How To Beat Libertarianism  
Opposition Brief by Thomas Keith



Libertarianism is a powerful political philosophy that holds to deep truths about how humans interact and how society works. Though it has little representation in American government, its premises are deeply ingrained into Western political thought and assumed by the vast majority of Americans. It holds deep sway on both the right and the left, and guides most of our contemporary political discussion on drugs, civil rights, gay marriage, and trade.

While it’s vilified and stereotyped on both sides of the spectrum, it will be extremely difficult for a judge to leave the room without being partly convinced by the libertarian premise.

The most persuasive debater will always be the one who best appeals to the judge’s strongest assumptions. American culture is riddled with assumptions and stereotypes about libertarian logic and libertarian politics. It will be your job to sour the judge’s image of both by reminding him of all the reasons why he isn’t a libertarian—and why libertarianism doesn’t work. It’s my job to show you how.

In this Opposition Brief, I’m going to first provide you with a basic understanding of what libertarianism is as a philosophy. Next, I’m going to give you three powerful and logical refutations that appeals to strong assumptions about how society works while providing a direct link to why the needs of the public matter. Finally, we’re going to go over a few sources to back up the claims made by these refutations.

Let’s begin.

What is Libertarianism?

The term “libertarian” originated in the early 19th century to describe a person who believed that humans possess free will.[[1]](#footnote-1) Over the next one hundred years, it began to be used as a term to describe people who support the exercise of liberty,[[2]](#footnote-2) but it wasn’t until 1961 that the term began to be used to refer to political philosophy.[[3]](#footnote-3)

That said, we have to recognize that libertarianism isn’t a political philosophy or an ideology. It’s a category of ideologies that all try to say the same thing: the government should be as small as possible. This is usually limited to things like the police, courts, and military. The key is that each ideology says this in a different way, which will create nuance in how you have to respond to it.

There are four general ideologies within libertarianism. Let’s start with

# Classical Liberalism

If Grover Cleveland or Calvin Coolidge were alive today, we would probably call them libertarians. Back in their own time, however, they were known as liberals. The liberal movement itself stretches back to the beginnings of the revolutionary period, but what we know as classical liberalism today was rooted firmly in utilitarian ethics—particularly rule utilitarianism. This means that their beliefs were based on the question of what rules would produce the most happiness for the most people.

Their answer to this question is popularly known as the “Non-Aggression Principle,” which says that the government’s power should never be used to force someone to do anything against their will, except to prevent harm to others.[[4]](#footnote-4) Typically, by “preventing harm,” libertarians mean preventing coercion. In other words, the only reason a government should have to coerce someone against their will is to prevent them from coercing others.

The appeal of this ranges from ethics to economics, but what matters to you is how it’s going to be used in the round. There are two things that classical liberalism can do that the other versions can’t.

The first is run a convincing resolutional objection. Because it’s uniquely consequentialist, classical liberalism can say that the best way to preserve the general welfare is to follow the Non-Aggression Principle. It says that the best way to ensure the needs of the public is to focus a government on minimizing the amount of coercion in a society. In other words, we can’t value public needs over private property rights because minimizing violations of property rights (i.e. coercion) are the best way to preserve public needs. To value one over the other would be like trying to value life above breathing.

The reason this is so persuasive is because most of your conservative judges already subscribe wholeheartedly to this belief. They believe that the invisible hand will guide the market towards the most efficient and prosperous outcomes and that any restrictions on the market harms that prosperity. They believe that as long as nobody is coercing others, their self-interest will increase the value in our economy and provide the resources necessary to solve the social problems of our time. All the negative needs to do is provide a plausible line of reasoning as to how government coercion in each given scenario actually produces a worse result, and they win the round. It’s a scary line of argumentation.

The second thing it has is rule utilitarianism—the belief that moral actions follow rules that in general will produce greater happiness for the most people. By running a criterion of rule utilitarianism to broad affirmative values or morality, the negative side gains an incredible strategic advantage. Neg can say: “Aff has a burden to prove that in general, the resolution is a rule that will produce the greatest happiness, but here are a half dozen ways in which the opposite is true.”

