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Libertarianism on the Brink

Abstract: I argue that recent developments in my on-going debate with Jan Narveson have brought libertarianism to the brink where it is now able to cross over and join forces with welfare liberalism and even socialism. I summarize my debate with Narveson and then argue that a public concession Narveson made at recent meeting along with a new argument he advanced in response to that public concession have now brought libertarianism to this momentous brink where it can now be seen to cross over into the welcoming arms of welfare liberals and socialists.

1.

Jan Narveson and I have been debating libertarianism with great enthusiasm for longer than I think either of us can remember. Fortuitously, I believe that recent developments in our debate have brought libertarianism to the brink where it is now able to cross over and join forces with welfare liberalism and even socialism. Two events in the recent history of our debate have signaled this change. The first is a public concession Narveson made at a recent authors meets critics session on our Cambridge book, *Are Liberty and Equality Compatible? For and Against* (Narveson/Sterba 2010). The second is a more recent argument that Narveson set out in response to that public concession. But before directly discussing these two events that have brought libertarianism to the brink, let me say a bit about the course of our debate.

2.

Narveson argues for the incompatibility of the political ideals of liberty and equality while I argue for their compatibility. More specifically, Narveson argues that a political ideal of negative liberty is incompatible with any substantive ideal of equality, while I (in order not to beg the question against Narveson's view) argue that Narveson's own ideal of negative liberty is compatible, and in fact, leads to the requirements of a substantive ideal of equality. It bears noting that when I speak of an ideal of liberty or equality, I intend those ideals to include both supererogatory and obligatory requirements, the latter of which correlate with rights that are taken to be fundamental. So this debate is centrally about

what fundamental rights people should have and what those rights require. It also bears noting that by appealing simply to the libertarian ideal of negative liberty, I lose virtually nothing by not appealing directly either to a welfare liberal ideal (involving the meeting of everyone's basic needs) or to a socialist ideal (that requires substantial equality). Since I claim that the same practical results that welfare liberals and socialists favor can be derived simply by appealing to a libertarian ideal negative liberty, argumentatively it is much better to appeal to a libertarian ideal of negative liberty to get to those same results. Of course, welfare liberals and socialists can continue to endorse those same results on the basis of their ideals, but now, if I am right, libertarians can be required to do the same on the basis of an argument based on their own ideal of negative liberty. Surely welfare liberals and socialists should be happy with this result.¹

Narveson defines negative liberty to be the absence of factors that prevent a person from doing something. He takes the political ideal of negative liberty to be that each person's negative liberty should be constrained in the least possible way compatible with the same constraint on the negative liberty of everyone else. Narveson argues that commitment to this ideal of negative liberty will lead to free-market capitalist institutions without any right to welfare, let alone any requirement to secure economic or social equality. Nor do we violate the rights of distant peoples or future generations, he claims, by using up resources that they need, or will need, to survive, since distant peoples and future generations have no right to welfare.

I accept Narveson's definition of negative liberty. I also accept Narveson's view that each person's negative liberty should be constrained in the least possible way compatible with the same constraint on the negative liberty of everyone else. However, I maintain that this political ideal of negative liberty, under certain conditions, favors the liberty of the poor not to be interfered with in taking from the surplus of the rich what they require to meet their basic needs (a negative liberty) over the liberty of the rich not to be interfered with in using their surplus for luxury purposes (another negative liberty), which leads to a negative liberty right to welfare. I further argue that the recognition of this negative liberty-right to welfare will give rise to a positive right to welfare. Agreeing with Narveson that basic rights are universal rights, I extend this derived right to welfare to distant peoples and future generations. I further argue that respecting this right requires that we use no more resources than we need for a decent life so that distant peoples and future generations will also, as much as possible, have the resources they need for a decent life. And this, I claim, will

¹ In my book with Narveson, I made, maybe less explicitly, the same argument I have just made here in the text in response to Henry Shue's suggestion that in addition to a concern over negative liberty, we need to include a concern over meeting basic needs to achieve just results. On Narveson/Sterba, 52-3, I argued that appealing simply to ideal of negative liberty can lead to a right to welfare that secures the meeting of basic needs. I argued that you don't need an additional premise explicitly expressing a concern for meeting basic needs to get the results that Shue wants. So argumentatively when dealing with libertarians, I think it is clearly better to appeal to a premise libertarians do endorse that gets to the conclusion you want than to appeal, in addition, to another premise that libertarians explicitly reject, which is really not needed, to get to the conclusion you want.

lead to an equality in the use of resources over space and time. In short, I argue that Narveson's own negative ideal of liberty leads to the requirements of a substantive ideal of equality.

