

20th Century Libertarianism

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OVERVIEW

Libertarianism is a radical political doctrine that prioritizes individual property rights over other political values, claims that the state should only fulfil some minimal functions or perhaps even be non-existent, and emphasises markets as creators of spontaneous order. In this seminar, we will look at the diverse history and philosophical arguments behind libertarianism. On the history side, we will deal with the “neoliberals” (Hayek, Friedman), the anarcho-capitalists (Rothbard), the “objectivists” (Rand), and the libertarians of the Internet Age (e.g., Julian Assange). On the systematic side we will focus, amongst other things, on Robert Nozick’s attempt to defend a version of libertarianism, recent attempts to develop an alternative left-libertarianism, and various critiques of the view one might offer. We might also focus on some applied question arising in libertarianism.

REQUIREMENTS

Credit Points

One ECTS credit point is generally thought to equal around 30 hours of student workload. Using this formula, this is how you will earn two credit points:

Attendance at seminar	20 hours
Required readings and literature review (10 texts, 2½ hours for each text)	25 hours
Preparing an essay or presentation	15 hours
Total	60 hours = 2cp

Unfortunately, many students underestimate how much work a Blockseminar is. So please start preparing early. This will be a demanding course, but you’ll also learn a lot about issues that are politically relevant to this day.

If you wish to take this seminar for more than 2 credit points, you will need to write a Hausarbeit (see below). As a rule of thumb, I will expect a Hausarbeit to be 5,000–8,000 words, depending on the amount of credit points taken.

Required Readings and Literature Review

You will find a number of readings marked with two asterisks (**). These are required readings that I expect you to read (care)fully, as they form the basis of the whole seminar.

Before the seminar starts, you need to send me a **literature review** of all (**)-marked readings. (Note: you can choose two readings freely, see below.) In your literature review, you should briefly summarise the main claims of each of the papers. You should also add some comments about or critique of the paper in question. From reading your reviews, I must get the impression that you have read the papers, grasped their central points, and given critical attention to them. There's no set word limit, but a good review of each paper is usually around 200 words.

Deadline: the day before the seminar, please send per email. If you send your review earlier, I also have a chance to take them into account when preparing for the seminar: for example, if you have questions or critical remarks. *Literature reviews are graded on a pass/fail basis.*

Overview: Required Readings	
1. Session 2	Hayek, "Creative Powers of a Free Civilization"
2. Session 2/3	Reader on Libertarianism, texts 1-7
3. Session 5	Nozick, <i>Anarchy, State and Utopia</i> , ch. 3
4. Session 6	Nozick, <i>Anarchy, State and Utopia</i> , ch. 7, sec. I
5. Session 8	Huemer, <i>The Problem of Political Authority</i> , ch. 2
6. (your choice)	One of the * readings from session 4, 7, 9 or 10.
7. Session 12	Harvey, <i>A Brief History of Neoliberalism</i> , ch. 1
8. Session 14	Vallentyne, "Left-Libertarianism – A Primer"
9. Session 17	Nagel, "Libertarianism without Foundations"
10. (your choice)	One of the * readings from session 11, 15, 16, or 18.

Presentations

In some sessions, there will be slots for student presentations. Presentations should be short (around 10 mins.). Keep them easy and accessible. Your presentations should highlight one central point or argument to your fellow students. They should not be summaries of the literature: it's your job to extract the central point from the papers you read, and then not bore your students with the details.

Deadline: 4 December, per email. I expect your presentation by this date (slides plus notes). I will send you feedback on your presentation, and I expect you to change your presentation accordingly before the seminar. If you are not planning to use slides, please send me notes on your presentation, or your planned handout. *Presentations are graded on a pass/fail basis.*

Short Essays

Students who do not present will have to write an essay on a topic from the reading list, engaging with the literature for that topic.

Essays should be 1,500–2,500 words long, and the deadline for them is **9 December**. *Essays are graded on a pass/fail basis.*

In your essay, I expect you to give an independent argument for a narrow claim. This excludes two kinds of papers from being acceptable: first, papers which do not defend any claim, but are primarily summaries of the literature, or a collection of unconnected observations. Second, a good philosophical essay makes an *argument*: it offers the reader *reasons* to believe what the author proposes. Thus, a good paper is not merely a retelling of one's opinion, or a rhetorical appeal to some authority. Rather, it progresses from clear premises through a number of transparent steps to a conclusion.