We’ll talk about how to refute this later. For those wanting to learn more about the arguments in favor of classical liberalism, great authors to check out would be F.A. Hayek, Ludwig von Mises, and David Friedman. Let’s move on to

# Minarchism

Minarchism finds its roots in natural rights theorists such as Locke, and deontological theorists like Kant. In essence, it’s principles-based libertarianism. It says that regardless of the consequences, the only moral choices a government can make are those in line with libertarian philosophy. While it as an ideology was popularized by Robert Nozick in the late 20th century, its ideas guided our founding fathers in creating a government designed to protect rights.

In essence, minarchism says that the fundamental role of government is to protect the rights of its citizens, and nothing else. There are two primary philosophical foundations for this, but you don’t really need to know what it is. What you do need to know is that it’s deontological: it says that the very act of violating rights is evil, regardless of the consequences.

In practice, there’s very little difference between classical liberalism and minarchism, except that classical liberals may be fine with a few fringe exceptions that minarchists wouldn’t agree with. The primary distinction is the focus. While classical liberals are consequence-focused, minarchists are morality-focused.

This gives the minarchist three primary advantages in a debate round. The first is an appeal to human rights. By arguing that the role of government is to protect rights, there’s an easy link to be made between that which we value over rights and the slippery slope down the road to serfdom. The “give a mouse a cookie” argument will say that Aff leads to the dozens of fringe examples of government abusing rights.

The second is a strong appeal to morality. Rights are derived from Kant’s second formulation of the categorical imperative, which says that any use of other humans as mere means to an end is inherently immoral. The argument is that any violation of a person’s rights is using people as mere means to achieve the ends of others, and thus it’s immoral to value anything above those rights. Once again, libertarianism appeals to a strong assumption in American thought.

The third is a direct link to the social contract. If your opponent has read Nozick, he’d know that the foundational assumption of minarchism is that the only time a government acts morally is when it doesn’t violate the will of any of its citizens. The only way for this to function in the real world is with a social contract. I’d go more into this, but what matters is that if this direct link is explained in the round, it won’t be too hard to run “No Conflict” arguments against any fringe affirmative application.

For those wanting to learn more about this form of libertarianism, the first place to go is Locke’s Second Treatise on Civil Government, then Bastiat’s The Law, and finally Nozick’s Anarchy, State, and Utopia. The next form of libertarianism is

# Anarcho-Capitalism

This is essentially anarchy. As long as you understand the basic reasons why a government is good, you’ll have no trouble refuting this. It’s a fascinating political theory but it sounds terrible in a debate round. If you want to learn about it, go read anything by Murray Rothbard and see where it takes you.

# Pragmatic Libertarianism

The first three were ideologies. This one technically isn’t. The best way to think of it is a person who has libertarian stances on the issues, but only because he just thinks those are good stances. Think Rand Paul or Gary Johnson. There’s no philosophical coherence, just an arbitrary grouping of positions.

I wouldn’t bother mentioning this if there weren’t so many stereotypes about it. All of the weed-loving, gun-toting, gay-related generalizations about libertarianism are directed toward this because the libertarians under this category are so passionate about these specific issues. Whenever the word “libertarian” is used in a round, this is what you want the judge to think of.

Just about every libertarian and libertarian case in the country will fall under these four categories. It’s helpful to understand what they’re referring to so you can nail them down in cross-examination.

# How to Tell if it’s Libertarian

You’re probably never actually going to hit a value of “libertarianism.” Instead, the ideology will usually manifest itself in values of “Human Rights,” “Non-Aggression Principle,” “Human Dignity,” “Morality,” or “Role of Government.” If you can confirm in cross-examination a negative advocacy of “governments should never violate rights,” “it’s immoral to violate rights,” or “the only legitimate form of government is to protect citizens from harm/protect rights,” then it’s probably following libertarian lines of thought.

That said, let’s move on to how to beat libertarianism.

