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If You Can't Knock Down Left-Libertarianism, Knock Down Straw

Kevin Carson

2 October 2015

Somehow left-libertarianism (or at least my article “What Is Left-Libertarianism?” Center for a Stateless Society, June 15, 2014) has come to the attention of Heather Johnson, a Libertarian candidate for Senate in Minnesota. And not in a good way. “Left-libertarianism,” she says on her Facebook page, “is as much bull**** as right-libertarianism,” because it “violates... the non-aggression principle.” She goes on to define “self-ownership” as the “next most-important thing” (she doesn’t explicitly accuse left-libertarians of violating this one, but from the context it’s a safe guess it’s implied). Self-ownership — apparently in contrast, in her mind, to some unstated tenets of left-libertarianism — means “every individual owns their own bodies, minds, properties, and labors (not the collective) to barter, trade, sell as they please without interference from others or entities and groups, even government.”

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Retrieved on 24 June 2017

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Although she encourages individuals to “act as humanists and voluntary help others,” nevertheless “force, fraud, and coercion of any kind to do so, is no longer libertarian in nature.” Self-ownership and the non-aggression principle, she concludes, are “extremely important and non-negotiable” aspects of libertarianism. And anything without those two principles, she elaborates in a comment under the original post, is “no longer libertarian.”

The problem is that at no point in all this does she point to a single particular in which left-libertarianism actually contradicts either self-ownership or the non-aggression principle. The closest she comes, in a similar comment on the same day under my C4SS article itself, is to argue that “socialism and communism” (according to her own made up definition) violate them: “Socialism and communism both push for collective ownership of labor, bodies, and minds. This is not libertarian as it requires at some point force, coercion, or fraud against those who disagree.” And apparently left-libertarianism is unlibertarian because, she reiterates, “[s]tating via government that people do not in full own their bodies, minds, and labors is force and thus a violation and cannot be libertarian.”

I can’t let this pass without at least mentioning the ahistorical nature of her definition. The origins of socialism, in the early 19th century, were closely intertwined with those of classical liberalism. The so-called “Ricardian socialists” of the 1820s and 1830s were simply economists who drew radical conclusions from the findings, in the political economy of Smith and Ricardo, that rent, interest and profit were deductions from exchange value created by labor. Some of these socialists, like Thomas Hodgskin, were in fact radical free market advocates who believed that eliminating artificial property rights, privileges and state-enforced monopolies would cause rent and profit to dwindle to near-zero under the influence of market competition, so that wages in the free market would equal the worker’s full labor-product.

Nevertheless, even stipulating her definition, it only shifts the problem back one step because she simply implies that left-

libertarianism fits her definition of socialism without pointing to any particulars in my actual article.

That leaves me with the task of attempting to guess, by reading between the lines, what her specific objections to left-libertarianism on self-ownership and non-aggression grounds might be.

One guess, based on her stress on property as something that can be owned only by “individuals” and not “the collective,” is our avowed respect for customary property that is vested in collective or communal bodies, and our affinity for thinkers like Elinor Ostrom and the commons-based property regimes her scholarship focused on. If that’s a problem for Johnson then she has a problem with the real history of actual human beings and the endless variety of voluntary arrangements they’ve made with one another since long before the first states ever came into being. The communal open-field village, which survived into early modern times in England before the state in league with the big landlords stamped it out, and which appeared in forms ranging from the Russian Mir to the Israelite Jubilee system, was the almost universal model of neolithic social organization for self-governing communities from the time of the agricultural revolution to the rise of the first states. And where it has ceased to exist, it has done so almost universally as the result of suppression by state force.

And if Johnson has a problem with collective property she must also have a problem with the corporation. The plant, equipment and other assets of a corporation are not the property of the shareholders, either severally or collectively, but — and this is well-established under both statute and case law — by an imaginary collective entity called the corporation, which exists in its own right apart from the shareholders and is represented solely by the management team and Board of Directors. In other words the shareholder corporation is just as much a collective entity as Gosplan.

The only other specific problem I can think of that Johnson might have with left-libertarianism is suggested by her emphasis on “intellectual property” [sic] and her repeated references to the unacceptability of collective ownership over “the human mind.” If this is the case then it’s she who deviates from the libertarian principles of self-ownership and non-aggression. If anything constitutes ownership of the human mind by another, it’s “intellectual property.” If anything requires government aggression and invasion of individual sovereignty to enforce, it’s “intellectual property.” So-called “intellectual property” is nothing but a monopoly on the right to arrange things in a particular pattern. It is not a right of ownership over one’s own physical labor-product, but a right to obstruct anyone else from producing a similar product even though the original product remains unmolested in the physical possession of its creator. “Intellectual property” is the right to prevent someone else from doing certain things with their own physical property. Unlike legitimate property, which is based on the physical possession of one’s own labor product and can be enforced simply by upholding that continued possession, “intellectual property” requires invading the physical space of other people and actively disrupting their use of their own physical possessions.

And in purely practical terms, “intellectual property” is enforceable only with a draconian increase in intrusive state power far beyond anything previously required. Without regulatory prohibitions on a whole range of technical features of hardware aimed at preventing the circumvention of Digital Rights Management (DRM), without government seizures of domain names and servers and the Digital Millennium Copyright Act (DMCA) takedown notices utterly incompatible with common law standards of due process, contemporary copyright law would be a dead letter.

I state, without qualification, that anyone who advocates “intellectual property” in any way, shape or form is to that extent, not only not a libertarian, but an enemy of human freedom.

But maybe it’s neither of those two particular things. Maybe she assumes, like many right-leaning critics of left-libertarianism, that because we consider ourselves anti-capitalist and oppose things like corporate power and growing inequality of wealth, we must therefore favor government intervention in the market to stop these things from happening. If so, it’s an unwarranted assumption.

American politics is framed, on most of the mainstream Right and Left alike, around the assumption that the concentration of wealth and economic domination by big business are the normal and spontaneous results of an unregulated market, and that those outcomes can only be prevented by government action. The mainstream Right typically treats growing inequality and corporate domination as good things, and opposes government intervention; the mainstream Left treats them as bad and favors more government intervention to stop them. But on the underlying assumption, they’re agreed.

But just the opposite is true — a point which one of the main focuses of the left-libertarian message. We don’t favor government intervention to reduce the inequality of wealth or to rein in out-of-control corporate power. The main thing government does is enforce the artificial property rights, monopolies and artificial scarcities from which the propertied classes draw rents, and subsidize big business and protect it from competition. We want government to stop doing these things. What we have right now is a capitalist state — and we want to destroy it.