If you want to know more about how to write a philosophy essay, please check <http://www.matthiasbrinkmann.de/slides/guide.pdf>.

Hausarbeiten

If you want to write a *Hausarbeit*, we will decide together on a topic and the particular shape of the project you want to undertake. The topic must be roughly related to the seminar topic, but does not have to be from the topics on the seminar list. It is best that you have a rough idea of what you want before the seminar, so that we can talk about it while we're in Bayreuth.

There will be **three strictly enforced deadlines**: 31 December for the decision to write a *Hausarbeit* and a one-page proposal (required—I will not accept Hausarbeiten after this date), 28 February for handing in a draft (optional), and 31 March for the finished version.

TIMETABLE

Times are flexible, and we will adjust them as we go. The timetable includes shorter breaks. Note that all times are *sine tempore* (s.t.).

Friday	
12.00–12.30	Introduction
	L 1. Overview
12.30–14.30	I. Classical Liberalism
	P 2. Planning and Knowledge
	E 3. Hayek on The Rule of Law
	P 4. Hayek’s Critique of Social Justice
14.30–16.30	II. Philosophical Libertarianism
	L 5. Moral Foundations
	P 6. Entitlement Theory
Saturday	
10–11	E 7. Self-Ownership and Implications
11–13	III. Anarchism
	P 8. Against the State
	P 9. The Minimal State
(Lunch Break)	
14–15.30	E 10. Alternatives to the State
15.30–17	IV. The Influence of Libertarianism
	P 11. Ayn Rand and Murray Rothbard
	P 12. “Neoliberalism” in the 1980s
Sunday	
10–11	E 13. Cyber-Libertarianism Libertarianism Today
11–13	V. Left-Libertarianism
	L 14. Left-Libertarianism: The Basic Idea
	P 15. Basic Income
	E 16. Historic Injustice
(Lunch Break)	
14–16	VI. Criticism
	P 17. Moral Foundations (Again)
	P 18. Environment and Pollution
	P 19. Freedom
16–16.45	Closing Debate
16.45–17	Feedback

P = student presentation, then open debate
 E = some type of exercise, e.g., group work
 L = interactive lecture

READINGS

Readings marked ** are required readings. Readings marked * are required readings for those giving a presentation or writing an essay on the relevant topic.

Introduction

In this introduction, I will briefly talk about the main features of libertarianism, or rather, the family of views which are often grouped together as “libertarianism”. I will also talk about the main question which will exercise us in this seminar, and the difference between a philosophical, a political, and an historical approach to a text.

1. Overview

Zwolinski, Matt and John Tomasi. *A Brief History of Libertarianism* (manuscript). Chapter 1, “What is Libertarianism?” (Read this chapter if you want to get a general overview before you start.)

I. Classical Liberalism

The most influential thinkers in the early 20th century were a group of Austrian economists, especially Ludwig von Mises and F. A. Hayek. One of the main concerns of these thinkers in the 1930s and 1940s was to argue against the feasibility of socialist planning, and to emphasise the advantages of spontaneous order arising through free markets. We will look at Hayek’s approach to these topics in particular. Hayek’s critique of socialism in the *Road to Serfdom* was particularly successful, especially in the United States, and continues to influence conservative thinkers. Hayek also gave a more principled defence of a limited state in *The Constitution of Liberty*, where he also offered a sustained attack on the modern welfare state. While Mises and Hayek did not call themselves libertarians, they are in many ways the forerunners of the movement, and inspired later libertarian economists like Milton Friedman and Murray Rothbard. We will look at how Hayek attacks socialism and the welfare state, and defends capitalism and free markets.

2. Planning and Knowledge

Questions: What is Hayek’s central claim regarding knowledge? Is there still something to be learned from Hayek’s *Road to Serfdom*?