Primary Refutations

There are three primary refutations that will extend to any kind of libertarian case you hit. By focusing on these weak spots in Cross-Ex and your rebuttals, it should be enough to logically undermine any libertarian argument. The first of these is that

# It Doesn’t Work in the Real World

*“My opponent is right that the government has a role to protect rights, but if that’s all there is, we get a society that can’t function properly. Building roads don’t protect rights, but we still need the government to build them. Jury duty violates rights, but we still need it for the sake of justice. Food regulations violate rights, but we still need it to ensure companies can’t poison us with our own food. The reason libertarianism doesn’t work is because it prevents us from the very things that ensure our prosperity and well-being—and that’s something we can’t stand for.”*

This is the best way to turn classical liberalism and undermine minarchism as a philosophy too impractical to be true. This argument should make sense considering what libertarianism is: it demands that the government never expand beyond a specific role. By arguing that there are things outside of the specific role that the government needs to do for a society to function, you undermine libertarianism as a philosophy.

Here’s a simple phrase you need to remember: Agree and Expand. Whenever you attack libertarianism as unpragmatic, you’re never doing so because libertarianism is wrong, but because it’s too narrow. Of course the government needs to protect rights, of course it needs to prevent harm, but the government isn’t just about that. It’s about more.

One of the most persuasive ways to do this is to provide examples. An easy one is roads. Nothing about roads protect rights, therefore it’s outside of the libertarian role of government. But we need roads to drive to work, to transport goods, to function as a society. When libertarianism finds itself at odds with roads, it finds itself at odds with our very existence.

Another example is jury duty. Juries need to be random, or else people who have an incentive to influence a case will sign up and undermine justice. But when libertarianism demands no coercion, it says that we can’t coerce people into fulfilling their jury duty. In other words, the only people on a jury will be the people who volunteered for it. The best way to run this is to personally impact it: If you’re falsely accused of a crime, who would you rather determine your innocence, random citizens, or people who could’ve been paid to volunteer?

Other examples are libraries, schools, disease control, any form of environmental regulation, drug policies, et cetera. There are so many things that the government does for the sake of something other than rights that it’s not difficult to find more examples. Find them, impact them, talk about the horrors of a world without them, and you’ll be able to demonstrate a powerful failing of libertarianism: it’s too narrow to work in the real world.

Another great strategy is to ask the negative for examples of libertarian governments in the real world. There isn’t such a thing because no government has ever completely implemented libertarian policies. There’s the early United States, but that doesn’t work because of the post office and slavery. There’s Switzerland, but that doesn’t work either because of government schools, regulations, and a whole host of other policies. There’s never been a consistently libertarian government, so we can’t say it works in the real world.

# It’s Immoral

*“The problem with libertarianism is that it’s morally wrong. By telling us the government should never do anything but protect the rights of its citizens, it demands that the government shouldn’t stop genocide overseas even if it can. World War II proved to us that if we don’t stand for what’s right, people die—yet libertarianism demands that we shrink back into the shadows and watch as evil reigns across the globe. That’s something we should never stand for.”*

*“When a child gets sent to timeout or they get spanked, their rights are violated. If my opponent is correct that the government’s only role is to protect rights, then is he saying children should never be disciplined? And if parents can discipline their children, is he then saying that any rights violation against a child can be tolerated? The reason we know that the government’s role isn’t just to protect rights is because it doesn’t explain how government should interact with the most fundamental building block of our society—the family.”*

This is the best way to turn minarchism and to undermine classical liberalism as too immoral to be valuable. In the same way as before, this argument is made by agreeing with the libertarian premise but arguing that it’s too narrow to be viable. You see, it’s a common assumption that it’s morally wrong to fail to do certain things. For example, refusing to prevent a murder or refusing to save a drowning child is generally considered to be immoral.

Libertarianism does this in two ways. First, it tells governments to refrain from doing what’s necessary to prevent things like genocide in foreign nations. Second, it has gaping holes in its theory that would render the government unable to act in areas that are incredibly important for it to be involved in.

To come up with examples of the first, think of anything to do with social conservatism or interventionist foreign policy. Libertarian governments would never intervene in countries unless in self-defense, so bring up things like genocide and the persecution of Christians. Ask the judge if it’s moral to stand by and do nothing as those things occur, and you’ll get results.