Both of us recognize that we need to present a non-question-begging argument—one that should be acceptable to all parties—supporting one or the other of our different interpretations of the political ideal of negative liberty. Accordingly, Narveson seeks to provide a non-question-begging argument supporting his no-welfare, no-required-equality interpretation of the ideal, and I seek to provide a non-question-begging argument supporting my welfare-leading-to-required-substantive-equality interpretation of the ideal.

Of course, we both can't be right. The details of our arguments about the political ideal of negative liberty and its requirements will determine which of us is right. Now it is also important to realize that Narveson and I are idealizing quite bit here, in a way similar to the way physics today idealizes about, say, how objects will behave in a perfect vacuum and then moves on to determine how those same objects will behave in more real-life conditions where other factors such as wind and friction are present. In our idealization, as I see it, Narveson and I are assuming that there are two groups of people, one group, which I like to call 'the rich', have more than enough resources to meet their basic needs for a decent life and another group which I like to call 'the poor' lack the resources to meet their basic needs.² We also assume that the members of neither group have done anything morally wrong to get where they are, and we further assume that members of each group can interfere with members of the other group (they can prevent each other from acting in certain ways) and that such interferences would constitute limiting the liberty (i.e., the freedom of action), whether justifiably or unjustifiably, of the members of the other group. Our project, then, is to determine when, if ever, under these ideal conditions such interferences are justified. The ultimate standard of justification we both are endorsing, as I mentioned earlier, is one of non-question-beggingness, that is, we are each trying not to beg the question against the other in reaching a resolution. Beyond that, we both endorse a standard of avoiding harm, and a lot of our argument is about claims as to whom is harming whom, how serious those harms are, and what should be done about them. We also appeal to other standards, but it is implicitly understood that these other standards cannot conflict with either of the two I just mentioned. On this basis, we hope to reach a resolution. I think we are in fact close to achieving one. If we do achieve such a resolution of our argument for the stipulated ideal conditions, we both think that such a resolution, as in the analogous use of idealized cases in physics, will have significant implications both for other ideal cases and for the real life conditions in which we live. That is our justification for engaging in this project of ideal theorizing.

² If everyone has sufficient resources to meet their basic needs for a decent life, then there is no need for a right to welfare, and if there are not sufficient resources for everyone to meet their basic needs, we would have to deal with various types of lifeboat cases. However, I think their resolution should await the resolution of the ideal case Narveson and I are focused on resolving because their resolution depends on the resolution of the case on which Narveson and I are focusing.

3.

Now in the past, Narveson had two ways of using a normative standard to determine which liberties from the world of morally unspecified liberties turn out to be negative liberties that he morally approves of. His first way is to just see or intuit, in the absence of property rights, that certain human actions are acts of violence or harmings while others are not. For example, if a poor person who has no other alternative, in the absence of property rights, takes from what just happens to be the surplus possessions of a rich person what she requires for meeting her basic needs, Narveson just thought that the poor person has interfered with the rich person in a way that uses violence against, or harms, or makes worse off, the rich person. However, if the rich person, in the absence of property rights, effectively stops the poor person from taking from her surplus, that stopping (interfering) by the rich person, Narveson thinks, does not use violence against, or harm, or make worse off, the poor person. So, on the basis of his intuitions about what is and is not using violence, harming, or making worse off, Narveson, in the absence of property rights, builds his normative principle of liberty.

