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A Response to Jan Narveson: Why Libertarians Are and Are Not Like Turnips

Abstract: I show how Jan Narveson's critique fails to unseat my central argument that harm cuts both ways in our assumed idealized conflict situations, such that sometimes the poor harm the rich and sometimes the rich harm the poor. I further show how this supports my overall argument that libertarianism has gone over the brink into the waiting arms of welfare liberals and socialists. I also reject the other reasons that Narveson provides for not recognizing the welfare rights of distant peoples and future generations which are independent of my argument about harm.

1.

I want to begin by thanking Jan Narveson for his comments, which he has now generously revised at least three times. What more could one ask of a commentator? Unfortunately, as it turns out, the only conclusion that I can draw from reflecting on the newest version of his comments is the one that I drew in my paper—that libertarianism has clearly gone over the brink and joined forces with welfare liberalism, and even socialism. Still, I really have an obligation to explain why I had no choice but to draw this conclusion, and why I reject Narveson's old analogy while accepting his new analogy, given at the end of his comments, between libertarians and turnips! That is what I propose to do in this reply.

2.

Now Narveson starts off by puzzling over an early passage from my paper. He quotes me as saying:

“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.” (Narveson 2015, 204)

To Narveson, the ‘so’ connecting the two sentences suggests that I am claiming that the obligatory requirements of the ideals of liberty and equality follow from their supererogatory requirements. That would be problematic. But clearly no such implication is intended here. Rather, the point is that when referring to such ideals, I am not taking them to be simply supererogatory ideals, as the use of the term ‘ideals’ in other contexts might suggest, but rather as standards that include both supererogatory and obligatory requirements. No claim that one can make an inference from the one type of requirements to the other is being suggested at all.

In this latest version of his comments, Narveson immediately turns to a discussion of future generations and a standard of welfare before taking up what he rightly regards as my central argument about harm. However, I am not going to follow Narveson’s lead here. Instead, I am going to begin with what he has to say about my central argument about harm. That argument is at the heart of the debate that he and I have been having. If that argument is successful, then what Narveson has to say about future generations and a standard of welfare, even if defensible, and I will argue later that it is not, would still fail to save libertarianism from falling over the brink into at least the waiting arms of welfare liberals, if not socialists.

So, as I see it, everything depends on my argument about harm. What this argument maintains is that in idealized conflict situations between the rich and poor it can be shown that harm cuts both ways, that is, if the rich successfully pursue their interests, they will be harming the poor and if the poor successfully pursue their interest, they will be harming the rich. That outcome is fatal to Narveson’s version of libertarianism because he needs it to be the case that, in such idealized conflict situations, the poor harm the rich but the rich do not harm the poor. With that result, Narveson could then go on to employ his Hobbesian social contract theory, which can be interpreted to support a do-no-harm solution, to justify his favored version libertarianism. So if Narveson is wrong about his claim that harm does not cut both ways, his whole argument collapses because then he can no longer use his Hobbesian social contract theory to support the form of libertarianism he favors.

By contrast, I maintain that there are two normative standards, the ‘ought’ implies ‘can’ principle, which is explicitly moral, and the standard of non-question-beggingness, which is not explicitly moral, that can be used in situations where harm does cut both ways. These standards applied to conflicts between the rich and the poor, once it is recognized that harm does cut both ways, lead to welfare liberalism, and ultimately socialism. As a consequence, libertarianism, with its conflicting harms resolved in this way, does fall over the brink into the waiting arms of welfare liberals and socialists.

3.

So what is Narveson's critique of my argument? Narveson puts forth the following account of the conflict between the rich and the poor from which he hopes to establish that the poor harm the rich but the rich do not harm the poor:

“The poor person who takes from the better-off, productive person makes that productive person worse off; whereas in the alternative situation, where the poor man refrains from unilaterally appropriating the products of others, he is no worse off than before—which, to be sure, was pretty badly off. But the ‘rich’ man does not *worsen* the poor man's situation, whereas the poor man's action *does* worsen that of the rich man. Undoubtedly, it would (at least, usually) be nice of the rich man to help the poor man, and he often will do so, with general approval; but you cannot derive the *enforceable duty* to do so from a duty not to harm the poor man—for he has not harmed him. And if the poor man insists on predatory action, and the wealthier one defends his product, then the wealthy are only attempting to correct an invasion. Any harm that would come to the invader as a result is the invader's fault, not the defender's.” (Narveson 2015, 217)

