



Written by [Jack Kerwick, Ph.D.](#) on January 29, 2013

Right- and Left-Libertarianism

It looks as if some 11 million illegal third world immigrants will soon become American citizens, as Congress prepares to provide for them “a pathway to citizenship.”

Amnesty is coming our way.

Meanwhile, another event makes national news, as it was announced that women will no longer be prohibited from engaging in combat.

A certain type of libertarian cheers both developments, and for good reason: Underlying both is one and the same conception of liberty.

That is to say, the idea underwriting both of these issues is that liberty or freedom is as self-evident and universal as is the most basic statements of mathematics. It is an idea of liberty that is as indifferent — utterly, thoroughly indifferent — to culture and history as is $2 + 2 = 4$.

Though they broke American laws in so doing, those millions of immigrants who entered our country illegally were simply acting on their “right,” their liberty, to pursue happiness for themselves and their children. Similarly, women have “a right,” a liberty, to fight on the front lines of war if they so choose.

Judge Andrew Napolitano is an example of the type of libertarian who thinks along these lines.

The judge eviscerated Arizona Governor Jan Brewer when she signed SB 1070 to help Arizonans deal with the ravages of illegal immigration that it had been suffering for years. And he also has never put up any kind of resistance to amnesty. Instead, Napolitano has remarked that if “our rights come from our Creator — as the Declaration of Independence declares,” then “how can they differ because of where our mothers were when we were born?”

With respect to the administration’s decision to lift the ban on women in combat, Napolitano claimed to be “thrilled.” While on a Fox News panel last week, the judge noted what he perceived to be the irony involved in the fact that it is a “collectivist president” who has decided “that people should be judged as individuals and not as members of groups.” Napolitano lavished praise upon the president for relegating to the dustbin of history “the old military prejudices against ... women,” ideas rooted, “not in facts,” but “often ... in ignorance, bias and prejudice.”

This latest development, Napolitano believes, is a victory for liberty and individualism, for “each person in the military will [now] be judged for combat, leadership and command based on their skills and ability — not some group they are a member of based on *the consequence of birth*.” [Emphasis added.]

For this type of libertarian, a person’s gender, like his or her race, ethnicity, culture, and history itself,





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is a mere “consequence of birth.”

There is another type of libertarian, however — a *conservative* libertarian, if you will.

The great apostle for modern-day conservatism, Edmund Burke, is among the more well known representatives of this type. For our generation, though, it is to a Jewish woman, a former resident of Israel and South Africa and the daughter of a rabbi, to whom conservative libertarians can turn to find their most able defender. Her name is Ilana Mercer.

Mercer recently singled out Judge Napolitano’s brand of libertarianism as “left-libertarianism.” Left libertarians such as Napolitano, she notes, regard “liberty” as “an abstraction. Apply it ‘properly,’” she says, “and it will work everywhere and always.”

From the perspective of left-libertarianism, “liberty is propositional — a deracinated idea, unmoored from the reality of history, biology, tradition, hierarchy.”

In reality, Mercer continues, liberty has a “civilizational dimension.” It cannot be reduced, as left-libertarians would have us think, to the sole principle that no person should aggress against another.

Though a Ron Paul supporter, and no fan of any of his rivals in the GOP presidential primaries, Mercer took the congressman to task when he blasted Michele Bachmann and Rick Santorum for allegedly disliking Muslims and gays, respectively. “A candidate who dismissed the national questions, namely immigration, affirmative action, the centrality to America of Christianity and the English language, etc. — fails to appreciate the civilizational dimension of ordered liberty,” she wrote.

Burke would agree. So too many of America’s Founders would agree with Mercer that liberty must be “ordered.”

These great advocates for ordered liberty would also agree with her verdict that when liberty is defined *against* “the consequences of birth,” as the Judge Napolitanos of the world define it, it degenerates into disorder.



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