The second, and not unrelated way that Narveson uses a normative standard to get to approved liberties is by employing a Hobbesian social contract. A purported advantage of using such a contract is that it provides a normative, but nonmoral, basis for determining morality. There is a problem, however, with using such a contract to decide what negative liberties should be favored. This is because it is not clear what, if anything, would be agreed to in such a contract situation. Narveson argues, however, that there is a salient point for agreement, which is that we all just agree to not use violence or do no harm. In addition, Narveson took the specification of harm here as given by his first way of determining which liberties are to count. Drawing on our previous examples, we are just supposed to see, in the absence of property rights, the actions of the poor against the rich as harming the rich, but not see the actions of the rich against the poor as harming the poor. In this way, Narveson uses his particular specification of when harm would occur to provide the salient point for agreement in a Hobbesian contract.

Now the problem with Narveson's argument here is that it rests on a question-begging specification of harming, using violence or making worse off. If we are not going to presuppose property rights to a surplus then we have no way of claiming that the poor uses violence against, or harm, or make the rich worse off when they take from the surplus possessions of the rich what they require for meeting their basic needs, but that the rich do not use violence against, or harm, or make worse off the poor, even when they go beyond nonhelping and effectively stop the poor from taking from their surplus what they require to meet their basic needs.

At the recent 'Authors Meet Critics' session on our Cambridge book, I maintained that a fundamental problem with Narveson's defense of libertarianism, as I saw it, was that it is based on an undefended claim that in the absence of property rights if a poor person who has no other alternative, takes from the sur-

plus possessions of a rich person what she requires for meeting her basic needs, that poor person has interfered with the rich person in a way that uses violence against, or harms, or makes worse off, the rich person, while if that same rich person, in the absence of property rights, goes beyond nonhelping, and effectively stops the poor person from taking from her surplus, that stopping (interfering) by the rich person does not use violence against, or harm, or make worse off, the poor person. That is the undefended claim. In the absence of property rights, I don't see any basis for Narveson's making that asymmetrical claim. As I see it, in the absence of property rights, using violence, harming, or making worse off cuts both ways.

After I made that argument at the session, Narveson surprised everyone in the audience by allowing that harming, using violence and making worse off does cut both ways. However, when I questioned him further, he maintained that his libertarian view is still preferable because the poor are the first harmers.

So let's see if that is the case. Let's see if we can determine who are first harmers in the conflict situations between the rich and the poor where, as we have been assuming, property rights have yet to be specified and harming cuts both ways. Suppose the poor take from the surplus of the rich what they require for meeting their basic needs. Since the poor would thereby be preventing the rich from using those same resources, they would seemingly be making the rich worse off and thus harming them. Assuming further that the rich would not yet have done anything to the poor, the poor would seemingly be first harmers, just the result Narveson wanted.

But wait. Consider an alternative possibility. Suppose the rich use their surplus for luxury purposes. Since the rich would thereby be preventing the poor from using those same resources, they would seemingly be making the poor worse off and thus harming them. Assuming further that the poor would not yet have done anything to the rich, the rich would seemingly be first harmers, just the result Narveson didn't want.

To make matters worse, consider two other possibilities. Suppose the rich prevent the poor from taking from their surplus what the poor require to meet their basic needs. In the absence of property rights, are the rich thereby harming the poor? Well, we might say that, but we might also say that what the rich were doing is acting pre-emptively to prevent the poor from harming the rich themselves. So construed, the threatened action of the poor would be the first harm; the pre-emptive action of the rich would be just a defensive response to that first harm and so purportedly justified on that account. But now suppose the opposite. Suppose the poor prevent the rich from using their surplus for luxury purposes. In the absence of property rights, are the poor thereby harming the rich? Well, we might say that, but we might also say that what the poor were doing is acting pre-emptively to prevent the rich from harming the poor themselves. So construed, the threatened action of the rich would be the first harm; the pre-emptive action of the poor would be just a defense response to that first harm and so purportedly justified on that account.

So it looks like first harming can only be avoided in these conflict situations when no one attempts to use or succeeds in using the rich's surplus. If the

rich attempt to use it and the poor stop them, the poor would be acting pre-emptively and so the rich would be the first harmers. And if the rich succeed in using the surplus, they would be the first harmers because the poor are thereby made worse off. If the poor attempt to use it and the rich stop them, the rich would be acting pre-emptively, and so the poor would be the first harmers. If the poor do succeed in using the surplus they, would be first harmers because the rich would thereby be made worse off.

