

## Pure Libertarianism

by Jan Narveson<sup>1</sup>

### Introduction

The question in this symposium<sup>2</sup> is whether the general liberty principle, which all libertarians presumably accept, is compatible with, or perhaps even entails, significant alterations to property ownership in particular. “Left” libertarians hold that it is and does. Henry George held that land in particular was eligible for this. Others, especially nowadays, hold that ownership of natural resources is special, and eligible for a sort of taxation or imposed rental that other economic activities are not. In the terminology adopted here, the alternative view – the one I hold – would presumably be called “right” libertarianism. Unfortunately, the term ‘right’ is highly misleading in political discussions, stemming as it does from political activities and ideologies that are anything but libertarian. I suggest, instead, a term that is perhaps also biased, but in a different direction: “pure” libertarianism. By this I mean, simply, that no significant deviation is allowed from the content that is determined by universal acceptance of a general right of liberty *and nothing else*. (What is biased about this, perhaps, is that proponents of the Henry George/Hillel Steiner kind of view may insist that theirs is the pure view. My immediate response to this is: we'll see! But also, I think, their view, legitimizing taxes and presumably therefore the state, looks like a kink, since it is *prima facie* hard to square taxes with liberty. I will so argue in what follows, of course.)

I am inclined to think that libertarianism leads to anarchism, which would mean that there are no justified taxes of any sort. But if any taxes are justified, then the point is that they need not be restricted to rents, as in the Georgist or Steinerian account. They could instead be imposed on income or perhaps on consumer purchases, and the reasons for choosing one tax or another would go rather beyond the bounds of libertarian theory in particular. But it is not necessary for us to get involved in such questions of relative detail here. Our question is only whether taxes, if justified at all, should in principle be focused on one particular sector of economic activity rather than on others. It is this question to which I propose a negative answer.

### Self-Ownership and Liberty

The thesis of self-ownership is that we literally own ourselves. To appraise this principle, we need to be clear about ownership. To say that person A “owns” X is to say that A is morally permitted to do whatever he

wishes with X, within the limits imposed by the rights of others: no other person may do anything to or with X without A’s permission (same caveat); or more precisely, without being (reasonably) sure of A’s permission, even if not actually secured at the time.

This makes it clear that the assertion of self-ownership is indeed nothing more nor less than the General Liberty Principle itself – the principle affirmed (for what that is worth) by the major classical liberals: Hobbes, Locke, Kant, and (in his *On Liberty*, less obviously in his other work) Mill, among others. (Among modern writers we can mention Gauthier, and perhaps Nozick, as well as the official libertarians such as Rothbard.)

The claim of “self-ownership” on the part of person A is that A is morally permitted to do with A whatever A wishes. But “doing something with oneself” is, simply, doing it. If the thing done is any bodily action, then to do that is to manipulate the relevant parts of one’s body, or the whole of it, in some way; if it is a mental action, and if we suppose that minds are distinct from bodies (as I do not here, but we must make sure our formula is general), then to do it is to use one’s mind in some way. There is, consequently, no distinction between “self-ownership” and the general liberty principle.

It may be objected that ownership of my body is not the same as, simply, the right to do whatever with it. For example, if I own my body, then in principle I would have the freedom to give some of my blood to someone else, or give one kidney to someone who needs it, etc. Does just being able to do whatever I want to entail this? Yes, in short. I see no reason to split a difference here. Not too many people are interested in doing such things, generally speaking; but if indeed we affirm a right to liberty, then we affirm that we may do so, provided the others concerned likewise accept this activity.

### Appeals to “Self-Ownership”: Moral Theory

Many writers suggest that libertarianism is *based on* the (or an) idea of “Self-Ownership.” But as we have just seen, the claim of self-ownership is itself a moral principle, and indeed is simply the libertarian claim in other words. To hold that libertarianism is “based on” self-ownership is disingenuous. And in any case, to claim that moral theory is “based on” some moral principle is to make the whole subject rife for partisan warfare rather than sober analysis. I reject any suggestion that self-ownership may be invoked as an axiom for these purposes. There are no axioms for these purposes. Everything in moral and political philosophy needs to be justified. There are no moral

givens. If we suppose that something like self-ownership is axiomatic, we need to ask why we should think so, and to see whether those are good reasons or not -which is tantamount to denying that it is an "axiom."

