

## ***The Contradictions of Libertarianism***

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### **ABSTRACT**

Libertarianism is an ideology which reveals its contradictions when it is implemented. The libertarian denial of the right to what Rawls calls fair quality of opportunity, especially to the right to education, would negatively impact any libertarian society in adapting to its environment. Further, a libertarian society would lead to a caste society and the domination of the political system by an elite primarily interested in protecting its own privileges, not the freedom of the masses.

### **KEYWORDS**

Libertarianism, liberty, equal opportunity, Rawls, adaptation

### **1. *Introduction***

Many political philosophers of the left, right and center have built their theories on arbitrary assumptions, intuitions or prejudices. Some start from the assumption of liberty, others equality, still others virtue and so on. Not surprisingly, they all develop inconsistent theories which cancel each other out. What these philosophers are seemingly oblivious to is the fact that all governments and societies must meet empirical challenges to survive and flourish. Proponents of these theories indulge in abstract conceptual argument and tend to ignore empirical and social science data which is vitally relevant in the field of political philosophy. Since political philosophy is developed to be implemented, facts, social conditions and tendencies must be considered.

Political theorists seem to have forgotten the generally agreed principle that “ought implies can”: if some act or theory of government is presented as

morally correct then it must be possible to do the act or implement the theory in a sustainable manner. That is, a political theory, by its very nature if it is plausible must be capable of being implemented and, if it is a stable and coherent theory, continue in its basic structure indefinitely. If, for various reasons, a theory cannot be implemented or when implemented is unsustainable and tends to corrupt and evolve into something inconsistent with the initial formulation of the theory, then there is a serious flaw in the theory. This, as will be shown below, is the case with libertarianism.

Libertarianism is a political theory which is fundamentally flawed in that it makes claims which are, when implemented, shown to be, in time, contradictory. The claims are not necessarily logically contradictory but pragmatically contradictory. Pragmatic contradiction is here understood as occurring when a theory is put into practice it has the opposite or inconsistent results of what is intended or desired by the adherents of the theory. In other words, the goals of the theory cannot be reached as the theory assumes but rather contradictory goals are reached when the theory is institutionalized.

There are of course different versions of libertarianism but in essence this view holds that persons have certain inalienable rights and that these rights and only these rights must be protected by the government.<sup>1</sup> This basic idea is complex and its full meaning is debated but for present purposes this idea is spelled out in the following doctrines: the right to freedom, the right to self-ownership, the right to property, the right to a free market, and the right to a minimal state to protect these rights. The right to freedom is usually defined as the negative right to non-interference by others in the exercise of one's autonomy; one has a right to action to the degree one does not harm others or restrict their rights. The right to self-ownership means one owns one's body and one's labor and has the right to control it as one sees fit including all forms of sexual relations between consenting adults in private and economic relations in the free market.

Libertarianism stands for not only the separation of church and state, but for greater separation of ethics and politics. They claim that many laws are a

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<sup>1</sup>Machan, Tibor, ed., *The Libertarian Reader*, Totowa, NJ: Rowman and Littlefield, 1982.

reflection of legal moralism, the theory that laws should enforce religious morality to defend many laws such as the condemnation of gay marriage, prostitution, etc., which violates, according to the libertarians, basic human rights. (This aspect of libertarianism is not critiqued here.) The right to property means people have the right to own, transfer, buy and sell property as they see fit. This right is not limited by the poverty or needs of others. The right to a free market means the government cannot restrict the free flow of goods and services, production or prices except to prevent fraud and coercion.

The right to a minimal state means the state cannot be anything like the modern welfare state. The welfare state through various forms of taxation provides social services such as education, health, social security, unemployment insurance, and other services which, according to libertarians, violate property and other rights. The only legitimate state, as the libertarians see it, is the night watchman state which protects the right to life, freedom and property and does not take wealth from the haves and give to the have nots. Libertarians see the welfare state as government essentially stealing money from the wealthy through taxes and giving it to others who do not deserve it. They believe government should simply protect human rights and liberties against criminals and foreign attack, leaving everything else to the personal free decisions of individuals in a free market. Government would be a democratic system which consists of the minimum number of individuals and institutions consisting of the military, police and the courts to protect the minimal rights of the people.