**Hayek, “The Creative Powers of a Free Civilization”, ch. 2 in *The Constitution of Liberty*

**Reader on Libertarianism, texts 1-6.

*Hayek, “The Use of Knowledge in Society”

Gamble, Andrew. “Hayek on knowledge, economics, and society”

Gaus, “Hayek, Complexity and ‘Classical’ Liberalism”

3. Hayek on the Rule of Law

Questions: What is the rule of law for Hayek? How does Hayek try to draw the boundaries between permissible and impermissible state interference? Does he succeed?

**Reader on Libertarianism, text 7

Hayek, *Constitution of Liberty*, ch. 9–11, 14.

4. Hayek’s Critique of “Social Justice”

Questions: What is Hayek’s strongest objection to social justice? Does it succeed?

*Hayek, *Law, Legislation and Liberty* (1976), vol. 2: “The Mirage of Social Justice”, ch. 9, “‘Social’ or Distributive Justice”

Tebble, Adam James. “Hayek and Social Justice: A Critique.” *Critical Review of International Social and Political Philosophy* 12, no. 4 (2009): 581–604.

*Zwolinski, Matt and John Tomasi. *A Brief History of Libertarianism* (manuscript). Chapter 5, “Cold Hearts and Spontaneous Orders: The Problem of Poverty”.

II. Philosophical Libertarianism

Libertarianism found its strongest philosophical defender in Robert Nozick. In his key work, *Anarchy, State and Utopia*, Nozick defends libertarianism on the basis of a rights-based (deontological) morality, and he adopts Locke’s theory of property acquisition to defend strong, fundamental property rights. Other attempts to defend libertarianism—e.g., on the basis of a “Non-Aggression Principle”—are also possible, but less convincing. We will look at Nozick’s main ideas, and how they fit into larger philosophical traditions stemming from Kant and Locke. We return to some philosophical criticism and commentary later.

5. Moral Foundations

Questions: What is a moral side-constraint? What’s the difference between a morality that accepts such constraints and one that doesn’t? What are other moral foundations for libertarianism?

**Nozick, *Anarchy, State and Utopia*, chapter 3, “Moral Constraints and the State”. (You can ignore the subsection “Constraints and Animals” and the two afterwards (p. 35–47).)

Arneson, Richard. “Side Constraints, Lockean Individual Rights, and the Moral Basis of Libertarianism.” In *The Cambridge Companion to Nozick’s Anarchy, State, and Utopia*, 15–37. Cambridge University Press 2011.

*Otsuka, Michael. “Are Deontological Constraints Irrational?” In *The Cambridge Companion to Nozick’s Anarchy, State, and Utopia*, 38–58. Cambridge University Press 2011. (Use either

of these two articles if you want to get more detail on the idea of rights as side-constraints.)

Bader, Ralf. *Robert Nozick*. Continuum 2010. (The best general-purpose introduction to Robert Nozick.)

6. Entitlement Theory

Questions: What are the core claims of Nozick's entitlement theory?

**Nozick, *Anarchy, State and Utopia*, chapter 7, sec. I, "The Entitlement Theory".

*Vallentyne, Peter. "Nozick's Libertarian Theory of Justice." In *Cambridge Companion to Nozick's Anarchy, State, and Utopia*, 145–67. Cambridge University Press, 2011. (Use this if you want to get a general overview of Nozick on justice.)

Simmons, John. "Original-Acquisition Justifications of Private Property." *Social Philosophy and Policy* 11, no. 2 (1994): 63–84.

Wenar, Leif. "Original Acquisition of Private Property." *Mind* 107, no. 428 (1998): 799–820.

7. Self-Ownership and Implications

Questions: Do we own ourselves? What would libertarianism practically entail?

*Mack, Eric. 2002. "Self-Ownership, Marxism, and Egalitarianism Part II: Challenges to the Self-Ownership Thesis." *Politics, Philosophy & Economics* 1 (2): 237–76.

*Cohen, G. A. *Self-ownership, Freedom, and Equality*. Chapters 8, 9.

Flanigan, Jessica. "Three Arguments against Prescription Requirements." *Journal of Medical Ethics* 38, no. 10 (2012): 579–86.