The discussion here concerns politics, but this can use some definition. What we want to know in politics, especially, is: what orders, what arrangements, may be imposed on a community? All communities have arrangements of some sort or other. In functioning communities, these tend to be very largely accepted by the locals, but sometimes not. Some members go against the local givens or customs. Occasionally one will be a revolutionary, advocating substantial change in the local arrangements. Are they ever right to do so? We need a good normative principle for such eventualities.

Such principles are moral principles, at root: they tell everyone what to do or not to do, and likewise invite all to use them as the basis for criticisms and perhaps other interventions in the activities of others. In the case of politics, these principles tell us what we may or may not compel anyone else to do: what we seek are legitimate grounds of compulsion, whether by the state or anyone. (But we won't presume that states are fundamentally entitled to do anything that individuals are not). 'Legitimate,' however, has a moral ring to it as well. So characterizing a principle backs us up one level: when is a principle for this purpose legitimate? What makes it so?

My proposed answer to this is in the Hobbesian tradition: that such principles are "legitimate" when they are rational to accept as moral restrictions on the behavior of all. That is, they are legitimate when it is rational to use it, rather than alternatives to it, as a basis for adjudicating practical disagreements among persons. But how is that to be established? The answer that seems to me compelling, and the only one that does so, is that we must show to each agent possessed of practical reason, call that agent A, that A's acceptance of the principle in question is called for, given A's (considered) values – by which I mean to include his preferences generally, rather than his specifically moral preferences or any other particular ones. 'Preferences generally' is important, of course. Agents have many preferences, some ranging over future states of affairs, and it is the whole set of those that A must somehow bring to bear. But A, remember, is *anybody*; and so our procedure here is to find a unanimous basis for the principle in question. If it is rational for all to accept, then it is not reasonable to insist on deviating in one's own case, and it is reasonable for others – reasonable in a way that is confirmed by the deviator – to insist on compliance. In a range of cases, it will also be reasonable of them to compel compliance. Those are

the principles of politics.<sup>3</sup>

We should specifically note that many people have moral preferences among their bundles of various preferences. For our foundational purposes here, however, we must note that any such preferences are up for scrutiny. Our preferences for what other people are to do have, it must be remembered, no necessary weight with anyone else. In order, then, to have moral preferences that do have weight with others, those preferences must amount to the acceptance of principles which it is rational to suppose that other agents' sets of values would also endorse. And the way we found this out is, in effect, by doing game theory. That is to say: we consider what a proposed principle would call upon others to do, and also what it would make it rational for them to do by way of response. We then consider what A's best response to those responses would be. This consideration is capable of, and I think specifically quite likely, to result in a change of A's moral preference. Alternatively, it might confirm it.

This is, then, the Social Contract. A good moral principle is one that everyone would, in light of the general facts about other people and of their own preferences, accept as a basis for regulation of their behavior in relation to others. We recognize, of course, that moral principles are solutions to public goods problems, and all such solutions entail the possibility of defaulters. How to deal with the defaulters is an important question, and the short answer is by coercive methods, in the end. But the coercion is justified only if from the point of view of the person coerced, that person stood to do better on the whole from compliance given compliance by others, so that Coercion is in effect taking advantage of the compliance of others for C's own ends. This would make coercive response reasonable. And if the principle in question has the sort of universal rational support proposed, then others will see this coercion to be reasonable and will support it.

## Liberty

Jan Lester has recently proposed<sup>4</sup> to analyze liberty as the *absence of imposed costs* on someone's intended course of action. All activities have costs, of course, at least if we count opportunity costs. But some costs are due to the nature of things, some to our own limitations, such as ignorance. However, some costs are imposed by the activities of others, and it is those in particular that we are concerned with when we talk of social liberty. To be free to do x is to be such that, if you want to do x, and you are able to do x, then you do x - no problem, so far as others are concerned: nobody prevents your doing it, and nobody imposes unwanted conditions on your doing it.

Any such impositions are what cut into your

liberty. For example, a tax on activity  $x$  of  $n\%$  means that you can't just do  $x$ , as you intended: you not only do  $x$ , which you wanted, but also pay  $n\%$ , which you did not want, and you are prohibited from doing the one, which you want, without also doing the other, which you don't.