Now right off, by describing the conflict between the rich and poor in this way, Narveson demonstrates both his ability to capture the perspective of the rich as well as his inability to capture the perspective of the poor. Attuned to the perspective of the rich, Narveson considers the poor's taking from the surplus of the rich as a way that the rich are harmed by the poor, which it is. But then, from the perspective of poor, he fails to locate any comparable action by the rich that would be similarly regarded as a way that the poor are harmed by the rich.

Is there no such comparable action? Narveson mentions that the rich might help the poor. Yet in the idealized conflict situations we are considering, we are not imagining that the rich would always be willing to help the poor as much as the poor need help because then there really would be no conflict between the rich and the poor, and so no need for a welfare system, and maybe no need to enforce a requirement of substantial equality either. If the charity of the rich were always so perfect, there would really be no need of an enforceable welfare system at all. Instead, we have to imagine that the rich here are frequently enough omitting to help the poor when the poor are in need. Thus, on Narveson's construal, the only relevant comparable action that the rich are engaged in is that of omitting to help the poor when they are in need. Hence, according to Narveson, the poor are engaged in a commission—taking from the surplus of the rich—while the rich are only engaged in an omission—not helping the poor when they are in need. In just this way, Narveson demonstrates his inability to see our idealized conflict situation from the perspective of the poor. This is because looking at the conflict from the poor's perspective, Narveson should have seen that the rich are also engaged in a commission, specifically that of preventing the poor

from getting at the rich's surplus. Surely, in the absence of property rights, that action should count as a way of harming the poor comparable to the way that the poor's taking from the surplus of the rich counts as a way of harming the rich.

Now Narveson does mention at the end of the passage just quoted that the wealthy 'may defend their product'. But he doesn't consider this commission to be a comparable harming to the one he attributes to the poor. This is because he considers the poor, but not the rich, to be at fault with respect to their commissions, something he clearly has not established.¹ In our idealization, Narveson and I assumed that the rich have acquired their surplus without harming anyone, but we did not assume that they could legitimately hold on to their surplus, under all conditions, without harming anyone. If we had done that, we would have built Narveson's favored version of libertarianism right into our shared assumptions. No, in our debate, Narveson and I were going to have to establish by argument, not by assumption, who is harming whom. Hence, without further argument, a neutral assessment of our idealized conflict situation would have to regard the poor's taking from the surplus of the rich as a way of harming the rich, while also regarding the rich's prevention of the poor from taking from that surplus as a way of harming the poor. Thus, a neutral assessment of the idealized conflict situation between the rich and the poor comes to the conclusion that harm cuts both ways. Narveson only reaches a contrary conclusion because his portrayal of the conflict in the above passage is blind-sighted with respect to the perspective of the poor.

But this is not the only place where Narveson demonstrates a similar blind-sightedness with respect to the poor. Early on in his comments, Narveson tells us that whether X harms Y or not is determined by whether X worsens the situation of Y with respect to what Y happens to value, more specifically whether X worsens the situation of Y with respect to some appropriate status quo baseline. Now applying this standard, Narveson has no difficulty at all seeing the poor's taking from the surplus of the rich as a way of harming the rich at the same time that he fails to see the rich's preventing the poor from getting at the rich's surplus as a way of harming the poor. Narveson draws this conclusion because he thinks the poor "are not worse off than they were in the status quo, prior to availing themselves of the rich person's food supply" (Narveson 2015, 212) But Narveson's blind-sightedness here has him focusing on the wrong action. What is at issue here with respect to whether the poor are harmed is a relevant action of the rich, not an action of the poor, and that action of the rich is their preventing the poor from getting at their surplus. The relevant question then is whether that action makes the poor worse off.