III. Anarchism

One of the biggest dividing lines amongst libertarians is the question whether a minimal state—the famous "night-watchman state"—is needed and legitimate, or whether libertarians should oppose any form of centralised exercise of power. Many libertarians have argued that on moral or economic grounds (or both), libertarians should be anarchists. We will look at the arguments supporting this claim, and alternatives to the state that anarchist libertarians have suggested.

8. Against the State

Questions: Is a consistent libertarian also an anarchist? What is the strongest argument for anarchism?

**Huemer, *The Problem of Political Authority*, ch. 2

Huemer, *The Problem of Political Authority*, ch. 5

*Rothbard, *The Ethics of Liberty*, ch. 22.

*Simmons, John. 2005. "Consent Theory for Libertarians." *Social Philosophy and Policy* 22 (1): 330–56.

9. The Minimal State

Questions: How can a libertarian defend the (minimal) state? What is the best way to defend such a state? Which functions does it fulfil?

*Maloberti, Nicolas. "Libertarianism and the Possibility of the Legitimate State." *Libertarian Papers* 1, no. 4 (2009): 1–12.

*Mack, Eric. 2011. "Nozickian Arguments for the More-than-Minimal State." In *The Cambridge Companion to Nozick's Anarchy, State, and Utopia*, edited by Ralf Bader and John Meadowcroft, 89–115. Cambridge: Cambridge University Press.

Nozick, *Anarchy, State and Utopia*, chapter 2.

10. Alternatives to the State

Questions: If we reject the state, what alternative solution should we accept? How can law and order be provided in an anarchist society?

*Friedman, David. "Private Creation and Enforcement of Law: A Historical Case." *Journal of Legal Studies* 8, no. 2 (1979): 399–415.

Powell, Benjamin, and Edward Stringham. "Public Choice and the Economic Analysis of Anarchy: A Survey." *Public Choice* 140, no. 3–4 (2009): 503–38.

*Huemer, *The Problem of Political Authority*, ch. 10

IV. The Influence of Libertarianism

While few mainstream politicians were libertarians in the narrow sense, aspects of libertarian thought has had a tremendous influence on the development of modern politics, especially through Margaret Thatcher and Ronald Reagan. Left-wing critics have often labelled the staunch free-market reforms starting from the 1980s "neoliberalism". In this section, we will look briefly at how libertarians influenced policy-making, and whether the label "neoliberalism" is useful. We will also discuss what popular impact libertarianism might have had.

11. Popularisers: Ayn Rand and Murray Rothbard

Ayn Rand and Murray Rothbard were important popularisers of libertarian thought. Rand, a novelist and Hollywood script writer, argued for an idiosyncratic view she called "objectivism", based on a form of ethical egoism. Rothbard was an economist in the Austrian tradition who argued for an extreme version of anarcho-capitalism. While both Rand and Rothbard had comparatively little impact on academia, they had a huge impact on the libertarian movement.

On Rand

*Rand, Ayn. “The Objectivist Ethics” (in the Reader)

*Rand, Ayn. “Man’s Rights” and “The Nature of Government”
(both in the Reader)

Corey, Robin. “Garbage and Gravititas” (in the Reader)

Nozick, Robert. “On the Randian Argument”

On Rothbard

Rothbard, *The Ethics of Liberty* ([Link](#)). Have a look at any of the chapters in part II or III.

12. “Neoliberalism” in the 1980s

Questions: What is “neoliberalism”? Is it a useful term, or just a vague insult used for political developments people don’t like? What are the main ways how “neoliberal” ideas became influential in the 1980s?

**Harvey, David. *A Brief History of Neoliberalism*. Oxford University Press 2005. Chapter 1, “Freedom’s Just Another Word ...”.

*Jones, Daniel Stedman. *Masters of the Universe: Hayek, Friedman, and the Birth of Neoliberal Politics*. Princeton University Press 2012. Especially Chapter 6, “Economic Strategy: The Neoliberal Breakthrough, 1971–84”.

Crouch, Colin. *The Strange Non-Death of Neoliberalism*. Polity 2011.

13. Cyber-Libertarianism in the 1990s (and 2000s)

Questions: Does it matter that many of the founders of the internet were libertarians? Is the internet inherently anti-government? Is cyber-libertarianism dead?