These ideas seem attractive to many but the libertarian theory of government is simplistic, abstract and oblivious of crucial social and human realities. The problems of libertarianism are legion and many have outlined these flaws but what has not been examined are the flaws which emerge when the theory is implemented for it is in the implementation stage that certain realities impinge on the theory and radically reveal its internal contradictions. There are implications of libertarianism in the realm of politics, economy, the military and society which make manifest its weaknesses.

## *2. Meritocracy*

A libertarian society would certainly not be a meritocracy. A meritocracy is a social system which assigns individuals to positions in a society based solely on criteria which enables them to perform their function in the most efficient manner. These criteria usually are intelligence, education, skill, experience, industriousness, motivation and a moral character. These traits have been found to provide for high level of performance in meeting the needs of individuals and society with the least depletion of societal and individual resources.

Meritocracy is crucial because a modern society must maximize the acquisition of knowledge due to its highly scientific and technological nature. A high tech society requires high educational levels and training from most employees, but access to education in a libertarian society would depend on one's social class and economic means. The affluent and middle class could likely afford private education but many of the poor and those from the lower middle class could not and the quality of the education of the affluent would outstrip that of the middle class. This would transform a class society into a virtual caste society, a society with almost no class mobility for many.

Meritocracy requires class mobility for it requires that individuals most qualified fill any relevant position in society.<sup>2</sup> A fully actualized meritocratic society would entail what Rawls calls the "fair equality of opportunity" to education but libertarianism supports only a formal equality of opportunity.<sup>3</sup> Formal equality of opportunity is the legalistic equality of rights on paper where no one is legally denied employment or access to education on the basis of properties not relevant to job performance, such as race, gender, religion, ethnicity, class origins, and sexual orientation. That is, if society is, as Rawls believes, analogous to a race, a fair race is one where all start at the same starting line, but because of different social classes, family circumstances and natural talents, people do not in fact start at the same point. Fair or

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<sup>2</sup> A meritocratic society does not necessarily exclude various welfare programs such as those which would be justified by Rawls' theory but these would be in addition to a predominantly merit based society.

<sup>3</sup> Rawls, John, *A Theory of Justice*, rev. ed., Cambridge: Harvard University Press, 1999, pp.62-3.

substantive equal opportunity includes the formal sense of opportunity but adds the equalization of the social starting conditions of all regardless of the class of origin.

To deny high level of education to some social classes would deny the full development of the potential of individuals in these classes. Of course, there are other reasons why this would be immoral as Rawls argues, it would deny these persons rights they have as free and equal individuals, it would also be irrational because these individuals could not contribute their maximal level of skill and talent to society and as such these talents would be at least in part wasted. These segments of society could contain potential that would greatly enhance the economic, technological and other aspects of society but lack of educational opportunity leaves potential as mere potential.

Without meritocracy many persons would not be in the pool of applicants for important social positions. Such a society would not be able choose the most qualified to fill significant political, professional and other positions. A society would not be as efficient as it could be in the functioning of its economy, military and governmental operations (including the rights which the libertarians cherish, see below).

The libertarian dogmatic belief in the absence of regulation of the economy is a major facet of libertarian philosophy. They claim that the free market and the invisible hand of Adam Smith are sufficient to run an efficient economy. However, among other problems, without regulation, there would be nothing to stop the formation of monopolies and massive conglomerates. Monopolies, in addition to controlling the market and the process, would reduce technological innovation since innovation is primarily caused by competition between firms to maximize profits and market share. Once again, this would place the country in a negative relation in global competition with other societies.

The lack of education for many would also exacerbate the asymmetries which exist in the so-called free market. Exchanges in the market would place in even weaker position the uneducated or poorly educated and the poor for they would not have the information equal to the sellers or employers. Moreover, since the poor have less savings they have fewer options and often must take jobs due to lack of means to wait for a better offer. This would further impoverish the lower classes and create social inefficiencies for talents would not be maximally utilized.

