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# Introduction

## *Symposium on Anthony de Jasay*

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G. PATRICK LYNCH

Anthony de Jasay has had an important and yet unique place among the pantheon of distinguished contemporary liberal thinkers of the past forty years. Jasay’s career has had three distinct phases that have allowed him to reach both academic and popular audiences interested in markets, politics, and social issues. Originally trained as an economist at Oxford, he has written both important “serious” academic works and more widely read popular columns in the spirit of many of the great popularizers of free markets. He has produced important and provocative books of political philosophy and social choice theory. For this issue of *The Independent Review*, we asked five scholars familiar with Jasay’s work to address various aspects of his writings and assess his impact and insights.

Born in Hungary in 1925, Jasay fled life behind the Iron Curtain in 1948, eventually settling in Australia and studying economics at Western Australia University. He excelled and earned his way to Oxford University in 1950, becoming a fellow at Nuffield College. His research from this period was more conventionally academic in the sense that he published in mainstream economics journals on topics such as international monetary flows and exchange rates. This research led to a career in banking and business. After moving to France, Jasay entered the third phase of his life, the one for which he is best known as an author of books and articles that focus on politics and economics for a wider, interdisciplinary audience as well as of material for the public at large on some of the key insights economics provides. During this third phase, Jasay has also been a frequent contributor to *The Independent Review*,

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writing on a number of topics. In addition, he has been interviewed for the journal as recently as 2011 (Wolf 2011).

His most well-known book is *The State*, published in 1985, which some of the authors discuss extensively in this issue. In this work, Jasay provides as realistic and unromantic a vision of the foundations of government as one can imagine. He argues that to understand the state we must view it not as a benevolent collection of interests corralled by effective institutions working together in the public interest but rather as a single actor with self-interested goals. This argument leads him to describe at some length what he calls “the adversary state,” which both provides *general* public goods and necessarily pays for these goods by coercively taking money from the citizenry. But once he models the state as a unitary, self-interested entity, all sorts of predictable and unhappy consequences must be confronted by democratic theorists and fans of contractarian approaches to government. Public-choice scholars received *The State* well, and Nobel laureate James Buchanan wrote a glowing review of it for *Public Choice*.

Since the success of *The State*, Jasay has pursued a wide range of additional research projects on social contract theory, the problems and challenges of providing any form of public goods, the problems associated with political decision making, the nature of justice, and broader questions of political economy and economic activity. His work is squarely “liberal” in the European context, but he is no anarchist. Much as Jasay might like to do so, he never underestimates the reality that social contexts frequently create demands for services and goods that are undersupplied, for the prevention of free riding, and for rule coordination. *However*, as he wrote in the introduction to the Liberty Fund edition of his 1989 book *Social Contract, Free Ride*, “Around the supposed public-goods dilemma there is a genuine, but altogether non-fatal, public-goods problem. In sorting out the purported from the practical, one goes to the heart of the antagonism of the great rival principles of liberalism and democracy” (1989, 6). In that same book, he shows many of the perverse incentives and outcomes that occur when justice and fairness dominate the debate over public-goods provision, thus encouraging free riding. In sum, Jasay consistently stakes out practical ground informed by philosophy and sound economic thinking. He does not hold out hope for idealistic positions based on how the world ought to be but rather makes his assessment based on how it is and how it can be made better.

But that same approach gives him a refreshing perspective on contemporary economic matters, particularly in light of his personal experience working in the banking sector in Europe. Unlike many regulators who believed that the “market” was in need of more “public-sector oversight” after the 2008 financial crisis, Jasay argued that the banking system was neither public nor private. He claimed that sensible economic thinking instead “tells us the system was and still is a hybrid one, neither fish nor fowl, and there is no quick and offhand way for telling whether regulating it any further would do better or worse” (2014, xii).

This same pragmatism has also led him, however, to be deeply cynical about classical liberalism as both a philosophy and a plausible political agenda. In a 2011

interview with, not coincidentally, *The Independent Review*, Jasay expressed his unvarnished concerns about what he called the “unrestricted wishful thinking” of classical liberalism. He said: “It [classical liberalism] elaborates beautiful constitutions based on such liberal values as freedom, property, the rule of law, the independence of the judiciary, and so forth, explaining the moral superiority and practical advantages of the liberal order that such a constitution would produce and showing an almost pathetically naïve confidence that the dream constitution would in fact produce this dream result. This sort of argument has been advanced in fine disregard of the live forces of real-world politics that are incompatible with such constitutions” (Wolf 2011, 274).