*Reader on Libertarianism

Libertarianism Today

Debate: Is libertarianism in the ascendancy, or slowly dwindling away? If you are a libertarian, how should you aim to realise your goals?

*Reader on Libertarianism

V. Left-Libertarianism

While libertarianism is often perceived as a “right-wing” movement, some thinkers have emphasised that it needn’t be. Some anarchists have opposed the state and modern capitalism. More importantly for us, some analytic philosophers have recently argued that

14. Left-Libertarianism

Questions: How does left-libertarianism differ from right-libertarianism? Is left-libertarianism coherent? What does it advocate?

**Vallentyne, Peter. "Left-Libertarianism – A Primer", in Vallentyne/Steiner (eds.), *Left-Libertarianism and Its Critics: The Contemporary Debate*, 1–20. Palgrave 2000.

Fried, Barbara. "Left-Libertarianism: A Review Essay." *Philosophy & Public Affairs* 31, no. 1 (2004): 66–92.

*Risse, Mathias. "Does left-libertarianism have coherent foundations?" *Politics, Philosophy & Economics* 3, no. 3 (2004): 337–364.

15. Basic Income

Questions: Should a consistent libertarian favour a guaranteed basic income?

*Zwolinski, Matt. "Property Rights, Coercion, and the Welfare State: The Libertarian Case for a Basic Income for All." *Independent Review* 19, no. 4 (2015): 515–29.

*van Parijs, Philippe. 1991. "Why Surfers Should Be Fed: The Liberal Case for an Unconditional Basic Income." *Philosophy & Public Affairs* 20 (2): 101–31.

16. Historic Injustice

Questions: What should libertarians do to counter historic injustice? Does the extreme injustice of human history pose a problem for libertarians?

*Simmons, John. 1995. "Historical Rights and Fair Shares." *Law and Philosophy* 14 (2): 149–84.

*Waldron, Jeremy. 1992. "Superseding Historic Injustice." *Ethics* 103 (1): 4–28.

Kershnar, Stephen. 1999. "Are the Descendants of Slaves Owed Compensation for Slavery?" *Journal of Applied Philosophy* 16 (1): 95–101.

VI. Criticism

Libertarianism was a controversial view the moment it has been first articulated. It has been opposed fiercely (and defended passionately) by both philosophers and political activists. In this section, we will look at some charges against libertarianism which have been brought forth by analytic philosophers.

17. Foundations (Again)

Questions: Does libertarianism rest on flimsy foundations?

**Nagel, Thomas. 1975. "Libertarianism without Foundations." *Yale Law Journal* 85 (1): 136–49.

*Scanlon, Thomas. 1976. "Nozick on Rights, Liberty, and Property." *Philosophy & Public Affairs* 6 (1): 3–25.

Friedman, Jeffrey. 1997. "What's Wrong with Libertarianism." *Critical Review* 11 (3): 407–67.

18. Environment and Pollution

Questions: Can the libertarian account for the wrongness of pollution? Or the urgency of tackling climate change?

*Railton, Peter. 1985. "Locke, Stock, and Peril: Natural Property Rights, Pollution, and Risk." In M. Gibson (ed.), *To Breathe Freely*. Rowman and Littlefield.

*Zwolinski, Matt. 2015. "Libertarianism and Pollution." *Philosophy & Public Policy Quarterly* 32 (3/4): 9–21.

Shahar, Dan. 2009. "Justice and Climate Change: Toward a Libertarian Analysis." *Independent Review* 14 (2): 219–237.

19. Freedom

Questions: Is libertarianism really the doctrine of freedom? Might people be freer under socialism, or in a welfare state?

*Cohen, G. A. 1979. "Capitalism, Freedom and the Proletariat." In *The Idea of Freedom*, edited by A. Ryan, 9–25.

*Wolff, Jonathan. 1997. "Freedom, Liberty, and Property." *Critical Review* 11 (3): 345–57.

Kagan, Shelly. 1994. "Argument from Liberty." In *In Harm's Way: Essays in Honor of Joel Feinberg*, edited by Joel Feinberg, Jules Coleman, and Allen Buchanan.

Closing Matters

Final Debate: What (if anything) can we learn from libertarianism?

Feedback