certain financial transactions?
- Banning lead from gasoline?
- Curfew during riots?

Direct facets only

Overall effects



# Liberty effects of $R_1$

- Direct effects (or facets)
- Indirect effects
- Overall: Direct and Indirect

# Two liberty operators

- $\forall_{DL} (= \forall_L)$
- $\forall_{OL}$

# Disagreement

$$R_1 >_{DL} R_2$$

and

$$R_2 >_{OL} R_1$$

# Will the real Liberty please stand up?

Direct-liberty operator:

- + Much more concrete and determinate.
- Only part of the liberty story.

Overall-liberty operator:

- + The whole liberty story.
- Much less concrete and determinate.

# #9 Disagreement between direct and overall

*Niche feature:* Evading or denying  
disagreement.

Rather: Facing up to disagreement.

Conservatives often better attuned to  
disagreement.

# Adam Smith's exceptions

Many of Adam Smith's exceptions to the liberty principle have overall-liberty justifications:

- Nightwatchman state
- Navigation Act
- Restriction on small-denomination notes
- Schooling (especially vague)
- Opposition to polygamy

# #10 Political feasibility

$$R_1 >_{DL} R_2 >_{DL} \dots >_{DL} R_{16} >_{DL} R_{17} >_{DL} R_0$$

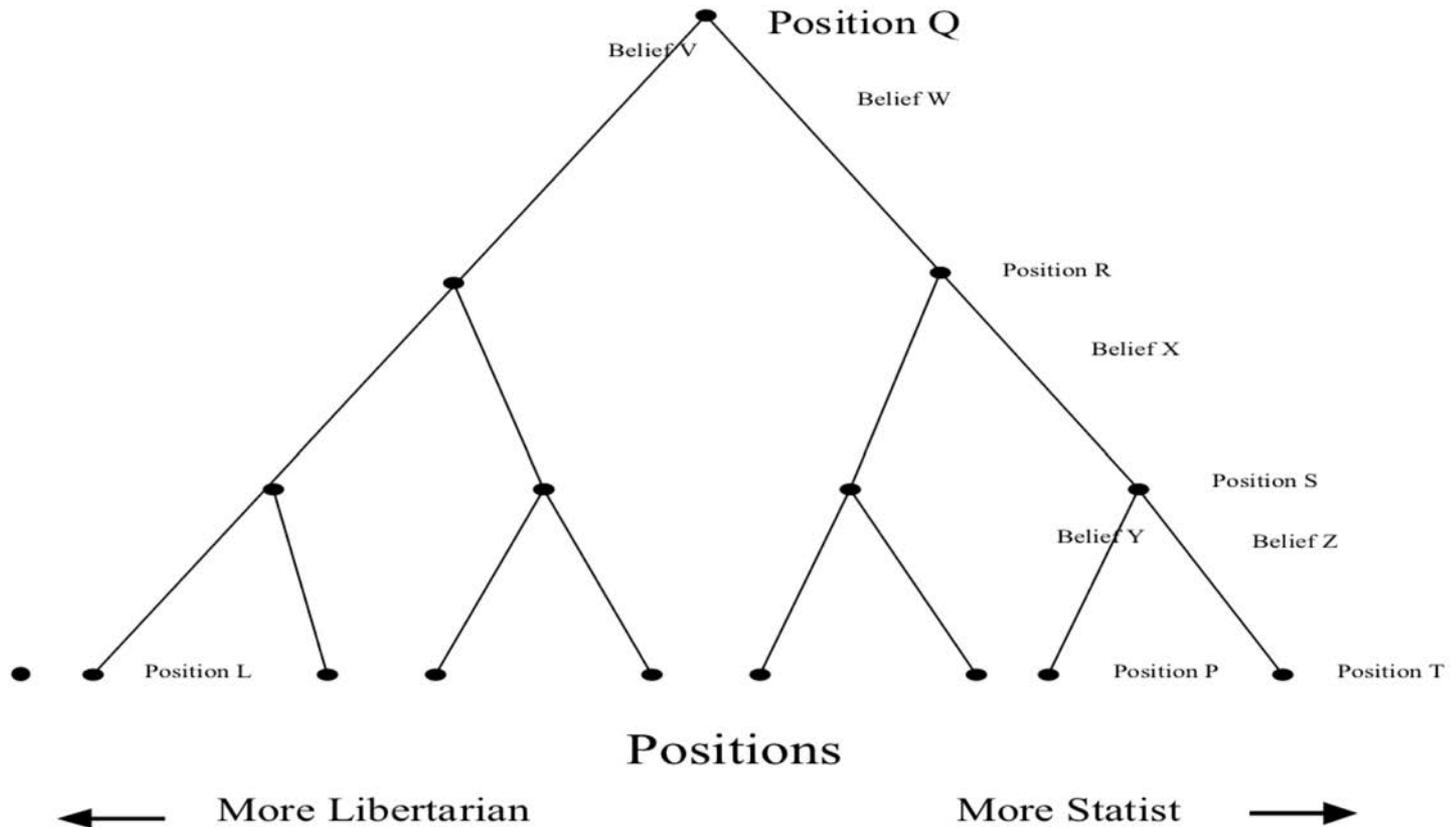
$$R_1 >_D R_2 >_D \dots >_D R_{16} >_D R_{17} >_D R_0$$

But suppose  $R_{17}$  is by far most politically feasible.

