

The Status Quo Bias Of Libertarians

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By definition no consistently anti-statist libertarian believes that government property is legitimate. The state, by its very nature, cannot be meaningfully consented to; its claims to ownership are the claims of a ranting madman armed to the teeth and soaked in blood.

It is also broadly recognized that, because the state is aggression at its very core, many acts against it are justified as defense. Some take this to mean that assassinating say the entire New York Police Department would not only be justified but valorous. Yet however repugnant and perhaps irredeemable police are they are in some meaningful, if remote, sense human beings with agency. Killing an agent, an individual mind, unquestionably constitutes violence, regardless of whether one claims it's justified. (Disclaimer: This article will use "justified" in a broad moral sense, avoiding contextual arguments about strategic optimality, public relations, etc. The question of whether something is "justified" should not be taken as equivalent to a call to do it.)

The more thorny question however is whether the destruction of state property constitutes *violence*. Everyone with a conscience — that is to say all anarchists — would agree that breaking police windows, cutting border fences, pouring fake blood on draft records are generally justified or morally permissible acts. But that does not remotely resolve whether or not they constitute "violent" acts. Violence is frequently seen as justifiable in defense, and the state is inherently an aggressor.

Most anarcho-pacifists that I've known, including staunch Quakers and trainers of non-violent activism, do not classify these as violence. Indeed the philosophical indistinguishability between the destruction of draft records and the destruction of police windows is the canonical example always given to emphasize just how warped and arbitrary our instinctive and socialized notions of violence are. The emphasis for most of these pacifists is how attenuated physical property can become from actual human bodies and agents. To break someone's wheelchair is clearly to do violence to *them*, but those of a more communist bent can be seen as extreme skeptics regarding claims of bodily or agential continuity beyond the most immediate physical augmentations. Your wheelchair might be an extension of your body, in their minds, but your car, house, or factory, wouldn't be. Where people personally draw the line is usually a product of their environment; if you can't imagine ever being rich enough to own a car or a house then the idea of seriously seeing such possessions as an extension of yourself and your agency is preposterous. This leads to a kind of immediatism — the most extreme variants of which classify just about any distance from your active personal use as "abandonment." And such limited notions of property of course

leaves communists extremely unprepared for an egalitarian world of plenty but not yet post-scarcity, where working on a project larger than your immediate person isn't inherently an act of pilfering from the poor.

As a proponent of technological development and augmentation I defend far more expansive notions of property. The projects that we undertake can and should extend far into the world, rivulets of agential action flowing out in complex ways beyond our immediate biological bodies, and their integrity from disruption is of ethical importance. While the assignment of property titles in society is a complex subject, a major motivation behind property is to respect the ramifications of bodily autonomy.

Thus why most libertarians assert that violations of property constitute violence. While obviously different in severity, to break someone's window is thus seen as in the same category as breaking someone's bones. And, again, there is some substance to this. Breaking someone's crutches is surely on par with direct physical assault. To destroy, steal or just interfere with someone's livelihood or tools necessary to survive is a stark and important violation. If you ran up to a poor person's home and busted in their windows you'd be consigning them to cold nights. That's very clearly violence.

Of course by the time you get to corporate storefront windows the notion of bodily extension has broken down quite a bit. Putting aside whether it's even meaningful to speak of stockholders collectively "owning" something, at best the harm is marginal and diffuse across multiple individuals, akin to the act of polluting. And yet libertarians almost across the board retain a very strong intuition that breaking corporate storefront windows constitutes violence and they claim this is because it's a violation of someone's property title. Fair enough.

But once you abstract the definition of violence in terms of property titles you're suddenly left with the issue of *which* titles.

If you ask most libertarians whether breaking a *police* window constitutes violence they will claim that it does. Broadly *justified* violence — although some will quibble over ideal strategies of outreach and resistance — but violence nonetheless.

While libertarians are to be commended for recognizing that physical resistance is justified against the state, their categorization of breaking police windows, cutting border fences, and pouring fake blood on draft records as "violent" directly implies an acceptance of the state's claims of ownership.

There are an *infinite* number of invalid property claims. I can claim to own the whole world, but if you kick a rock while climbing Mount Everest that clearly wouldn't constitute violence. Anyone can claim anything about the allocation of property titles. In fact different individuals typically have different registries or ledgers in their head of property titles they consider legitimate.

The fact that many people defer in some sense to the arbitrary registry of property titles that the state recognizes and enforces at gunpoint is hardly a case for thus allowing the state to define what constitutes violence (or legitimate property).

Even if you consider violence and property neutral terms whose relevance to ethical evaluations is strongly contingent (much as 'killing' is neutral in comparison to 'murder') there's still little reason to surrender those concepts or terms to something as arbitrary and contentless as "whatever the state says".