To be free in moral and political respects, then, is not to be free generally, e.g. from the unkindly interventions of Mother Nature. It is, rather, to be free from the imposition of costs *by other persons*. Costs are matters of degree, of course, and so we can say, in that sense, that freedom or liberty is always a matter of degree. However, it can also be said that imposing a cost is making a certain sort of action-in-context impossible. If I impose a tax on you of 13%, to take a case conspicuously relevant here in Ontario, then you are not free to perform the transaction, with a willing other person, B, of selling item  $z$  to person B for \$1, the price being what goes to you from the purchaser. Either you sell it to him for \$1.13, or you lower your price to 88¢ to make B's total payment \$1, with 12¢ going to the government; but you do not have the option of simply selling it to him for \$1 total coming from B and going to you. If the gunman coerces you into handing over your wallet, you do not have the option of simply not doing so and continuing as before: your options are forcibly restricted to handing it over or being killed (or whatever the threat is). All coercion restricts options which, if you were free of impositions, would otherwise be available to you. That is what makes it the opposite of liberty.

### Natural Background to Self-Ownership

We get some insight into the basis of self-ownership when we note that people are related to what we call "their" bodies in a natural way. Uniquely, "my" body is what responds to my commands (with a bit of luck!). My mind, or my nervous system if we like, is related to certain physical entities -muscles, in particular, in such a way that certain goings-on in the mind, called "willings" and the like, inspire motions in those muscles, without intervention. For me to inspire motions in your muscles, on the other hand, I must either proceed by engaging your mind and persuading you to engage in a similar bit of psychological activity, or else I must move my muscles in such a way as to impact, physically, on yours. This fact about us we may term 'self-possession.' This is a natural fact and not a moral claim: either various bits and pieces of human flesh and blood do, or they don't, respond to the internally issued "orders" of some mind, or they don't. If they do, then other bits that are attached to the operative bits will likewise be part of what is possessed by a self.

To relate liberty to one's body in this way may

seem inadequate in one important respect: my body is not merely a locus of activity, but also of feeling and sensation. A pinprick in my finger produces pain in me, that is to say, in the mind which defines 'me'. Self-ownership, as normally understood, entails a right to complain about this if done by someone else without our say-so. Why does it, though?

I think the response requires a refined understanding of 'doing'. I do not do what I wish with this arm if it is, say, hurting. Pains, and the like, impede my operation with this entity. They are viewed by me as, accordingly, costs, negatively valued happenings in those entities. The natural relation between my body and me is such that aches and pains and assorted other conditions are contrary to what I intend. Given ownership of my mind, my interest in what happens in my bodily parts is intense and wholly natural. I take it that the assertion of a right to liberty asserts, therefore, a proscription on the causing by others of pains and other harms.

Which brings us to the moral component of self-ownership, viz. rights to one's self.

### The Right to Oneself

This, as we now understand, is all that rights are: entailed duties to others, namely to allow the right holder, R, to do what R is being said to have the right to do (or, in the case of "positive" rights, to help enable the right holder to do what he is being said to have the right to do.) More generally, R's rights are P's duties, where R is the right holder and P the persons with respect to whom, or over whom, R has the right in question, and where these duties are conceived to be in the interest of R that they be observed, rather than contrary to it. (The duty to make you worse off cannot be a duty "to you" in the relevant sense, though it can be a duty to someone else with a certain relation to you.)

However, if our general right is the right to liberty, then positive rights are undercut. Your positive right to anything, including liberty, would entail that I do not have the general right of liberty, for I would not, then, be allowed to refrain from helping you if you needed it, even though my not doing so would not make you worse off than you would be apart from my intervention. But that is something I can do without harm to you. A general right to liberty entails a general duty to refrain from imposing costs – but that's all.

So Locke's formulation is helpful: All of us are morally required to refrain from "harming others in respect of life, health, liberty, or property,"<sup>5</sup> as he puts it. But all of these are identical with property rights

where that includes the right to oneself (as Locke himself recognized).

The question in this symposium is whether the special case of ownership of natural resources somehow makes a difference here. Can we say, as do the “left-libertarians,” that our general right of liberty extends only to the use of ourselves and not to the use of natural resources? That such resources are “owned in some egalitarian manner”? I shall argue that we cannot.