### 3. *Government*

Contrary to their claim, libertarian theory, if implemented, would lead to the creation of a government unable to perform its functions in a fully rational and efficient manner or even protect the rights libertarians value. A political system must perform certain necessary functions to be considered a government. First, it must be able to control a certain geographic area where the population lives. In order to control an area the society must be able to adapt to its external physical and social environment of other social groups.<sup>4</sup> All enduring social systems provide for group survival by successfully competing with hostile social groups and by allocating resources, extracting the necessities of life from the environment and producing the goods and services required or creating the framework for their efficient production.

Successful adaptation requires sufficient knowledge and resources to help provide for the needs and survival of the members of society. The ability of a community to adapt is enhanced by the expansion of the knowledge base and the resulting development of new technology can play a pivotal role in controlling the physical environment and extracting new resources to provide for social needs. But a libertarian society, being at least in part non-meritocratic, would have negative impact on the economy and not be maximally able to provide for these conditions of social survival and progress since the lack of high quality universal education would not maximize knowledge or problem solving skills. Further, since a libertarian society would not be efficient in providing the goods and services in general or maximally use the talents of individuals, there would be an increase in poverty among certain sectors of society. With poverty comes crime and an increase in an inefficient prison population as well as a loss of legitimacy (see below).

Another consequence of a non-meritocratic society is that it would not be able to compete successfully with other societies economically, militarily or

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<sup>4</sup> Parsons, Talcott, *The Social System*, New York: The Free Press, 1951, pp.191-203.

culturally. Other societies which had a meritocracy would maximize human potential in knowledge, technology and efficient economic production and thus would be more successful in global competition for resources and technology development. Given these inefficiencies and the freedom of movement, a libertarian society would lose the elite educated population (and other classes) to more affluent countries.

The libertarian society would also be a society that was at a disadvantage in military conflicts with other societies. Failure to develop human intelligence maximally across society would mean possibly inferior personnel in the military as well as inferior technology. An elite would likely prefer its own members in the leadership to protect its position and thus would chose loyal members rather than the most qualified. Even if it did chose the most qualified, given the pool chosen from who had an education would be smaller than the pool if there were universal education access to equally effective education.

Culturally, in the arts a libertarian society would also be in a disadvantaged. Diminished educational opportunities and lack of social connections to the elite would reduce the cultural opportunities for funding and institutions which would nurture the arts from the lower classes.

To implement this theory in the real world means to implement it in the existing world of class divided society of individuals with widely divergent education, wealth and power. Since even libertarians grant that people are self interested these individuals would seek to protect their interests by themselves running for public office or selecting their own to do so. Further since private limits on campaign financing would be abolished and given that individuals are not perfectly moral, this means that in short order the political system would be captured by the economic elite who would draft laws and structure the political system to correspond to their interests.

This capture of the institutions of government would threaten the freedoms libertarians cherish. A government run by an elite which, as libertarians themselves often emphasize, all persons, is self-interested and morally limited, would rule in its own favor and gradually reduce the freedoms of the middle and lower classes, especially as the lower classes become increasingly a threat to their hegemony. Libertarians would agree that the basic self-interest of persons would trump any interest they may have initially in any ideology.

This domination of government by one class and its consequences is explored by the theory of the “iron law of oligarchy.”<sup>5</sup> The iron law of oligarchy states in essence that all political systems tend to develop into oligarchies. An oligarchy is a type of government where a small wealthy elite has most of the power. Although the larger thesis that all governments develop into oligarchies is more controversial and not defended here, the aspects of the law of oligarchy relevant here is the more modest claim that in every large-scale bureaucratic government, an educated elite is necessary since a bureaucracy is necessary to run such a government and society. Given the need for an educated elite and the general ignorance (given the absence of universal high quality education under libertarianism) and apathy of the alienated masses, power will tend to concentrate in an elite which will seek to keep and expand its power. When one combines the self interest of humans, the need for bureaucracy with an uneducated and uninformed and impoverished general populace, the government has a tendency to become ruled by a small group which will rule not in the general good but in their own self-interest.