The last refuge a person could turn to is objective theories of value — claiming that breaking a police window, cutting a border fence, or pouring blood over draft records constitutes violence because this destroys the objective value of the objects at hand, even if their ownership is un-

der dispute. But of course value isn't objective. One person's "useful fence" is another person's "worthless obstacle." Just because the state poured millions of dollars into building a mud pie on the border doesn't make that mud pie more useful than a different distribution of mud might be. The window, the fence, the draft records used by the state are not valuable in and of themselves, but only in their relation to other people, and they clearly are far more useful — or that is to say valuable — "destroyed" than maintained. Sure it might be in some limited sense *more* optimal for someone to under the cover of night intrepidly uninstall the window panes of a police station and gift them intact to literally anyone else with a use for windows in some generic fungible sense, but there's far less risk to human life involved in quickly breaking them instead.

Clearly as state property is both illegitimate and far removed from anyone's extended sense of body, destruction or "rearrangement" of state property cannot in any sane sense be considered "violence."

So why do so many ostensibly anti-state libertarians instinctively and repeatedly define and refer to such as violence? Even when they admit that such is *justified*?

I think this issue illustrates the deep and systematic bias towards the status quo in libertarian politics. Particularly the coercively enforced status quo in property assignment. Libertarians may (rightfully) object to communist obsessions with immediate possession, but when it comes to the property claims of the vast majority of the world's wealth, claims deeply and inextricably dependent upon centuries of systematic and sweeping imperialism, slavery, genocide, enclosures, theft, etc, libertarians desperately want to avoid the conclusion that almost no title recognized today by the ruling legal system is rightfully claimed.

Many years ago I saved a South African ancap from an escalating argument in an antifascist bar in Berlin. Over the following days we talked at length about property theory and the myriad mechanisms of state subsidy — ultimately I quizzed him on the roots of his own family's upper middle-class wealth. Months later he emailed me, conceding that his wealth was indeed clearly the product of state violence and by basic ancap theory he owed it to the victims of apartheid and state terror, or at least said victims had no substantive reason to respect his claims. But his response wasn't to embrace far more strenuous ethical commitments or obligations upon his life, or even in any way to seek to apply his privilege and ill-gotten-gains to seriously help others. No, his response was to become a liberal. To explicitly give up on political radicalism and embrace a sedate middle-class politic, to make peace with the state's brutality and assuage his residual guilt with welfare systems he knew damn well avoided real solutions in order to maintain the current order.

While there are sincere libertarian radicals who are willing to bite bullets and concede economic privilege — just as there are poor libertarians who see the value of markets and consensual economic collaboration despite having been personally robbed by systematic oppression in our supposedly "free market" — there nevertheless remains in libertarianism as a movement an overwhelming bias towards the sedentary values of the upper middle class. The conclusions of any consistent libertarian theory are intensely radical, and yet libertarianism as a movement is intensely devoted by default to the status quo, at best dragged kicking and screaming to what few radical deviations they finally accept. There is a reason that the public image of libertarianism is "Republican who relented to legalizing weed". Libertarians treasure their various iconoclasm, but from the vantagepoint of a full-blown anarchist they usually collect them stingily, each in relative isolation. And this leads to a systemic bias towards the status quo.

When such a bias is endemic to a movement it becomes part of the character of the movement — regardless its ostensible ideological planks — and said bias becomes part of how the movement recruits. Despite denunciations and expressions of horror from prominent libertarian academics or leading figures at the infestation of right-wing and indeed outright fascist tendencies within libertarian ranks the movement’s association with conservatism is no coincidence, but something structurally reinforced by a culture of clutching to the status quo. This is exactly conservatism: believing the existing arrangement of things to be a good default, a thing best left largely alone rather than overturned for radically new alternatives.

A skepticism or reticence to norm-perturbing conclusions can in some cases be a valorous heuristic, the world is a complex place and if we immediately leaped into action in response to every remotely persuasive argument we would no doubt quickly replicate horrors. Vigilance is always called for. But vigilance must go both ways, not merely skepticism of new assertions or systemic evaluation of our strategies and tactics, but aggressive, critical inquiry into every aspect of the existing order and the passive assumptions, habits, and context that we swim in. Because we are all of us swimming in blood. Our world is drowning in it — real direct inarguable violence upon people’s bodies. And however placid things may feel in a college library in a middle-class suburb, we are not removed from it. It soaks us too.

Sure, most may get the issue of *legitimacy* correct, and that is by far the more important topic. But this confusion over how to apply the term “violence” is deeply illustrative. The instinctiveness by which libertarians privilege the property titles recognized by the state as the default perspective is, frankly, astonishing and arresting. If another kid steals your bike and you pick it up abandoned from their front yard in no productive definition of the term have you committed “violence” to them, however loudly they may declare the bike theirs.

When Palestinian protesters damage an Israeli border fence, in no remotely humane sense are they committing “violence.”

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