## Relating to the World

In saying this, they usually intend a contrast between *labor* and *rent*. The idea is that by using *myself*, I create various things that have value, and I am entitled to whatever I can get by my labor, including what I can get by exchange with willing others. Yet, according to “left-libertarianism,” my use of natural resources, which are not created by me, does not get that protection. Natural resources are “common property,” or some such thing. I shall argue that this distinction is illusory and thus untenable.<sup>6</sup>

To own anything is to be morally free to do as one wishes with that thing. So, to own some item in the world outside ourselves is to be morally free to do what we wish with that item. If we do own them, then to say that is to say that others may not impose costs on our use of them. (Note that in all contexts of interaction with others, we are able to and typically do charge others for use of what we own and vice versa. But those costs are not imposed. Each person proposes a price, which is either freely accepted or freely rejected. The owner may do that simply and precisely because the owner, O, may do whatever O wants with the items O owns, and so may propose whatever prices O wishes. Whether O gets the proposed price is, of course, up to the purchaser. The price actually paid, eventually, is what is (freely) agreed on by the two parties. (Negotiation can, of course, be imbued with deception or falsehood. I would argue (in a different paper!) that deception and falsehood, where these are legitimately objected to, is a special case of imposed costs and so does not require separate moral treatment.)

What is the basic case for asserting that individuals can come to own anything at all outside themselves? The answer is that individuals do use things. They find themselves in areas, they get involved with bits of those places by farming, fishing, construction, and innumerable other things. Our general liberty principle affirms that people may do as they please so long as they impose no costs on others. In occupying a certain place, do I impose a cost on anyone? Not if I am there first, or alternatively, there with the permission of any

previous occupants.

Some will say that I *do* impose a cost, by denying use of that area to others who might wish to use it. But I do not impose any such cost, in any reasonable sense of the term ‘impose.’ On the other hand, those who would come and forcibly eject me from the area do impose a cost on me. The claim that I impose a cost by depriving other people of the future use of the things I come to use - things which, by the way, they have never been anywhere near before - is incoherent, for this is a “cost” that anybody who uses anything ipso facto “imposes” on all others, no matter who. If that were a legitimate argument, then the conclusion would have to be that on libertarian grounds, nobody may do anything at all.

Consider things like personal injury. You come along and insert a sharp implement between my ribs. You impose a cost on me, in any sense in which it is reasonable to talk about “imposition.” But suppose, instead, that I use some natural item in some way, and that in doing so I do not dispossess any actual user of it - I do not bring it about that he must cease doing what he is already doing. In short, I got there first, so far as use of that item is concerned. In so doing, I do not dispossess anyone - I do not compel people to cease their current courses of action. I make it impossible for people in future to do certain specific things, but as noted, so too would anyone else who uses it, so that is beside the point.

This, for example, is the relation between myself and my body: indeed, it is I who “got there first.” In being born, I was connected with the rest of myself, my body in particular, in the ways previously noted. (Or if we say, plausibly, that “I” am not what was born, but gradually come to be the psychological entity that I essentially am only somewhat later, then the story is the same with the time constants different.) As soon as there is any person, that person is related to a certain body in a way that is utterly existential so far as he is concerned. He simply finds himself with that body. But that is certainly an essential piece of background to the moral view that the body in question should indeed be declared, normatively speaking, to be “his.” It’s what he finds himself related to, in a way that nobody else does. That is “first use,” in the most basic way that can be. Relative to that situation, other people are interlopers: if they want to use the thing (my body, say) in some way, then they must seek my permission. Otherwise, the situation is that in proposing to use this body in some way, they are doing me a harm, that is, imposing a cost on me. All human beings are historical particulars, and any reasoning that denies the relevance of these utterly accidental facts is one that denies the relevance of human beings.

Property rights based on first-use have just the same status. They are what enable particular people, which we all are, to do particular things, not just at an instant but on into our futures – to do them reliably, in a social environment in which others impinge on us and can at any time intervene to upset our undertaken courses of action. That is what makes freedom possible. General freedom consists in everyone's refraining from making their way in the world at sheer cost to others. Their rights, all of which are property rights, provide the basis against which we are all to work. If my doing x requires that you cease doing y, where y is itself a peaceful activity, then I must ask your permission, or make an offer that will make it worth your while to alter your plans so as to accommodate mine. Otherwise, I must look elsewhere. (Always, of course, we assume that what you are already doing is itself not an interference with others, in turn.)