Although the law of oligarchy has been criticized, its plausibility in this context of libertarianism is more apparent.<sup>6</sup> Given the absence of a meritocracy and the consequent absence of equal access to equal education for all classes, there would inevitably be a tendency to concentration of power in an educated elite. Moreover, the law of oligarchy is supported by another tendency that libertarianism will expand the concentration of the media. The deregulation of the economy, a central element of libertarianism, would lead to greater media concentration. The free press, the fourth estate, is essential for the communication of ideas and of critiquing the government. As the economy increases into conglomerization and monopoly formation the media would likely become dominated by the elite and offer little criticism of the government. This would inevitably lead to lack of diversity of opinions but no lack of opinions supportive of the status quo. The government would have

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<sup>5</sup> Michels, Robert, *Political Parties*, New York: The Free Press, 1968.

<sup>6</sup> Leach, Darcy, “The Iron Law of What Again? Conceptualizing Oligarchy Across Organizational Forms”, *Sociological Theory*, Sep. 2005; 23,3, pp.312-37.

no fear from the media in expanding the power of the elite and undermining the freedoms of the other classes. Control the flow of information is a presupposition and enhances oligarchy and so increases the likelihood of the law of oligarchy.

The elimination of all limits on election campaign contributions, already started in *Citizens United v FEC*, which libertarians demand, would further enhance the domination of a relatively closed elite and enable oligarchy. The economic elite would support those candidates sympathetic to its needs and interests that others would not have a fair chance at being elected into government. Evidence is overwhelming that those candidates who spend the most amount of money usually win elections and given the concentration and control of the media makes the election of the elite a virtual certainty.<sup>7</sup> The massive concentration of wealth and resulting political power to protect this wealth and power especially against the growing masses of impoverished workers who are preoccupied with simply trying to survive and increasingly leave the political elite to perpetuate their power in a virtually absolute form.

The law of oligarchy is also enabled and exacerbated by the problem of “concentrated benefits and diffused costs.”<sup>8</sup> Libertarians use this to critique the welfare state but it would be an even greater problem in the minimal state. The government is capable of giving special interests large benefits in terms of tax breaks and other enormous financial benefits to political supporters, constituents, etc., but, because of the large population and the power of large numbers, the cost of these special favors is spread over the population which hardly feels the impact of the cost of these favors through a slight increase in taxation.

This fact adds to the corruptibility of government and would increase under libertarian government. Due to the fact that large segments of the population would lack the education and the leisure time to keep informed of government activities, they would offer little or no resistance to these policies. Since the government would be staffed by an inbred cast system, the tendency to give favors to its own class would be even a greater reality. Again violating the rule of law and reducing the freedoms of the non-elite masses.

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<sup>7</sup>Goidel, Robert K., et al., *Money Matters*, Totowa, NJ: Rowman & Littlefield, 1999, p.12.

<sup>8</sup> Boaz, David, *Libertarianism*, New York: The Free Press, 1997, p. 194.

Another problem with modern bureaucratic governments which tends to oligarchy is that of the “iron triangle.”<sup>9</sup> The iron triangle is the alleged relationship that often exists between Congress, the regulatory bureaucracy and the interest group or industry the bureaucracy is, in theory, regulating. This relationship is also known as “regulatory capture” when the control of the regulatory agency is taken over by the industry it is supposed to regulate. This means, in short, that the regulators will tend to regulate in the interest of the industry not the consumer and the common good as the law specifies. This is what President Eisenhower referred to as the influence of the “military industrial complex” except that the influence goes beyond those areas.<sup>10</sup>

One way this triangular relationship is established is through campaign contributions. Corporations contribute funds for election of politicians who after they are elected influence regulators to rule in favor of the industry. Another way this relationship manifests itself is known as “the revolving door.” In this situation congressmen, senators and their staffers who write the regulations go to work as a lobbyist for the special interest in the private sector for much larger salaries for the inside information and contacts he or she can provide the industry. Once again, the problem of concentrated benefits to the former staffer or senator or representative and the special interest, and diffused costs to the general public, plays a role here as well. These problems would be maximized due to the absence of a meritocracy and the control the government elite would have over the media.