Given Narveson's analysis, the answer to that question is determined by whether this action of the rich makes the poor worse off than they were in an

¹ Later, in his comments, Narveson corrects, without recognizing that he is doing so, the mistake he makes here. He says: "If we are to produce a genuine derivation of morality from what we have in its absence, we must start with a 'state of nature' understood to be devoid not just of property rights, but of rights period. What that means is that no one can be *blamed* for anything [...]" (Narveson 2015, 219)

appropriate baseline position. The appropriate baseline would be their situation before the rich acted to prevent them from taking anything from the rich's surplus. So how were the poor doing in that baseline position prior to the rich's preventive actions? Well, the situation was clearly pretty bleak for the poor. Nevertheless, the poor in this baseline situation still had one opportunity available to them that could improve their situation. It was the opportunity not to be interfered with in taking from the surplus of the rich what they needed. This opportunity, which was still open to them in their baseline position, was subsequently taken away from them by the preventive actions of the rich. So we can definitely say that by depriving the poor of this opportunity that they previously possessed to improve their situation, the preventive actions of the rich made the poor worse off than they were in their baseline position. In fact, I make this very same point near the end of in my paper using the following two examples, one of first appropriation and the other of productive labor.

“(S)uppose 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. [...] 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 $t+1$ [...]” (Sterba 2015, 199–200)

Unfortunately, Narveson did not consider either of these examples, and so his blindsightedness with respect to the poor kept him from recognizing that while there are clearly actions by the poor that harm the rich, there are also comparable actions by the rich that harm the poor.

4.

Still, objections might be raised to the way that I have allowed that the poor can be made worse off by first appropriations or by productive labor.² First, there is not a lot of first appropriation of natural resources going on any more. Fortunately, all we need for our idealized argument to still be practically relevant today is for it to be the case that in the transfer and use of natural resources, when we abstract from property rights, harm can still be seen to cut both ways, harming the rich and harming the poor. Surely, that is the case. Second, what

² I want to thank Anton Leist for these objections.

about those who invent something new, like an I-phone? Don't they harm others not only by depriving them of the use of their inventions but also by depriving them of the very chance to make those inventions themselves? Indeed, they can do this for people who are similarly situated, but what this shows is that in our idealized conflict between the rich and the poor not only does harm cuts both ways, but also the harms that result have to be weighed against any compensating benefits that might come with them. Accordingly, in our nonideal real world, we can surely see that, in the absence of property rights, there are many ways that harm cuts both ways, harming the poor as well as the rich. All the more reason we need a political theory, like my own, that can deal with situations where harm does cut both ways, and for which compensating benefits can also be taken into account, rather than a political theory, like Narveson's, which is based on the mistaken view that, in our idealized conflicts, harm only cuts against the rich, and which has no way to take compensating benefits into account.

Nor would it do here to assume that the rich already have a moral right to all that they happen to come to possess without coercing anyone else, and that is why only they are harmed in their interactions with the poor. If we made that assumption, Narveson's argument would definitely go through. But that would be, in effect, to assume just what Narveson is attempting to prove in our debate, namely, that the rich have a moral right to their surplus against any attempts by the poor to use it to meet their needs. Wisely, at the beginning of our debate, Narveson and I both swore off using any such question-begging assumptions to support of the conclusions we favored.

5.

Nevertheless, at one point in his comments, Narveson does recognize that I am claiming that in our idealized conflict situation the rich are harming those to whom they refuse to allow the use of their (surplus) possessions. His response is to claim that that kind of reasoning "is not allowable in the social contract" (Narveson 2015, 214). This is strange response for Narveson to make here because it comes even before he has actually introduced social contract theory into his argument, and while he is still trying to deal with my harm argument. Even so, Narveson wonders what I would say about a producer of potatoes who, realizing that needy people would want to take from any surplus she created, decided not to produce any surplus whatsoever.

Now Narveson should have recalled that I considered at length just such a possibility in our jointly authored book, *Are Liberty and Equality Compatible? For and Against*.³ I argued there that in the absence of property rights if would-be producers limited themselves to making only enough goods to meet their own basic needs, the only way for those incapable of producing enough goods to meet their own needs would be for them to threaten to appropriate, or actually ap-

³ See Narveson/Sterba 2010, 22–23. It is worth noting that Narveson never responded to this argument when he had a chance to do so later in this volume.

appropriate, the goods that have been produced by those who could produce more but have chosen not to do so. That would, of course, be harming the producers of those goods. But if the producers effectively put a stop to any attempt to appropriate the goods they produced, or consumed those goods themselves, they would also have harmed those who are in need of those goods as well.