### Locke generalized

The classic Lockean account of private property is that items external to our bodies can become our property by our "mixing our labor with" those items. This is a metaphor, certainly, for using those things with a view to producing certain desired results. But as it stands, it is too restrictive, if he meant to use 'labor' in the ordinary way. In laboring I construct, say, a house. But how about when, having constructed it with my labor, I simply live in the house, relaxing or engaging in amusing activities? And suppose that, as it turns out, some bit of nature upon which I happen is such that I can use it for the latter purposes without actually "laboring" on them, in the sense of altering that part of the world in a way more suitable to my purposes? My purposes, being what they are, are such that this bit serves them just fine as it is. So I proceed to enjoy the activity nature has, happily for me, enabled me to do with no extra effort beyond that involved in the pleasurable activity itself. It seems to me clear that we cannot really discriminate between these two cases, if we insist on a general right of liberty. The one sort of activity gives one as much basis for asserting a right of ownership as the other – namely, prior use.

But does either of them give us such a basis? Yes – so I argue, though not, of course, by straight deduction from an axiom. The basis is that given that this is what I am doing, and given that I didn't have to push anybody around to be doing them, and given that I'd like to continue doing them, then anyone else who proposes to use these same things in ways inconsistent with my envisaged use, would be *imposing a cost* on me – would be infringing my liberty, hence violating a right to liberty if I have one. And why should we accept a morality generally licensing others to impose costs on us?

To be sure, I am not, as yet, mainly concerned with supplying the needed argument for asserting the liberty principle, but rather trying to make clear what is involved in it, and in particular, that what is involved in is such as to confirm the general status of private property rights, provided the items in question have been innocently acquired.

It will be noted here that I completely reject the thesis, apparently advanced by many writers including, I believe, some present company, that I am in some relevant way imposing a cost on persons who are nowhere near the neighborhood, by depriving them of future use of these items. You do not deprive someone of something he doesn't have. And he doesn't have the "opportunities" in question in the way in which he has, say, his own body. The opportunities are out there awaiting anyone's applied energy and ingenuity to seize. But you can, upon arriving at their doorsteps, only seize them compatibly with the liberty principle if you do not, thereby, impose costs on anyone. And if someone is already doing the things that your supposed opportunity is an opportunity to do, then the liberty principle blocks you from doing them, for to do them, you would now need to push the other chap out of the way – to disable him from continuing his chosen course of activity, a course that he, in contrast, undertook without in turn imposing costs on anyone.

It is for this reason that first-comers have moral precedence. It is respect for the liberty of persons that entails this. To attack someone, to impose costs, is to encounter some person, some real person in some real place – the only way there is of being a real person, please note – and to intervene in such a way as to worsen his situation from his point of view, namely by making it more difficult or impossible for him to do what he was previously doing, and doing without visiting such impositions on others. To do that is to invade and despoil, as Hobbes puts it. And to do that is precisely to do what a liberty principle forbids.

The key to the present problem lies in that set of facts – the facts, as we might call them, of life. We all are particular entities, living in particular places, stemming from particular parents – parents who perhaps should have known better than to bring us into existence, but since they did so, it's now too late, from our point of view, to worry about that, for here we are. Here We Are, with our various interests and desires and values and concerns, in light of which we act. Here, likewise, are others with their rather different sets of interests. Often our interests conflict: one person would like to do what, if he does it, makes it impossible for another person to do as she would like. In such cases, we need a principle. The libertarian principle is unique in saying that the correct solution in all cases is to deny

the would-be aggressor the right to aggress. All interpersonal transactions are to be voluntary to those concerned, and to be such, they must be agreeable to those concerned in light of what they are actually doing, where they actually are. To deny that basis for interpersonal adjudication is to deny people the right to be who and what they are. (Some people are rotters, to be sure: but what makes them so is their aggressiveness, for moral and political purposes. And aggression is exactly what the liberty principle condemns.)

### Land, Labor, and Capital?

We may do what we wish with what we own: this is so by definition. We own whatever we engage with and utilize without thereby needing to impose on others. This is not so by definition, but is so if we accept the liberty principle. From there on, legitimate acquisition of anything, in the libertarian view, is either by freely negotiated exchange, or by being the fortunate object of someone else's generosity, or by making it anew from things one already has acquired by one of the foregoing, including from the natural genetic lottery.

Now, the contrary view that we are considering here has it that there is a crucial disparity between what one creates with one's own efforts, and what one acquires by being so fortunate as to be the sole previous occupant of a bit of natural stuff such as land, or the discoverer of a previously unnoticed "natural resource." I argue that no such distinction is relevant - the whole idea is incoherent from the start.