Libertarian governments also wouldn’t interfere in personal lives unless it directly violates rights, meaning that such a society would have no safeguards against pornography, polygamy, public nudity, prostitution, gambling, or sexual harassment. The question being asked to the judge is whether a society can truly be moral as long as it’s allowing these evil things to occur. Libertarianism has good ideas, but if it’s the only thing we base a government on, we produce something that merely enhances the moral degradation of our society.

The second moral problem with libertarian theory is that it has a gaping hole: parental control. Here’s the fundamental question: do children have rights? If they do, then under libertarian theory government has an explicit role in preventing them from being disciplined. If they don’t have rights, then libertarianism wouldn’t allow a government to prevent child abuse. Both timeouts and sexual abuse violate a child’s rights, yet libertarianism has no mechanism to decide which one should be allowed and which one shouldn’t. Libertarianism either allows for child abuse, or it demands that children can’t be disciplined, and either scenario is unacceptable.

By insisting that rights violations are the only legitimate consideration of the government, libertarianism oversimplifies complex decisions and forces us to do things we know to be clearly wrong simply because some moral theory says so.

The third primary argument is less an issue with the philosophy and more a reminder to

# Extend Affirmative Impacts

*“What my opponent doesn’t realize is that I’ve already refuted libertarianism. Libertarianism is just a theory, and when it doesn’t align with the real world, we can’t say that it’s true. I’ve shown you that it doesn’t. Contention after contention, application after application, I’ve shown you that negating this resolution will only destroy our society’s ability to function. As long as libertarianism aligns with the negative side, it will do the exact same thing.”*

The strongest argument you can make against libertarianism is the one you already did. Take your reasons for affirming the resolution—societal existence, prosperity, etc.—and argue that those things are so important that any philosophy or theory that gets in their way couldn’t possibly be true.

By waxing eloquent on your initial reasons for affirming the resolution, you can focus the debate back towards what really matters: your arguments. The first problem with any negative philosophy or theory is that as long as it conflicts with your side of the resolution, it doesn’t work in the real world. By reminding the judge of that fact, you undermine the most obvious thing about libertarianism: the fact that it’s only a theory.

These are the three most logically-powerful points that you can bring against libertarianism without being too controversial. That said, however, there are other ways to appeal to common assumptions in order to waste your opponent’s time and limit his ability to defend the theory. This brings us to evidence.

Evidence

# Libertarianism Doesn’t Work

## Libertarianism ≠ Roads

It’s common knowledge that libertarians are anti-road, but just in case you need a piece of evidence, here are just one of the many examples of a Libertarian Party ticket, the 1980 presidential ticket, running on an anti-road ticket.

"The State of Wisconsin Blue Book." *Google Books.* Legislative Reference Bureau, n.d. Web. 04 Mar. 2017.

“We demand the return of America's railroad system to private ownership. We call for the privatization of the public roads and national highway system.”

Analysis: This tells us what is already commonly known to be true: when you argue for libertarianism, you argue for eliminating the very government-maintained roads that are necessary for our prosperity.

Impact: My opponent is asking us to support a philosophy that won’t work in the real world.

# Libertarianism Doesn’t Work

## Libertarianism ≠ Jury Duty

Rothbard, Murray N. *For a New Liberty: The Libertarian Manifesto.* Auburn: Mises Institute, 1973. 110. Print.

“It will be objected that jury service is a highly important civic function, and insures a fair trial which a defendant may not obtain from the judge, especially since the judge is part of the State system and therefore liable to be partial to the pros- ecutor’s case. Very true, but precisely because the service is so vital, it is particularly important that it be performed by peo- ple who do it gladly, and voluntarily. Have we forgotten that free labor is happier and more efficient than slave labor? The abolition of jury-slavery should be a vital plank in any liber- tarian platform. The judges are not conscripted; neither are the opposing lawyers; and neither should the jurors.”

Analysis: In his famous Libertarian Manifesto, Murray Rothbard argues that jury duty is jury slavery and that juries should be filled by volunteers, not random citizens.