What this analysis shows is that the notion of ‘first harming’ cannot be effectively used to decide what should be done in these conflict situations between the rich and the poor, given that attempts to use the surplus of the rich or the actual uses of it, can, depending on what transpires, make either the rich or the poor the first harmers. So what we need to do is evaluate the conflicts between the rich and the poor not in terms of first harming, since both the rich and the poor can easily be construed to be first harmers, but rather in terms of which harm is more damaging, harming the rich or harming the poor?

For this purpose, the normative standards that I proposed to determine enforceable normative priority in these conflict cases can be seen to be preferable to the standards that Narveson puts forward. Narveson’s first standard is intuitive judgments as to who is harmed in these conflict situations between the rich and the poor where he perceives the rich as being harmed but not the poor. Given what Narveson said at the APA Meeting, it would appear that he has now abandoned that standard in favor a standard against first harming. But we have just seen that this new standard will not work.

Narveson’s second standard is a Hobbesian social contract, but his use of that standard crucially depended on his first standard (now one transformed into a standard that harming cuts both ways where there are no property rights) to determine the salient point for agreement in a Hobbesian contract. But now that it has been shown that Narveson’s new standard gives oscillating results, sometimes regarding the poor as first harmers and sometimes regarding the rich as first harmers, Narveson cannot use it together with his Hobbesian social contract to produce a pareto optimal solution. Narveson’s new standard and a Hobbesian social contract will just not serve to justify the libertarian outcome that Narveson wants.

But now that we see that Narveson’s new standard will not work to determine what should be done in conflict situations between the rich and the poor, the usefulness of my two standards: the widely accepted ‘Ought’ implies ‘Can’ principle and the virtually impossible-to-reject principle of non-question-beggingness becomes even more apparent. Both principles can easily be used to assess the importance and extent of the harms involved in favoring the liberty of the poor or in favoring the liberty of the rich in these conflict situations. These standards would almost surely have favored basing their evaluation on the extent and importance of the harms, even if there had been a useful basis for determining who is the first harmer. But now they are the only game in town, so to speak, and these standards more clearly come down on supporting the liberty of the poor over the liberty of the rich and thus provide the support required for a right to

welfare. Here the theoretical argument from libertarian premises to a right to welfare seems to be satisfactorily concluded.

However, when Narveson wrote up his revised responses for the published version of this Authors Meets Critics session, he made no mention at all of his public concession he made, neither attempting to work out its implications nor giving any reasons for his current retreat to his earlier position. Rather, Narveson just proceeded as if he had never made the public concession at all, restating his earlier view that in the conflict cases between the liberty of the rich and the liberty of the poor that he and I are focused upon, only the poor harm the rich, the rich do not harm the poor even when they interfere with their liberty, in the absence of property rights. My challenge that harm goes both ways in these conflicts was left unanswered.

4.

So I decided to further challenge Narveson to address the public concession he made at the 'Authors Meets Critics' session, either to consider the negative implications it had for his view, as I have just done, or to justify his current retreat to his earlier view.

In his response, Narveson starts commenting on something I said after I began exploring the implication of his public concession. I was not sure that his comments were advanced after now allowing the concession and hence the legitimacy of my exploring what that concession entails for determining who is a first harmer. However, I am inclined to think they were because Narveson replied as follows:

"I am puzzled how the poor who take them (i.e., the surplus goods of the rich) could be thought to be acting 'pre-emptively'. Have I missed something? Or how the 'threatened action of the rich' which, I take it, here consists in producing luxury goods when conceivably they could instead have produced essentials for the poor, however we construe all that. How that can be conceived as a first harm without completely begging the question escapes me."³

Now the way I reached my conclusion that the rich were in this case the first harmers is by conceiving the 'threatened action of the rich' not as the action of 'threatening to produce luxury goods rather than goods essentially needed by the poor', but rather as the action of 'threatening to stop the poor from using the surplus that the rich have already produced and presumably intend to use for luxury purposes'. Since, in light of Narveson's public concession, he had allowed that the actual stopping of the poor from using that surplus would, in the absence of property rights, be a harming, I was inferring that threatening to do that same action is also a harming, and that consequently, such an action can justifiably trigger a pre-emptive response.

³ All the following citations are drawn from statements at the APA meeting and further exchange springing from that.