Although the “iron” part of the “iron triangle” is not proven in all cases, there is evidence of such relationships existing to various degrees. The thesis here does not require that the strong version of the claim be established but only to indicate that such a relationship is more likely to develop under libertarian system. To be sure the libertarian ideology is against regulation except in some specific cases however, even these cases would be subject to the influence of the oligarchical elite since the government elite would be

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<sup>9</sup> Ibid. pp.197-8; John R. Talbott, *The 89 Biggest Lies on Wall Street*, New York: Seven Stories Press, 2009, pp. 28-9.

<sup>10</sup> Eisenhower, Dwight, President, “Farewell Address to the Nation,” 1/17/61.

increasingly drawn from the same social class. Moreover, as suggested below, the concentration of and corporate control of the media and the absence of anti-trust legislation and total freedom in campaign contributions would empower smaller number of corporations whose influence would increase on all aspects of society.

Another concern with government bureaucracy is what Milton Friedman called the “tyranny of the status quo” the tendency for programs and bureaucracies, once created, to continue in existence even when their need is nonexistent.<sup>11</sup> Sunset laws, laws passed with the intent to eliminate these bureaucracies tend not to be effective and so bureaucracy increases. Friedman used this to critique the government under the welfare state but this tendency would be even greater in a libertarian system. It would be larger for given a caste society; government would be controlled by a small elite who would rule to benefit itself. Although the libertarian system would have party a different bureaucracy, it could have an even greater one due to the dominance of a smaller elite and the lack of informed lower classes who lack education and time to pursue public matters.

#### *4. Legitimacy*

A libertarian government that is dominated by an elite would weaken its own legitimacy. Legitimacy is the idea that the power wielded by the government is perceived by the majority of the populace as morally and legally justified and generally as working for the common good. In other words, legitimacy is based on the perception that the government has the right to rule because it serves the common good, not exclusively the good of the governing class.

The lack of legitimacy would first be caused by the lack of universal education. Universal education, besides developing human intelligence and potential, also performs the functions of socialization. Human beings, because of their rationality and ability to organize and learn, are remarkably plastic and capable of adapting to a diverse range of environments and conditions by, in effect, creating their own environment, a cultural system. What adaptations and changes are made and how they are implemented is in part

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<sup>11</sup> Boaz, *op. cit.*, pp. 196-7.

determined by the nature and effectiveness of socialization, the complex psychological and social processes which transmit the cultural system from one generation to the next.

A central function of socialization is the creation of sufficient motivation of the members to support and maintain the beliefs and values of the social system. Some of these beliefs will be moral beliefs which deal with the proper relationship between members and the regulation of means to achieve goals. The internalization of ethical norms and customs are central for legitimacy and social control where the majority of individuals accept the basic structure of the community, and work to support it against enemies internal and external to it. The socialization or internalization and institutionalization of these basic values and beliefs are the necessary conditions for social functioning at any level. Successful socialization would limit potentially disruptive antisocial behavior. Human drives need to be shaped to conform to social system and not destabilize it through antisocial behavior.

For socialization to be successful, a society must produce, nurture and educate new members of that society. Without socialization into the cultural system society would cease to function efficiently, be maladaptive and incapable of confronting hostile groups.

Another cause of loss of legitimacy and social solidarity is due to the fact that libertarianism also ignores past injustices. The socio-economic starting points of persons in society may be the result of past injustices, some of a systemic form such as genocide, slavery, racism, sexism, prejudice, ignorance, violence and ordinary criminality. To ignore these pervasive and profound injustices and structure a political system oblivious to these realities is to base a system on an unstable foundation which will contaminate the system with the illegitimacy of the status quo it was based on. Equal opportunity and welfare programs are seen by non-libertarians as, in part, a response to these injustices of the past but not open to the libertarian ideology.

Political systems in addition to controlling a geographic area, must also formulate, promulgate, interpret and enforce legal norms. In order to regulate human interaction, a stable society must promulgate norms viewed as legitimate by the society. The implementation and enforcement of these

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norms require an adjudication process provided by a court system to resolve conflicts between members. Within a cast society as libertarianism would produce, the legislative, executive and judicial systems would be dominated by the economic elite.