Of course, as I point out in my earlier discussion of this case, normally producers in such contexts would respond to these threats of appropriation, or the appropriations themselves by producing more, and so everyone's needs would then be met. But I also point out that it is possible for those who could be more productive to respond by doing nothing. If they do that, eventually both they and those who are insufficiently productive would just waste away and die. Unfortunately, there is nothing more that a harm-based-on-commissions view, which I have been employing here in my argument with Narveson, can justifiably use to bring about a more constructive response. Needless to say, more could be done if we were to adopt the more expansive view, favored by welfare liberals and socialists, which maintains that harms can also be based on omissions as well as commissions, but then we would not be arguing from premises that libertarians accept.⁴ This shows the limits of any argument that attempts to support a right to welfare from premises that are shared with libertarians. Yet notice that my argument here only falls short when the producers of the world act in a very self-destructive way. Happily, this is not a very likely possibility.⁵

So this concludes my examination of Narveson's attempt to critique my argument that harm cuts both ways in our idealized conflicts between the rich and the poor. I have shown that Narveson's attempt fails completely, except in the unlikely eventuality that would-be producers choose to be self-destructive. As arguments go in political philosophy, this is about as strong as it gets.

6.

Now once my argument that harm cuts both ways in idealized conflicts between the rich and the poor has been shown to be successful, Narveson's further appeal to social contract theory is of no avail whatsoever. Nevertheless, Narveson does spend considerable time discussing social contract theory, always returning to his central claim: "[S]ocial contract precludes intervening to worsen anyone's else situation." (Narveson 2015, 217) Or put another way, Narveson's central claim is that social contract theory precludes harming anyone. However, as we have seen for the discussion of my argument about harm in the idealized conflict situations between the rich and the poor that Narveson and I have been employing, harm or worsening does cut both ways. Faced with the result, Narveson's social contract theory is useless. His social contract theory only works if harm only cuts one way—against the rich. In that case, the theory would recommend prohibited that harm. Given that I have shown that harm cuts both ways, Narveson's

⁴ Arguably, these broader premises are also premises that libertarians should accept.

⁵ It is unlikely, that is, if people, who could be more productive, limit themselves to what they can do without harming others.

social contract theory cannot make any recommendation because it lacks any basis for comparing harms. By contrast, ‘ought’ implies ‘can’ principle, and the standard of non-question-beggingness can do just that. As a consequence, libertarianism, with its conflicting harms resolved in this way, can be seen to fall over the brink into the waiting arms of welfare liberals and socialists.

7.

Let me now turn to the discussion of future generations and a standard of welfare with which Narveson starts off his paper. According to Narveson, it is problematic that the rights of future generations could be violated by what we are doing now for two reasons. First, he think we presently have all the resources necessary for providing everyone currently existing with what they need “to stay alive well above near-starvation” (by which I hope he means an adequate welfare minimum for a decent life (Narveson 2015, 205). Yet while I too think that there are presently sufficient resources available to provide a decent minimum to everyone currently existing, I don’t see how this could possibly justify Narveson’s conclusion that we could not be violating the rights of future generations. After all, the existence of such amply resources does not preclude that we are violating the rights of those who presently exist. In fact, despite our amply resources, we are, in fact, violating the welfare rights of those presently existing! So why should the existence of these ample resources preclude an analogous violation of the rights of those who will exist? Nor does Narveson help his case by pointing out that that the poor are generally not doing that badly in the U.S. and Canada and in other ‘reasonably liberal countries’ at least compared with how the poor are faring in countries of the developing world. This is because it is just these liberal societies that have tax-supported welfare systems to care for their poor. Surely Narveson’s no-welfare libertarianism should not be able to get credit for the degree to which countries with welfare liberal institutions are successful at meeting the needs of their poor.

The second reason that Narveson has for thinking it problematic that we could be violating the rights of future generations is that by using up resources for luxury purposes now we can effectively constrain the procreative choices of future generations so as not to exceed the carrying capacity of whatever resources we leave them. Yet significantly constraining the freedom of future generations to have children by way of claiming for ourselves the virtually unlimited freedom to use up resources for luxury purposes does not appear to me to be to be a trade-off of freedoms libertarians should be proud of. In the form of libertarianism I defend, this way of significantly harming future generations would not be justified.