It is really important to note here that I allow that essentially the same argument can be used to generate support for the pre-emptive action of the rich in comparable circumstances. So the conclusion I draw from these two arguments (one favoring the poor, the other favoring the rich) is that Narveson's new standard cannot be used to resolve this debate once one concedes, as he does—rightly in my judgment—that harm cuts both ways in the conflict between the rich and the poor in the absence of property rights.

Given that conclusion, I go on to argue that we need a different way to resolve the debate, either one that uses my 'ought' implies 'can' principle, or more preferably, the principle of non-question-beggingness. Since Narveson needs a harming or first harming analysis to work in order to support his libertarian conclusion, I think my analysis here, proceeding as it does from Narveson's public concession, raises a fundamental problem for his view because it deprives him of his harming or first harming analysis.

On another occasion, apparently attempting to respond to the challenge that arose at the 'Authors Meets Critics' session, Narveson wrote:

“Now, let's see... Obviously rich and poor can each do harm to the other. But what you need is to show that A's not doing something to B can nevertheless harm B. (What you want is that the rich refusing to help the poor harms the poor; I of course deny that such refusal does harm them, though of course it doesn't help them.)”

But we are not talking about simply an omission here, but also a commission—the act of preventing the poor from taking what they need from the surplus of the rich in order to satisfy their basic needs. It is this commission that, I claim, clearly harms the poor.

Subsequently, Narveson responded as follows:

“Zero-sum games for control of particular objects generate warfare, not right. But we can undo the zero-sum aspect by establishing first-come first-served property rights. These enable producers to increase the product otherwise available, and then that creates the environment in which the second-coming Bs can gain by offering, e.g., to work for the A's, etc.”

To which, I responded:

“You remark that such situations have generated warfare, and you propose to avoid the zero-sum feature of warfare solutions with a first-come, first-served property right which can allow second-comers to benefit in ways that do not lessen in any way the benefit to the first-comer. But I want to consider situations where the second-comer really does need part of what the first-comer possesses and the first comer is just possessing it and has not turned it to any productive use.”

To which Narveson responded:

“Such cases are no doubt possible. When British nobility came into possession of deer-parks, for example. Of course, we now have another problem: people who go to the trouble of occupying land that others want, and using it not for the production of things like food, but rather for pleasure, nevertheless use land productively, in my view. They just aren’t producing what other people are interested in.—And in this pure case, I also deny that the envious later-comers have a case. The ones who merely like the land as it is and want to keep it that way are causing no harm to anyone else, and have the same right to peace as anybody else.”

Now surely, it would have been a surprise to the English commoners that the prohibition of hunting in deer-parks and forests of the nobility did not harm them by keeping them from meeting their basic needs. And in the absence of property rights, how could we assume that this was the case?

Elsewhere in our exchange, I wrote:

“Given that the poor really do need those surplus possessions, they would be harmed much more by not getting them than the rich would be harmed by being deprived of them.”

And Narveson responded:

“Hold it! YOU are saying they ‘would be harmed’, but harming is a human action. Sure, germs can come along and harm people too, of course. But you have to make the case that it’s these people, the creators of the wealth in question, who are such that taking from them is not harming them, as compared with them being so unhelpful as to refuse to allow the poor in question to help themselves at their expense.”

But I am allowing that even in the absence of property rights, taking from rich does harm them just as preventing the poor from taking from the surplus of the rich would also harm them. In my view, in the absence of property rights, harm cuts both ways in these cases.

Later, Narveson responded:

“The thing is you keep inserting the reference to their ‘needs’ but these have no fundamental status here. We have to bear in mind that we are not allowed to assume that the rich in question care about the poor in question. (In real life, they usually do; most of us are helpful, benevolent. Those people are way over to the periphery of our focus here. The question is whether, when we get down to brass tacks, we can conscionably claim that certain people are harming certain others by taking things manifestly useful to themselves from their creators, and appropriating them to people who have had no role in their

creation. I see nothing question-begging about these descriptions. The smart and talented and energetic can and do create all sorts of useful things. You're trying to (and committed to) make a case for 'blaming the victim' here and I just don't see it."

However, in the absence of property rights, we should have no difficulty seeing that harm cuts both ways in cases of conflict, forcing us to give up on a no-harm resolution in favor a prevention-of-greater-harm one.