Perhaps because of this pragmatism, Jasay is famously difficult to categorize. As the excerpt from the 2011 interview shows, he probably would not feel completely at home as a classical liberal. But his acknowledgement that public goods are underprovided and necessary obviously puts him at odds with anarchists and radical libertarians. Public-choice scholars have long admired him, but he does not fit in cleanly with them either. One might try to use the more general term *Austrian* to describe him, but he has also been known to call Hayek “startlingly naïve” (Wolf 2011, 274) and has never really been closely associated with the work of Murray Rothbard or Ludwig von Mises.

In what I call the third phase of his career, Jasay has been a frequent and powerful voice for liberty and free-market economics in popular discourse, most notably as a regular contributor and column writer for Liberty Fund’s web journal *Econlib* since 2002. His regular column “Reflections from Europe” has been a staple on the site for more than a decade, and he has written more than 140 articles in total that are addressed to mass audiences with an interest in contemporary questions of economics and politics.

The essays on Jasay we have for this issue focus on the latter two parts of his life. Four of them address his academic work in political philosophy, and one looks at his work as column writer and popularizer. The authors are political scientists, economists, and historians from Europe and North America, thus reflecting the international impact of Jasay’s work across many fields of study.

To my mind, the essays fall into three categories. The first category contains essays that focus on the impact of and challenges raised by Jasay’s seminal work *The State*. The first essay is “The Defensive State,” by Hartmut Kliemt, a title that conveys Kliemt’s purpose to build on Jasay’s work. Much like Jasay, Kliemt strives to build a positive theory of what he calls a “defensive state” that attains a balance between the coercive risks and anarchic uncertainty that scholars widely fear. He notes Jasay’s rejection of natural rights and his abiding interest in thinking about the state properly rather than merely in modeling it properly. Kliemt proposes a solution to the coercive nature of states constrained by how the need for public goods overcomes the failings of anarchy—a set of political communities that merely protect individuals to be left alone. He compares his vision for the defensive state to Chandran

Kukathas's (2003) "liberal archipelago," in which communities with divergent interests agree to mutually protect their citizens' abilities to pursue their separate means while still providing political order and basic services. In this way, Kliemt tries to address Jasay's exclusion of contractarian consensus as well as his concerns about complete anarchy.

The essay that focuses primarily on *The State* is "*The State* and Public Choice" by Pierre Lemieux, which provides a vibrant contrast to the book and various threads of public choice. Here Lemieux begins by claiming that this book can be categorized as part of the public-choice tradition and undoubtedly has been widely read and influential in that field of study. Yet he focuses on the methodological differences between *The State* and work in the public-choice tradition. Lemieux specifically argues that we can read Jasay as perhaps more anarchist than others would and compares Jasay's views to the greater "faith" that scholars such as James Buchanan have in the possibility of salvaging a better world with political order than in the state of nature.

The next two essays are of a different character and thus fit in a second category—they apply and extend Jasay's thinking to empirical and formal case studies. In the third essay, "No Salvation through Constitutions: Jasay versus Buchanan and Rawls," André Alves notes again the divergence as well as the similarities between Jasay's approach and that of public choice. However, he builds on both divergence and similarity and compares Jasay to James Buchanan and John Rawls in terms of constitution construction. Using two examples, the American and Portuguese constitutions, Alves notes that Jasay's insight that constitutions suffer from the same maladies as daily politics and public-goods provision poses a significant challenge to the general rules-based emphasis in Buchanan, Tullock, and many others' theory. This challenge applies in particular to the "veils of ignorance" that both Rawls and Buchanan and Tullock use in their work—namely, that individuals virtually always act in their self-interest, particularly when they are fashioning rules for constitutions. Studying the constitutions in both the United States and Portugal allows Alves to demonstrate Jasay's concerns about the risks associated with constitutions that are fairly suitable and stable, such as the U.S. one, and with constitutions that are defective from the start, such as the Portuguese one.

The fourth essay is "Spontaneous Order: Origins, Actual Spontaneity, and Diversity" by Carlo Cordasco and Sebastiano Bavetta. By applying the widely studied phenomenon of spontaneous orders, the authors gain interesting insights into Jasay's thoughts about public-goods provision and the emergence of order without the heavy hand of the state. They compare Jasay to a wider range of authors on the matter, most notably Hayek, and argue that spontaneous orders might provide a useful alternative to formal articulations of political order, which is consistent with Jasay's concerns about political institutions and political activity.

The final essay in the symposium is a complete departure from the first four. "Broken Windows and House-Ownning Dogs: The French Connection and the Popularization of Economics from Bastiat to Jasay" by David Hart documents

Jasay's lengthy career as a popular columnist and places him squarely in the same camp as Frédéric Bastiat and other famous French liberals of the nineteenth century. According to Hart, we not only must admire Jasay's abilities as a writer and thinker in his own right but must also read him alongside Bastiat and Gustave de Molinari in order to fully understand both his technique and message. When we do so, we can see how Jasay has drawn on and been influenced by this earlier great tradition of free-market advocacy.

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