Impact: This means that unless my opponent abandons this philosophy, he’s asking justice to be carried out by people who have potential interest in the case at hand, as opposed to actual jurors. This undermines justice and creates loopholes for corruption.

# Libertarianism Doesn’t Work

## Libertarianism ≠ Food Regulations

"Healthcare." *Libertarian Party Platform.* Libertarian Party, n.d. Web. 04 Mar. 2017.

“Institutions such as the Food and Drug Administration also limit cost-effective access to quality care. The approval processes for new drugs and technology is lengthy and expensive.”

Analysis: This tells us that the Libertarian Party platform itself asks us to abandon our basic responsibility to ensure that companies won’t poison their customers or that pharmaceutical companies can peddle snake oil on our markets

Impact: My opponent’s philosophy is one that endangers everyone, especially the children, of our society.

# Libertarianism Doesn’t Work

## We Need Roads

McArdle, Megan. "The Mirage of Free-Market Roads." *The Atlantic.* Atlantic Media Company, 28 Mar. 2012. Web. 04 Mar. 2017. <https://www.theatlantic.com/business/archive/2012/03/the-mirage-of-free-market-roads/255167/>.

“While I'm generally sympathetic to the idea of privately-managed roads, I've become convinced that the broader vision of "free-market roads" is a conceptual confusion. In the abstract, the idea of competing, privately-owned roads has a lot of appeal. But the more I think about it, the less sense it makes. Roads are deeply intertwined with governments. They always have been and as far as I can see they always will be. This means that they'll never be truly private in the sense that other private companies like restaurants or shoe factors can be. Assembling the land needed for a long-distance road is prohibitively expensive without government assistance. Unsurprisingly, private roads almost never come into existence without extensive government assistance. And that means that the profitability of a "private" road depends crucially on how many competing roads the government allows to exist.”

Analysis: Libertarian theory demands that governments don’t assist in building roads, but without government, roads are simply too costly to maintain.

Impact: If my opponent cares at all for ensuring that we can drive to work, that we can see relatives on vacation, that we can get groceries, that we can transport ourselves around, he’d abandon the destructive philosophy of libertarianism.

# Libertarianism Doesn’t Work

## We Need Jury Duty

Hamilton, Alexander. "The Federalist Papers #83." *Constitution Society Home Page.* Constitution Society, n.d. Web. 04 Mar. 2017. <http://www.constitution.org/fed/federa83.htm>.

“The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government.”

Analysis: Our founders recognized that because compulsory jury duty is randomized instead of open to anyone who has a stake in the outcome of a case, it is a necessary pillar of a free society.

Impact: If my opponent insists on following a philosophy that merely rejects it, then he’s asking us to, in the name of freedom, undermine the very pillars of a free society.

# Libertarianism Doesn’t Work

## We Need Food Regulations

"10 Facts on Food Safety." World Health Organization. World Health Organization, n.d. Web. 04 Mar. 2017. <http://www.who.int/features/factfiles/food\_safety/en/>.

“Fact 5: Globalization makes food safety more complex and essential.”

Analysis: While food regulation wasn’t essential in the days of homegrown meat and corn, we live in a time where the food we eat can have gone through dozens of processes and from thousands of miles away Without necessary regulation, we don’t have the proper safeguards to ensure that our food is safe and healthy to eat.

Impact: The philosophy my opponent is defending is outdated and unfit for a modern society.

# Libertarianism is Immoral

## Libertarianism Allows for Genocide

"Foreign Policy." *Libertarian Party Platform.* Libertarian Party, n.d. Web. 04 Mar. 2017. <https://www.lp.org/issues/foreign-policy/>.

“Libertarians believe that war is justified only in defense. We are opposed to a draft. If a war is just and necessary, Americans of all backgrounds will volunteer to fight it. We believe that a draft enforced by law is no different from slavery.”

Analysis: By its insistence on defensive war, libertarians ask America to stand by as genocide and religious persecution takes place overseas.

Impact: Unless my opponent renounces libertarianism, he can’t uphold any notion of morality in today’s debate round. It will always be wrong to stand by and watch as someone dies when you had the opportunity to save them.