Still later, Narveson wrote:

"If we are to speak of 'taking from them' in a situation with no property rights, we evidently must mean, then, that these are simply possessions of the 'rich'—possessions taken into their possession (by hypothesis) without taking them out of the possession of anyone else. Now, if you take something I valued enough to take it into my possession, you of course do harm me. If that is a thing which I didn't originally acquire by taking it from your previous possession, I can hardly be harming you in that same sense—my activity is defensive, but yours isn't."

But defensive actions are legitimate only when what one is defending is something to which one has a right. Thus, in the absence of property rights defending that to which one has no right does not legitimate one's defense.

It is here that Narveson makes the argument that I referred to in my introduction which together with his public concession I think serves to push libertarianism over the brink into welfare liberalism and even socialism. Narveson argues:

"[T]hey (i.e., the rich and the poor) are certainly not on a par. Only if you're willing to hold that clearly harmful activities are nevertheless activities the prevention of which would be just as harmful can you say, should think, that it's just a question of 'which harms we prefer'."

But this is exactly what one should be willing to hold here. The prevention of what Narveson and I both regard as the harmful activities of the poor in taking from the surplus of the rich what they would require in order to meet their basic needs is also harmful, even more so, to the poor because it keeps them from meeting their basic needs. So just the condition Narveson maintains would have to obtain for harm to cut both ways, clearly does obtain here. Hence, we should conclude that harm does cut both ways, and endorse what I have shown are the further implications of that conclusion.

Accordingly, I have argued that recent developments in Narveson's and my debate have brought libertarianism to the brink, where it is now able to cross over and join forces with welfare liberalism and even socialism. These recent developments are the public concession that Narveson made at a recent authors meets critics session on our Cambridge book and a more recent argument that Narveson set out in response to that public concession. I have chronicled these

developments within the context of the debate that Narveson and I have been conducting over the years, suggesting that it is now the appropriate time to bring our debate to a close and let libertarianism go over the brink to join forces with welfare liberalism and even socialism. Surely, this is the moment we have all been waiting for.

Unfortunately we are not quite there because just at this juncture in our debate Narveson presented a new objection to my argument that he had never presented before. Narveson contended that his denial of my argument is really due to just one thing—just one thing—which is that I need to talk as though the fact that someone made something is irrelevant. For me, he says, the history of what is produced, for example, a sandwich, that is, who produced it and who didn't is irrelevant.

So what happens, if the one thing on which Narveson now bases his rejection of my view upon is false? Shouldn't that mean that Narveson would henceforth should join forces with me in my effort to push libertarianism over the brink into welfare liberalism and socialism? I would think that should be the case.

But can I make good on my claim that the just one thing on which Narveson bases his denial of my argument is a mistake about my view? Can I really show that the fact that someone made something is not irrelevant in my view? Put another way, can I show that a person's relation to productivity is relevant in my view? To be relevant, of course, a person's relation to productivity does not have to be the only fact that is relevant. There could be, and in fact are in my view, other facts that also are relevant.

Now to show that a person's relation to productivity is relevant all that I would need to show is that on my view that fact is clearly relevant to what people should get or be able to retain. And that I can do.

First, consider two individuals one of whom has been just able to be productive enough to secure the resources for herself and her family that are required for a decent life, and another individual who has been able to do neither, let us imagine, through no fault of his own or anyone else. In that situation, on my view, the productivity of the first individual gives her and her family clear entitlement to the resources for a decent life even in the face of the unsatisfied basic needs of the second person.

Here is another very general case. On my view, needy people are entitled to welfare only if they have done all that they reasonably can to meet their basic needs themselves, that is, they have to have fully utilized their ability to be productive, and in the circumstances, that must have proved insufficient. So here again, an individual's relation to his own productivity is clearly relevant to what he is entitled to on my view. Either one of these examples should suffice, given Narveson's claim, to make a believer out of him. But let's see.

