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Burning Down the House: How Libertarian Philosophy Was Corrupted by Delusion and Greed (Book Review)

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to fear of stigma. This part concludes with attention to an active choice to relinquish privacy. For many, surveillance to combat crime and terrorism is a welcome price citizens pay for comfort and safety. Edward Snowden's revelation that the U.S. government was collecting sensitive information about average citizens challenges that perspective as well as the broader concept of choice in privacy.

¶43 Part 3 describes the shift away from privacy and the impact media has on privacy law and social norms. This portion of the book focuses on the distinction between ordinary citizens and public figures, with the latter awarded much less privacy and anonymity in modern society. Specifically, the authors discuss how the media and celebrity culture has changed dramatically since the 19th century. For example, although Queen Victoria and Queen Elizabeth II are both very well known, the amount of privacy each enjoyed was very different. During Queen Victoria's reign, very few of her subjects had seen her or could recognize the sound of her voice; however, Queen Elizabeth II was frequently on television and in the public eye. Mass media has greatly influenced how society approaches the right to privacy, affording little to those considered celebrities and public figures.

¶44 The final chapter of this book is a poignant summary of recent erosions of the right to privacy. During the COVID-19 pandemic, government and private entities used personal health information to punish individuals for ignoring guidelines and exposing others to the virus. Social media and facial recognition software identified many participants in the Capitol riot on January 6, 2021. Employers terminate workers for complaining about their jobs on social media. Text messages, emails, videos, and more—no matter how many times you click “delete”—are eternal. Everywhere you look, technology and media are clashing with privacy and the right to be forgotten.

¶45 *The Walled Garden* is dense but captivating. I found this book remarkably informative and accessible even to readers without a strong background in privacy law. Although case law is cited and explored in depth, readers need only a basic understanding of the intricacies of privacy law. Those interested in the meaning and evolution of privacy will likely find this book intriguing and insightful. With its extensive discussion of topics such as evidentiary privileges and censorship, this book is highly recommended for academic law libraries.

Koppelman, Andrew. *Burning Down the House: How Libertarian Philosophy Was Corrupted by Delusion and Greed*. New York: St. Martin's Press, 2022. 310p. \$28.99.

*Reviewed by Julia M. Tedjeske Crane**

¶46 In *Burning Down the House: How Libertarian Philosophy Was Corrupted by Delusion and Greed*, Andrew Koppelman examines modern libertarianism from a pro-capitalist, leftist perspective. Koppelman identifies “leftists and libertarians” (p.9) as the two primary audiences for the book. He hopes to help both groups see their goals as similar, as each seeks prosperity and freedom for all. Libertarianism is a type of

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liberalism, as are most modern U.S. political philosophies. Liberalism sees the purpose of government as ensuring that individuals are free to live as they see fit. An intense focus on limiting the government's regulation and redistribution powers is what distinguishes libertarianism from other types of liberalism.

¶147 The book begins with an examination of the writings of Nobel Prize-winning economist Friedrich Hayek, whom Koppelman credits with founding libertarianism. Koppelman clearly admires Hayek, and he agrees with Hayek's central argument that free markets are better than redistribution for combatting poverty. After covering Hayek, Koppelman discusses what he considers the "corrupted" (p.4) versions of libertarianism promoted by Murray Rothbard, Robert Nozick, and Ayn Rand.

¶148 Koppelman reports that some self-identified libertarians he spoke with suggested he omit the chapter discussing Rand and Rothbard because those individuals would be "offended if you confuse their views with Rothbard's or Rand's" (p.110). He kept the chapter in the book because Rothbard's and Rand's "romantic absolutism" (p.110) dominates libertarianism in popular culture and politics. In one survey, Americans cited Rand's *Atlas Shrugged* as the book that had most influenced their lives, second only to the Bible.