# Libertarianism is Immoral

## Libertarianism Allows Child Pornography

Rockwell, Llewellyn H., Jr. "But What About the Children?" *Mises Institute.* N.p., 30 Apr. 2008. Web. 04 Mar. 2017. <https://mises.org/library/what-about-children>.

“The goal of the state is to find some practice that is universally reviled and pose as the one and only way of expunging it from society. The best example today is child pornography, a grim and ghastly industry that every decent person would like to see eradicated from the earth. But in the name of doing so, the state invades everyone's privacy, controls speech, interferes with families, and otherwise uses the issue as a wedge to eliminate every freedom.”

Analysis: Because libertarianism demands a government only focus on the protection of rights, it ignores moral evils like child pornography.

Impact: To stand by the philosophy of libertarianism is to watch from a distance as evil men use the children in our society for their own selfish aims.

# Libertarianism is Immoral

## Libertarianism Allows Public Nudity

Joe Carter • March 7, 2012. "Christian Libertarianism Revisited." *Acton Institute PowerBlog*. Acton Institute, 08 Mar. 2012. Web. 04 Mar. 2017. <http://blog.acton.org/archives/30140-christian-libertarianism-revisited.html>.

“My contention is that all true and consistent libertarians—including Christian libertarians—would agree with Roger that there should be no laws against public nudity.”

Analysis: Because libertarianism only asks the government to protect rights, it’s not consistent with the philosophy to restrict public nudity unless it directly violates the rights of citizens—as opposed to simply offending them.

Impact: My opponent is defending a philosophy that asks the government to turn a blind eye to your kids’ kindergarten teachers showing up to work with only their birthday suit on.

# Libertarianism is Immoral

## Libertarianism Allows Prostitution

"Libertarian Views on Prostitution." *AFIPA - A Free Intellectual Progressive Archive.* N.p., 13 June 2014. Web. 04 Mar. 2017. <http://www.afipa.net/prostitution/libertarian-views-on-prostitution/>.

“The general consensus among libertarians is that prostitution is a victimless crime, an activity between two consenting adults. The act of having sex should not be the subject of regulation, even if the act does not involve love or if it involves the exchange of money. Prostitution is done with consent, and therefore is an activity that signifies a person’s expression of his ownership of his body and the things he or she wants to do with it as long as the act does not infringe on the basic rights of others. In fact, it is strong libertarian beliefs such as these that are fueling the drive to repeal regulations on sex by consenting adults.”

Analysis: It’s always been a fundamental aspect of the government’s role to restrict prostitution. But when libertarians demand that the government ignore the basic command to reward good and punish evil, they ask us to ignore moral principles in our government.

Impact: Libertarianism as a philosophy is content with watching as our society degrades morally.

# Libertarianism is Immoral

## Libertarianism Allows Sexual Harassment

Gayathri, Amrutha. "Ron Paul Says No to Laws Against Sexual Harassment; It's About Jokes That Offend." *International Business Times.* N.p., 08 Mar. 2013. Web. 04 Mar. 2017. <http://www.ibtimes.com/ron-paul-says-no-laws-against-sexual-harassment-its-about-jokes-offend-389724>.

(When it references “the Texas congressman,” it’s referring to Ron Paul)

“According to the Texas congressman, sexual harassment needs to be taken seriously only if there is some sort of violence involved: If sexual harassment involves violence, as libertarians, we are very opposed to any violence. So, if there is any violence involved, you still don't need a federal law against harassment. You just need to call the policeman and say there's been an assault or there's been attempted rape or something.”

Analysis: Because sexual harassment doesn’t necessarily violate rights, libertarians don’t believe the government should regulate it. That’s simply not right. No government can claim legitimacy if it’s not willing to stand opposed to something as basic as sexual harassment in our society.

Impact: Until my opponent abandons libertarianism, he’s standing for an immoral philosophy.

1. "libertarianism, n." OED Online. Oxford University Press, December 2016. Web. 2 March 2017. [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Mill, John Stuart. "Chapter 1." On Liberty. New York: Walter Scott, n.d. 17. Print. [↑](#footnote-ref-4)