It might also be helpful if I explain a bit more how I see the rich harming the poor in first appropriation cases and in cases of production. Now in both sorts of cases we are focused on a context in which a surplus has been appropriated or produced because that is primarily where, on my view, others can make legitimate claims against appropriators and producers. So suppose that in a case of first appropriation, a surplus was acquired without coercing anyone. Still,

when others appear on the scene their opportunities would still be restricted if they cannot appropriate just what those who came before them appropriated. So first appropriation can in fact worsen the situation of those who come later. Similarly, the action of those who come later by attempting to take from the surplus of the first appropriators to meet their basic needs can also worsen the situation of the first appropriators themselves. So we are faced with a situation here where worsening cuts both ways and we have to determine which worsening is worse.

Of course, Narveson might want to respond here that the worsening that would be imposed by the first appropriators on those who come later is defensive in nature and so legitimate. But from the point of view of those who come later their claim is that the first appropriators has appropriated too much, and that is why those who come later are in their less fortunate situations. They would claim that when first appropriators defend an overextended first appropriations, the fact they are engaged in a defense does not provide an adequate justification for what they are doing.

Now consider the production of a surplus from commonly available resources. Suppose at t one actor, let us call her Talented Tina, produces a surplus, say some extra sandwiches. and at $t+1$ she prevents another actor, let's call him, Hungry Harry, from utilizing any of the surplus she has produced although having access to that surplus would enable Hungry Harry to meet his basic needs. Now Hungry Harry is no worse off at $t+1$ when Talented Tina prevents him from accessing her surplus than he was at $t-1$ before Talented Tina produced the surplus, but he is worse off at $t+1$ than he was at t because at t Talented Tina had produced her surplus, but had not yet prevented Hungry Harry from accessing it. At $t+1$ she does prevent him, thereby making him worse off.

There is nothing odd about these judgments once we recognize that the actions of others can make us better off or worse off and that over time different effects can be produced. Thus suppose Talented Tina is also a cancer researcher who has not yet made any significant discoveries and suppose that Hungry Harry has now become transformed into Unhealthy Harry who suffers from terminal Cancer. Suppose Talented Tina now discovers a general cure for cancer. That makes Unhealthy Harry better off because it is now the case that his cancer can be cured. But suppose that Tina goes on to arbitrarily refuse to let Harry have access to her treatment. Now wouldn't we find this last action of Tina objectionable? And wouldn't we think it is objectionable enough to justify Harry's use of coercive action to reverse it?

Now it might be objected here that it is a bit unfair to go after just Talented Tina who has discovered a cure for cancer (or pharmaceutical companies more generally) to make Unhealthy Harry better off rather than going after all who are able to assist in getting Tina's cure to those in need. This is a valid criticism; such burdens would have to be shared fairly by all those who are more productive in a society because that is what a non-question-begging weighing of the relevant negative liberties of all those involved would require. Still, I contend that at the present time, respecting a non-question-begging weighing of the relevant negative liberties of just those who currently exist would NOT lead to substantial

equality. A basic needs minimum that secures a decent life can be provided to all the deserving poor today at the same time that a surplus could be produced from existing resources to meet at least some people's luxury needs. However, elsewhere I have argued such a use of resources for meeting luxury needs would likely interfere with the use by future generations of those same resources to meet their basic needs.⁴ So I have argued that in the absence of a technological fix, the relevant negative liberties of future generations not to be interfered in meeting their basic needs are non-question-beggingly preferable to the negative liberties of existing generations to use those same resources to satisfy their luxury needs. Of course, if we come up with a technological fix, such that we can make everything easily out of (say) sand or light from the sun, then some inequality may be justified. Yet given what we currently can reasonably expect about the availability of resources and future technology, I argued that a non-question-begging weighing of the relevant negative liberties pushes us toward equality. Nevertheless, my debate with Jan Narveson has almost always focused on the first stage of my argument where I derive a right to welfare from the libertarian's ideal of negative liberty. It is just here, I claim, that the specific arguments that I have surveyed in this paper have finally succeeded in pushing libertarians over the brink into the awaiting arms of welfare liberals and socialists.

Bibliography

- Narveson, J./J. Sterba (2010), *Are Liberty and Equality Compatible? For and Against*, Cambridge
Sterba, J. (2013), *From Rationality to Equality*, Oxford

⁴ Most recently and in greater detail in Sterba 2013, chapter 6. But also see Narveson/Sterba 2010, 114–6.