

The libertarian minimal state: a critique of the views of Nozick, Levin and Rand

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The Libertarian Minimal State?

The concept of limited government libertarianism has lead somewhat of a bandit life in intellectual circles.

This is the view that laissez faire capitalism is the only just economic system, that all men should obey the libertarian axiom of non aggression against non aggressors, a system based on self ownership and private property, and that the sole legitimate function of government is to protect persons and property against force or the threat of force; and that to attain this end the only proper role for government is to maintain armies to keep foreign bad guys off our backs, police to keep local villains from violating our rights, and courts to determine who is the good guy and who is the bad guy.

Nozick

In intellectual circles, the most famous defense of such limited government libertarianism is Nozick (1974). This author argues that even if we begin with the free market anarchism adumbrated by the likes of Rothbard, 1965, 1970, 1973, 1978, 1982; Hoppe, 1989, 1992, 1993a, 1993b; Peden, 1977; Barnett, 1998; Friedman, 1979, 1989 we will still arrive at the position of limited government¹, without violating a single solitary principle of theirs. In other words, free market anarchism is a disequilibrium state, and only limited government libertarianism attains the exalted status of equilibrium.

How is this miracle accomplished? Simple. Assume that there is a government, or a dominant private defense agency, and a group of smaller and anarchistically oriented "defense agencies." What guarantee does the government or dominant corporation have that these smaller

private market court, police and army firms will follow legitimate procedures? It has none. Under anarchy, they are free to do as they please. Therefore, in order to safeguard its own citizens, it will have to seize a monopoly of law, defense and protection of private property away from these potentially tyrannical commercial endeavors. Having done this, however, the dominant firm is honor bound to give something back in return. And this is to extend to them, and to their clients, the same protection it affords to its own clientele: the enshrinement of the libertarian non aggression axiom, and the protection of persons and legitimately owned property.

This thesis, too, has been subjected to withering and exhaustive criticism². For one thing, there can be no such thing as "government" in Nozick's starting off position. There can only be free market defense agencies in this libertarian Garden of Eden. Remember, he is attempting to derive limited government libertarianism from anarchism; he cannot start out with this cloven hoof already in the picture. Of course, there can be a "dominant" defense firm, in the sense that one of the members of this industry is larger than the others, has more wealth, more customers, etc. However, this large firm has no legal inner track as compared to the others. That is, it has no more right to impose its views of what constitutes proper procedure on its smaller competitors than they have to gang up on it, and impose their perspective on the dominant firm. Just because there is a danger that the small firms may one day utilize improper procedures in ferreting out justice does not give a warrant to the larger one to initiate violence against them. If Nozick's contention held water, then we would be justified in engaging in the preventive detention of all black male teenagers, since they typically commit a disproportionately high percentage of all crimes. Certainly, the initiation of violence that the dominant firm will commit on the smaller ones is incompatible with Nozick's supposed derivation of limited government from anarchism

without violating the non aggression axiom.

Levin

Levin (1982) also offers a justification of limited government libertarianism. But if Nozick's is widely known and celebrated, the exact opposite holds true in this case. In his little gem of an article, unjustifiably ignored, Levin offers a unique defense, based on Hobbesian considerations. It is easily as sophisticated as Nozick's, yet it too is a flawed one.

Levin's thesis is that it pays to cede our swords to an emperor sworn to protect persons and property and otherwise uphold the libertarian axiom in a way that it does not pay us to give him our plows. In one fell swoop this philosopher accomplishes two tasks: shows that limited government libertarianism is justified, but that the welfare state (e.g., plows) is not.

Why is it that rational men would undertake the first act, but not the second? It is not, as might be expected, that the sovereign is a better fighter than he is collectivized farmer. On the contrary, Levin specifically disavows this interpretation. Rather, the reason for this divergence is that, in giving up one's sword, a man signals to others his peaceful intentions. Thus, it is not a matter of helping the sovereign to uphold law and order. Were it so, then peace keeping and growing food would be on more of a par. In contrast, there is no such signaling device which ensues when men give up their plows to their sovereign. This, in and of itself, cannot grow wheat, as giving up implements of war can actually, in effect, "grow" peace.

States Levin (1982, p. 341): "The sovereign's fundamental right is to secure us all against attack -- primarily each other's attacks -- and we give him our swords for this security." Just so that there can be no chance of misinterpretation, and because the Levin argument is easily of the intellectual standing of the more well known Randian and Nozickian attacks on anarchy, it is