The rule of law ideal is part of the libertarian ideal. A society of ordered freedom and economic stability and efficiency cannot exist without all members of a society obeying the law where no one is above or below the law but all are subject to various forms of punishment for violating the law. A legal system as seen by the rule of law ideal must be a complete and consistent interrelated network of norms specifying how members of the community should behave and how the legal system and governmental institutions themselves should function. The rule of law stabilizes social interaction and provides norms for social order. The idea of an institution itself would be impossible without the rule of law for institutions are defined by rules. The importance of the rule of law as setting limits on governmental power and promoting a stable social context within which persons can pursue their goals with some security and predictability.

Inevitably, given human nature, self interest, the incompleteness and vagueness of the law, the subjectivity of interpretation, and one class domination of government, the political system would drift toward favoring its own class and undermine the rule of law. The libertarian government would draw members of the judiciary from the same class and would tend to formulate and implement laws which directly or indirectly favor the ruling elite which would increasingly alienate vast segments of society and further delegitimize the political structure. This would further destabilize society and greatly increase the likelihood of crime and revolt.

Another concern is whether a minimal government required by libertarianism would be able to deal adequately with emergencies that may arise. Natural disasters such as hurricanes and earthquakes and social and economic crises require governmental planning, coordination and resources that libertarian government would likely not have. The lack of full maximization of knowledge and technology would also contribute to problems dealing with emergencies. Weak legitimacy would also contribute to the problem for it would make marshaling resources difficult the populace lacking sufficient socialization to establish a sense of community.

The libertarian society with weakened legitimacy would also be at a disadvantage in another emergency, war. A society that was dominated by a self-interested elite would increasingly lose legitimacy and be further destabilized by lacking the motivation for citizens to enlist and fight the enemy. As in the case of other emergencies, the libertarian night watchman government focused on keeping government spending at the minimum would be handicapped by the lack of a standing military of sufficient size, information of various kinds, contingency planning, coordination protocols and other resources modern non-libertarian governments have. Again, the lack of a universal quality education with its socialization function would place such a society in jeopardy in time of war for a large segment of the society would feel little or no allegiance to the status quo and consequently not oppose the enemy with much enthusiasm, if at all.

A stable and viable form of government must be based on an accurate understanding of human nature. Libertarianism has a pre-scientific view of human nature and human development which undermines its entire paradigm. Their ideal of freedom fails to realize that freedom needs certain social, political, cultural and psychological conditions to be actualized. Libertarians seem to hold the view that no matter what familial, social, economic and political conditions one is born into, one can rise up and achieve almost anything if he or she sets their minds to it in the right libertarian political context. This ‘pulling oneself up by one’s bootstraps’ philosophy seems to be contradicted by overwhelming scientific, sociological and psychological evidence that familial and social circumstances (e.g., access to education being an absolute essential) shape human personality, motivation, self-concept, self-esteem, criminal activity, mental health and life prospects. Rawls is clear that family background and other social and economic factors, which chance events he calls “the lottery of life” have an immense impact on human achievement.<sup>12</sup> Ignoring these factors would exacerbate social inequality to the point of destabilizing society for reasons discussed below. The fact is some people don’t even have boots to pull on.

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<sup>12</sup> Rawls, *op. cit.*, pp.64, 265.

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A fundamental problem is the libertarian understanding of liberty which, when implemented, would reduce freedom of the lower social classes. Let us define freedom as the scope and number of options, possibilities and actions open to persons. The libertarian understanding of liberty is that of negative liberty, the right to be free from interference from others and the government. But libertarians seem to be blind to the danger to liberty from poverty, disease, ignorance, social prejudice and customs of tribalism, racism and sexism and dysfunctional family backgrounds. Obviously these factors reduce the number of possible course of actions open to many persons.

Libertarians also do not seem to realize how Rawls' fair equal opportunity would maximize liberty generally. Rawls believes that liberty needs certain social conditions such as good family background, education, health, income security, etc., to be fully developed. If these conditions do not create obstacles combined with a democratic system which protects the basic human rights, would create maximal opportunities for free human actions.

Further, the values of liberty and rights would not have what Rawls calls "equal worth" under a libertarian regime. Privileged individuals would have the resources such as education, health care and a social network to enhance their political rights to run for public office, while those less privileged would not.