The first point to recall for this purpose is that our bodies and minds, and our natural skills and the basic operating system of our natural software, as we may call it, are of course uncreated by ourselves. In fact, all labor utilizes natural resources, not created by me, such as the brain and muscles that constitute my self. To do anything is to use a natural resource or resources in some way or other - yet the proper owners of those resources acquire them by sheer luck. It seems to me that the intended distinction is not sustainable in face of those facts.

Locke's argument, in other words, is basically right. Self-ownership is certainly not in virtue of something we have done to deserve it; our natural inheritance is natural, and is an "inheritance," but nevertheless is *ours*, in the existential sense of being what we find ourselves equipped with. If this were not so, we would have no principled basis for anything whatever in social philosophy; on any other view, there are no "persons" - there are, instead, just ciphers, robots, slaves (as of course are also all those who would be "masters"! ) And so the basis of the intended distinction seems to me to be simply unavailable. We

are connected to the various parts of ourselves just as we are connected to various bits of the external world: viz., by sheer accident, luck. Partly we are so by just being connected by nature, and partly we become by our intentional activities, as when we engage in exercise programs or eat carefully so as to improve or maintain bodily capabilities. And in like manner, when we cultivate the earth, or invent the telephone, or play the Appassionata Sonata superbly. The general picture, that what we have is partly accidental and partly due to intentional effort, applies in all cases, so there is no way to avoid this, and therefore no way to insist on separating them, with a view to legitimate imposition of costs on the basis of the one while denying legitimacy to such imposition on the basis of the other. In the three categories of laboring, of renting what is legitimately acquired, and of lending or investing capital, we always apply antecedently available natural and manmade resources to the situation before us, and do the best we can under the circumstances, under the restriction of respecting the rights of all the others who are trying to do so as well.

### Elementary Economics: Economic Value

The other problem with the left-libertarian scheme is the point so effectively argued by Frederick Bastiat<sup>7</sup>: that no natural resource has any economic value, in and of itself. Natural resources have, indeed, *utility*, in the sense of potential usefulness: that is, properties such that people in the know and suitably situated would be able to make use of those to their or others' benefit.

It can hardly be overemphasized, by the way, that the qualification 'those in the know' is crucial here. No natural resource has any utility, let alone any value, in and of itself, irrespective of the exercise of human knowledge and energy. Consider the example of the baby at its mother's breast.<sup>8</sup> The milk supplied by the mother is a good to that baby - provided it knows enough to avail itself of the resource, a piece of knowledge happily built into its natural operating system, but still, effectively knowledge for all that. Most of our knowledge about the world is, of course, not "natural" in the same sense. A long term of study in some laboratory may be required to achieve the knowledge that will show that a certain natural entity is, indeed, a "resource." (My favorite example is sand, more specifically the sort of silicon that turns out to be useful for making computer chips with. Its potential for such use is, of course, natural - due to its internal nature - but that potential means nothing at all until we figure out how to realize it, and to do that requires a great deal of human ingenuity. The same goes for all natural resources, most of which were nuisances or matters of indifference until someone figured out how to make use of them.)

But even so, utility is not economic value, just like that. Economic value, rather, is *service*: the service that you, the potential purchaser, perceive would be done for you by someone else's doing some particular thing. When that something else is within the other person's power to do or refrain from doing, then you may find it in your interest to offer that other person to do him some further sort of service in response, such as, now, the service of transferring \$X to him. At some point, the prospect of the service you would thus do the seller is sufficient, in the seller's view, to justify his doing the first service for you. Often, but very far from always, that service will consist in transferring his right to some material item, be it a natural resource or otherwise, to the other transactee. But at other times, it might be a service of some other kind, such as a performances of Bach's Goldberg Variations. It makes no difference, in principle, which it is – "natural", or otherwise – just as it makes no difference, in principle, whether there is any transfer of material items at all. If I go to hear you play the piano, you do me a service though you leave me with no more material items in my possession than before (and, perhaps, somewhat less money).

It is true that the economic value of what we own changes over time as a function of what other people do. Of course, the realization of that value by the owner depends also on what Owner does. My plot in the middle of a large city may now be worth two million dollars, but if I don't sell, I won't realize that value. Alternatively, of course, one might suggest that my current use of the place, for example if I occupy it, is now "costing" me a lot more than it once did: that is, the income I could be getting by renting the place, or selling it and living off the proceeds of the capital thus earned, may be much greater than back in the days when I first acquired the place. That cost might even have been zero, in monetary terms.