¶149 Koppelman stresses there are real-world implications to political philosophies. For example, the book's title refers to an incident Koppelman uses to distinguish Hayek's libertarianism from the more absolutist versions espoused by Rand and Rothbard. In 2010, residents of a town in Tennessee had to individually contract with a fire department in a neighboring town because their town did not have a fire department. After a man inadvertently failed to pay his annual contract, the fire department refused to help him when his house caught fire. Even worse, the firefighters were on the scene to protect his neighbor's house, if needed, but they sat and watched the man's house burn. Three dogs and a cat died in the fire. Following the incident, several conservative commentators defended the fire department's decision not to intervene. Koppelman believes Rothbard would have supported letting the house burn down, but Hayek would not because Hayek's opposition to centralized economic planning would not "rule out protection from random accidents, such as fires" (p.7).

¶150 Koppelman's critique of modern libertarianism emphasizes three issues: a mistaken belief in the morality of markets, a limited conception of freedom, and an incomplete understanding of property rights. Modern libertarianism differs most significantly from Hayek's approach concerning the first issue—the market's morality. Hayek did not consider market success to be a sign of moral superiority. In his view, markets may distribute income efficiently, but they do not accurately reflect merit because luck as well as skill impacts market rewards. Hayek acknowledged that companies often succeed and fail for reasons that would be hard to predict. In contrast to Hayek's "coldly instrumental" (p.15) embrace of markets, Koppelman describes Rand as a "romantic individualist" (p.16). Rand extended libertarianism beyond economics, developing it as a philosophy of personal freedom. She and others like her view the market as a moral force that rewards superior individuals. Therefore, the government violates human rights by doing anything other than protecting property and enforcing contracts.

¶151 Second, Koppelman claims that libertarianism lacks a thoroughly developed understanding of freedom. Libertarians often define freedom as the absence of coercion. Other liberal political traditions acknowledge that people may not live the lives they desire because of forces other than coercion, viewing freedom more broadly as the ability to shape one's own life. A famous Norman Rockwell painting depicts Franklin Roosevelt's concept of "freedom from want," an example of this broader notion of freedom. Consistent with this broader approach, governments can facilitate freedom by subsidizing education, infrastructure, and basic research, all of which support humans' flourishing.

¶152 Finally, Koppelman criticizes libertarians' mistaken belief that private property rights give them absolute dominion over a part of the world, free from affirmative duties or taxes. He uses the following example of absolutist property rights: "For Rothbard, if A has the only oasis in a desert and refuses to share his water, and B will die of thirst unless he takes some of it, B has a moral duty to die (and watch his children die) rather than violate A's property rights" (p.79). Koppelman rejects this radical idea. Instead, he includes taxation in a system of property rights that allocates a portion of output to collective rather than individual consumption. For Koppelman, the concept of private property is meaningless without this comprehensive system, including taxation.

¶153 Even though I don't have a background in political philosophy or libertarianism, I found Koppelman's arguments easy to follow. In addition to the more theoretical discussion, I appreciated the application of libertarian thinking to various legal issues, including drug policy, arbitration clauses, pollution regulations, and antidiscrimination laws. All the materials were thoroughly researched and supported by citations. Any library collection focusing on political philosophy or the intersection of law and politics would benefit from this book.

Waller, Dahvi, creator. *Mrs. America*. FX on Hulu, 2020.

*Reviewed by Baylee Suskin**

¶154 Looking for a new way to teach *Dobbs*⁵ that brings in pop culture references, a deep historical perspective, and bell bottoms swinging to funk music? *Mrs. America*, a nine-episode miniseries produced by FX on Hulu, may help provide some meaningful context—specifically on the history of the doomed Equal Rights Amendment (ERA)—which informs *Dobbs* and other Supreme Court opinions. Filmed in 2020, the miniseries allows viewers to see parallels between the 1970s and now: a gravely underestimated national distrust of liberal feminist politicians (as revealed by Hillary Clinton's narrow loss in the 2016 presidential election), disagreement over sexual mores, and nostalgia for a time gone by when things were (allegedly) better. These parallels could be useful in helping students understand the culture wars underpinning the political forces that

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5. *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022).