Finally, libertarians also misread human nature in another basic way, their emphasis on the importance of the single ideal of liberty. Humans do tend to value liberty but they also value security, equality, survival, hope, friendship, community, stability, and in general, happiness. The very starting point of libertarianism is arbitrary and unfounded.

Decreased legitimacy and increased poverty would increase crime resulting in destabilize society. Increased crime would move the ruling elite to more repressive measures to control the lower classes. This would be a vicious cycle for it would further weaken legitimacy which would further increase anti-social activity which would further evoke repressive measures and so on. The libertarian ideal could easily evolve into a fascist state, the exact opposite of the libertarian hope.

Libertarians claim that private charity can perform many of the functions of the welfare state. Although this is true in some cases, the charity institutions cannot provide free universally high quality education, economy or military. These types of social services can only be provided by a

government which has the vast resources, information and coordination to implement the necessary laws, institutions to provide the educational opportunities. In addition, the self-interest of people, which the libertarians assume, will keep charity at a low level.

Finally, libertarianism is irrational in another way. It is irrational since rational human beings would choose a political system which is not inconsistent with their survival and welfare. It is irrational to ignore possible future circumstances which could negatively impact on one's welfare and survivability. Since life is uncertain no one is exempt from financial and other types of problems, it is rational to buy into an insurance policy to protect one against worst case scenarios. This is one of the functions of the welfare state which provides minimum income for unemployment, retirement, etc. Private insurance would not be feasible to provide this security for all since the lower classes could not afford it and, moreover, no matter which class one currently occupies, one could always find oneself in the underclass at some point in the future. Without a safety net poverty would increase, and with poverty comes crime, instability and social unrest.

A libertarian society would also become what Popper called a "closed society."<sup>13</sup> According to Popper, all societies confront problems or obstacles in meeting their needs, whether at a societal or institutional level, hence problem solving must be a key dimension of successful societies. Popper added to this claim his uncontroversial contention that human knowledge is incomplete in all areas, including politics. He reasons from these two facts that a rational society, i.e., a society which acts on the basis of knowledge or warranted beliefs and takes the most efficient means to achieve ends, is one which seeks to maximize problem solving capacities and therefore one which must also maximize knowledge acquisition. Such a society Popper called an "open society" a society which values education and knowledge and is receptive to new ideas, all necessary elements of problem solving and knowledge expansion.

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<sup>13</sup> Popper, Karl, *The Open Society and Its Enemies*, New York: Routledge, 7e, 2002, pp. 12-9.

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An open society, unlike a closed society, is designed on the model of modern science which, for Popper, is the most successful human enterprise that has ever been developed for solving problems. Science, according to Popper, is an open and rational discipline where all ideas can be entertained and evaluated by rational standards. An open society must be, therefore, Popper argues, a free and democratic society with a free press and a great deal of personal freedom where the power of government is clearly limited and the rule of law is present. It would be a society where the development of knowledge and critical reasoning are valued as key virtues as central to problem solving.

It has already been established that a libertarian society would not be able to maximize knowledge. Moreover, a libertarian society would be a closed society for, as suggested above, the ruling elite would also control the media and the dominant private educational institutions, the economy and, of course, the government. To maintain its control it would need to control the ideas disseminated in the society and so would evolve into a closed society to protect its power. Hence, libertarianism would evolve into a fascistic state of limited freedoms if any, the exact opposite it intends.

These criticisms of libertarianism must not be interpreted as a carte blanche approval of the welfare state status quo. The current welfare system has many deficiencies which the implementation of many of Rawls' ideas, especially of fair equality of opportunity, would go a long way in correcting.

There are, of course, other criticisms of libertarianism others have articulated and need not be repeated here.<sup>14</sup> But given its theory of human nature and freedom and the likely devastating consequences to democracy if it were to be implemented, most of the ideas associated with libertarianism seem destined for the trash bin of history.

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<sup>14</sup> See *Reading Nozick*, Jeffrey Paul, ed., Totowa, NJ.: Rowman & Littlefield, 1981; Amartya Sen, *The Idea of Justice*, Cambridge: Harvard University Press, 2009.