To realize the possible monetary gain, I must, of course, do something: sell or rent the area, or perhaps build on it and sell or rent the resulting assets. And when I do such things, if I do, the economic value of what I then sell or rent, etc., lies in the service it would be to someone else, namely the purchaser. Notice that "renting" is not a distinct category. When I rent to you something that is mine, what I do is to sell the future use of it, at a certain cost per unit of time, and limited in various ways by our contract. (For example, you get to use the fireplace while you're there, but you can't take it with you when you leave.)

The argument, then, simply puts together the recognition of three things:

(1) the fact that economic value consists in services done or doable by people to and for each other

(2) the fact that absolutely all (economically) valuable things require both human input and natural input, and finally

(3) acceptance of the general liberty principle

Given all those, no basis remains for Georgism or any of the other deviations from sheer free-market liberty. People, on the liberty principle, own things, including their own bodies and minds, and they own whatever they manage to make or find without thereby imposing costs on others. They thus are able, to proceed to sell or rent any of those – their own future labor, their own houses, the sums of money they have either borrowed from still others or accumulated from any other legitimate sources, and so on – with a view to improving their situations. All these are perfectly permissible, given liberty, and any distinctions among them which infringe on liberty are fundamentally arbitrary.

### The Case for Liberty

Of course, the libertarian principle itself needs defense, to be sure. I conclude with a few words on that subject. These words are offered not just in the spirit of completeness, but because a great deal hangs on it, I am sure, some of which might even affect the present particular issue.

The classic defense is pretty simple: from the point of view of any agent, that agent's total set of values is, in effect, that agent: it's that agent's life. We are asking that agent, A, to accept some restrictions on A's intended courses of action. Those restrictions represent a cost, since we presume that A acts in such a way as to do the best A can by A's set of values. So it will be rational for A to take any sort of loss, voluntarily, only in return for some greater gain.

The gain offered by the principle of liberty is peace, in effect. The trade-off is that A sacrifices A's freedom to advance A's ends by means that make others worse off; in return, others refrain from making A worse off. This is mutual peace; and the proposal here is that mutual peace is better than mutual war, from the point of view of any rational person. It is not denied that unilateral war, in which A wins, might be better for A; but it is denied that A can, in general, expect to win. Especially, however, what is denied that is relevant to moral theory is that it is rational for *us all*, taken together, to let *anybody* win, without a fight. And the side we, the "good guys," should fight on is the side of peace. We should defend and encourage those who refrain from molesting others for gain, and should condemn and possibly fight those who insist on doing such molestation. Morality gangs up on people. If a

rule, given general adherence by all, looks good from all points of view, then we all throw our weight behind that rule in cases where individuals want to dissent, hoping thereby to make it unprofitable for those individuals to do so. We may lose, but it is, I argue, rational to be on the side of the peaceable, and of course, given the enormous superiority in numbers of those of us - all of us, in fact - who stand to lose from the depredations of others, it is also rational to expect that, if we play our cards right, the proposed violator will find his violation a bad idea.

Given this, then peace is a good bargain. Instead of getting what I want by stomping on you, I can get it cheaper by confining my dealings with you to ones that are agreeable to us both. This saves both of us the costs of war: If all goes well, I spend nothing on the means of attack, and you spend nothing on the means of defense. I may, of course, have little to offer others in the way of valuable products or personal skill or knowledge. On the other hand, there may be (and, on any ordinary evidence, obviously are) others out there ready to help in a pinch. Trying to get it by fighting invites retaliation injury, death – that sort of thing. Trying to get it by peaceable means, on the other hand, in an environment where others are peaceable as well, is very likely to result in a pretty good measure of success, and more so as time goes on and people become, by their free activities, wealthier.

Obviously it will often be possible for someone to succeed, in the short run, by cheating, and a cost of the social contract, as with any moral theory, is the need for keeping an eye out for cheaters, and doing something about it. But those costs need not be large, especially since there is no duty to endanger oneself in the process, in ordinary cases. And for extraordinary cases, one does well to arrange for protection by persons better equipped to do so than oneself.

The underpinning of this principle for dealing with others is, in Hobbes' view, the situation of rough equality among us in respect of our capacities to make life miserable for each other.<sup>9</sup> Locally speaking, this equality often does not obtain: you may be armed and I unarmed, or you big and me small, or whatever. However, as Hobbes pointed out, your aggressive intentions are signals to me to get together with my friends and deal with it; we are back into the highly suboptimal condition just described.