*Niche feature:* Depreciating that  $R_{17} >_D R_0$ .

*Rather:* Appreciating that  $R_{17} >_D R_0$ .

# Challenging vs. bargaining



Bargainer begins by challenging Belief Z.  
Challenger begins by challenging Belief W.

# #11 Appreciating bargaining

*Niche feature:* Depreciating  
bargaining.

Rather: Appreciating  
bargaining.

# #12 'radical'

*Niche feature: Savoring 'radical.'*

Rather: Chariness toward 'radical.'

# Another presumption

Presumption of liberty

Presumption of the status quo

The two stand together against reforms that reduce liberty.

But they conflict on reforms that augment liberty!

# #13 Presumption of the status quo

*Niche feature:* Neglecting or deny the presumption of the status quo.

Rather: Giving a due place to presumption of the status quo.

# Smith's distinction between the science of a legislator and the art of liberal politics

- “the science of a legislator” represented by WN
- Art of liberal politics, practiced by that insidious and crafty animal

# #14 Art of liberal politics

*Niche features:*

1. Not seeing Smith's distinction.
2. Small regard for art of liberal politics.

Rather: Appreciation for the art of liberal politics.

# #15 Calling leftists 'liberal'

*Niche feature:* Calling leftists 'liberal.'

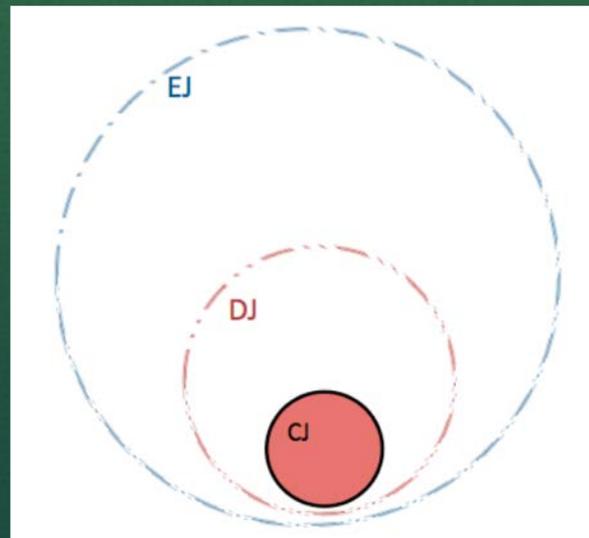
- Working the 'liberal vs. conservative' discourse to brand a third type, *libertarian*.

Rather: Not calling leftists 'liberal.'

# #16 The justices

*Niche feature:* Flattening justice down to commutative justice.

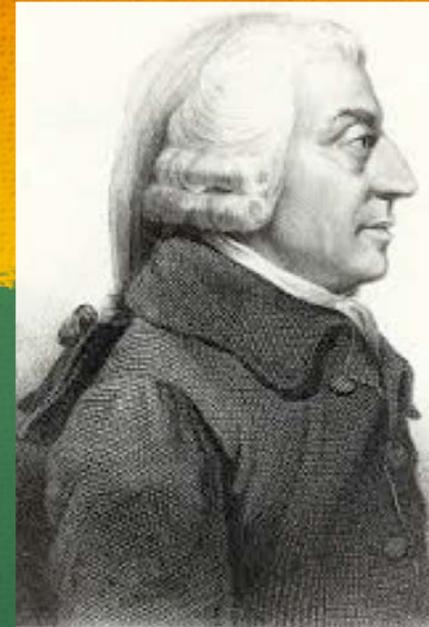
Rather: Seeing and embracing three justices.



Up from niche  
libertarianism

Up to better  
liberalism/libertarianism.

# Mere



- Attuned to:
  - paradoxes of government
  - limitations of the liberty principle
  - complications
  - “operose machines”
- Yet affirms the liberty principle, the semantics of liberalism 1.0, the presumption of liberty.
- Overcomes brittleness, rigidity, dogmatism, sectarianism, scientism.

# Lifecycle of a libertarian

Often, niche libertarians are becoming.

Especially if they are young.

Thank you for your attention.