So neither of Narveson’s reasons for thinking that the idea of future generations having rights against us is problematic can pass muster.

What then about Narveson’s challenge to the standard of welfare that I employ in my argument? Isn’t any way of settling on a welfare minimum just going to be arbitrary, as Narveson charges? Now, as Narveson knows, I have great deal

to say about how a minimum should be determined in earlier work (see Narveson/Sterba 2010, 108–116). Here it will be useful to point out that the success of my overall argument does make it easier to fix an appropriate minimum. My overall argument is that harm cuts both ways between the rich and the poor and that when the ‘ought’ implies ‘can’ principle and the principle of non-question-beggingness are used to adjudicate the conflicting harms, they support a right to welfare, and further that when that right to welfare is extended to distant peoples and future generations, substantial equality is required. This has the consequence that unlike in contemporary societies where a welfare minimum is determined, for the most part, by people who have the resources to live beyond what the minimum provides, the welfare minimum that I am defending is one that we all will receive, other things being equal, nothing more and nothing less. Thus, unlike many present-day welfare minimums, it is virtually guaranteed to be a very generous, given that it is just what everyone gets and no more. Nor is it likely to be too generous because the higher the minimum is fixed, the harder the talented have to work to provide that minimum to those less talented who cannot provide all of it for themselves. Surely, it should be much easier to fix upon a morally defensible minimum when everyone get that same minimum, and no more.

Nevertheless, Narveson is right to point out that what has been regarded as an adequate welfare minimum has certainly varied over time. Certainly the Roman grain dole to the poor is quite different from what current liberal societies now provide. Does that show then that the idea of a welfare minimum is just completely arbitrary? Let’s come at this question by asking another. What is supposed to follow from an adequate resolution of the debate Narveson and I are having? Does it only have implications for people, past, present and future whom, like Narveson and myself, just happened to endorse a libertarian ideal of liberty? I am sure that neither of us has such a limited view of what we are doing. Rather, we each are defending a normative ideal which we think, once its practical implications become determined through a proper resolution of our debate, has applicability past, present and future for everyone. Of course, the accessibility to a proper resolution of our debate may vary from society to society and from historical period to historical period, but I think we jointly regard its accessibility at least to be equal to the accessibility of a defensible morality in human societies. Of course, the minimum that should be guaranteed to all at any given time and place would clearly have to be a function of the known resources available at that time and place and the existing technology for using those resources. This, of course, would produce the considerable variability in what is to count as an acceptable minimum for people in different times and places. Yet there would still be a common core element that connects all these different instantiations. It is an accessible understanding of what would be a reasonably acceptable burden that people could impose on each other in their existing conditions so that each could have a decent life. As we would expect, such an understanding is embedded in the ‘ought’ implies ‘can’ principle and in the standard of non-question-beggingness. Of course, this assumes that people at a particular time and place can all live decent lives together—that they are

not in a lifeboat situation. For lifeboat situations, and such situations do occur from time to time, a different, harsher morality applies. Fortunately, neither Narveson nor I assumed that we were dealing with a lifeboat situation between the rich and the poor.

Narveson's original version of his comments was entitled: 'Blood from a Turnip?' and so I initially subtitled by response: 'Why Libertarians are not like Turnips'. In his most recent version of his comments, Narveson abandons his original title. Still, at the end of his comments, Narveson does protest my attempt "to extract leftist blood from analytical (presumably libertarian) turnips" (221). This significantly changes the original analogy. Accordingly, the force of one part of my current subtitle is to claim that libertarians are not really like turnips. This is because you can get welfare liberalism, even socialism, out of libertarianism, as I have shown, whereas, as far as we can tell, you cannot get blood out of turnip. But now if Narveson is going to talk about 'libertarian turnips' then I am also going to talk about getting welfare liberal or socialist blood out of them, so to speak. Hence, the other part of my current subtitle. In any case, while Narveson has clearly succeeded in significantly changing his turnip analogy, he still has failed completely to undercut my argument that pushes libertarianism over the brink into the waiting arms of welfare liberals and socialists.

Bibliography

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