All libertarians, I take it, must be accepting some such argument, or they wouldn't be libertarians. Many of them assert libertarianism as an "axiom", to be sure – that is, as a moral intuition. But intuitions are useless in the face of disagreement. The fact that you intuit that proposition p is true is not going to impress me if I intuit that proposition q, which entails not-P, is true.

Resort to intuition is an admission of failure, in moral contexts. Of course, if you can find an intuition that your opponent shares with you, and which you can build on to reach agreement on the matter under dispute, fine. Good luck! In the meantime, though, we had better resort to careful analysis and reasoning.

### Original Acquisition Redux

Consider now the case of someone who finds himself in possession of something which he did nothing, as we would say, to acquire. The case of self is the most spectacular, as I have suggested: Obviously, none of us could have done anything to deserve our genetic or our social inheritances. But consider also the case of someone who finds himself in some area, not previously occupied by anyone. What service, you may ask, would he be doing to someone else who, being interested in occupying that area himself, offers a price for it? The answer, clearly, is that he does him the service of *letting him use it*, that is, of stepping aside and not offering any resistance to the purchaser's occupancy. Saving you a lot of trouble and possible death is, surely, a service of a very valuable kind.

And why is that a "service"? Well, again I think the answer is perfectly clear. In the Hobbesian state of nature, anyone may do anything to anyone. The baseline is universal war. So if you declare peace on me in this instance, you've done me a considerable service (and vice versa): we move from a baseline in which, as Hobbes puts it, life is "mean, solitary, brutish, nasty, and short" to one in which our efforts can actually get us somewhere. It probably means my life, for one thing, and in any case means the possibility of getting on with my life, as I wanted to live it. That this service is, in a sense, remarkably easy to perform doesn't make it any less a service - it merely makes it less obvious that it is one. In a "civilized condition," as we are wont to regard ourselves as enjoying, presumably we don't imagine ourselves coming to blows over possession of an acre of land. But then, that's because you and I never do; or rather, very few of us do. (But some, as we know, certainly do.) We don't, because we don't need to – we have a better way, namely productive effort, including purchase and rental, which enables the two of us to alter our previous conditions with mutual approval, and with both of us expectedly improving our situations as a result.

### General Conclusion

Our question is, why would someone assert libertarianism and yet buy into any of the restrictions on liberty envisaged by the claim of Natural Resource Common Ownership?



I have argued that Natural Resources Common Ownership cannot be made to fall out of the general liberty principle. On the contrary, what falls out of that principle is what has, very misleadingly, been dubbed “right libertarianism<sup>10</sup>” – or as I would prefer to term it, simply, “pure libertarianism.” Pure libertarianism is the view that there are no other fundamental principles than the libertarian one, in regard to the use of coercive imposition against others. That is to say, this is a view about justice only. It is compatible with libertarianism to propose a set of virtues going beyond strict justice – a set of noncompulsive recommendations for others. What is not compatible with libertarianism is to reinforce those proposals by the use of force against people.<sup>11</sup>

Now, pure libertarianism seems clearly to imply a general right of private property and acquisition of same. As to “acquisition”: all of us *are* somewhere or other, and if we fantasize ourselves back to a “state of nature” in which, so far (we suppose) nothing is owned by anyone,<sup>12</sup> an immediate installation of the libertarian principle would presumably leave everyone where he is, with the right that others not push him off. The others do not get to “charge” for not doing so. If A happens to be acting in a particular environment, with a technology that enables A to do quite well in certain respects, it is nevertheless clear that B, coming from somewhere else, would be imposing costs on A if B were to push A off of that area, or if B would take possession of some of the area that A previously occupied and was using and intending to continue using. If imposing any sort of costs on anyone is forbidden, then imposing *this* one is.

Property relations get inordinately complicated when more complex uses, more complex technologies, and fragmented ownership comes on the scene. But none of those refinements alters the fundamental situation; on the contrary, what they do is interpret it for particular, messy cases. Intellectual property, for example, is a notoriously tricky area. But what makes the initial idea plausible is simply that somebody thinks up an idea, and having done so, for others to use it without his permission appears now to be an infringement of his liberty, so far as it goes. (It “goes” somewhere – but not all the way, I think, in view of the various involvements and backward dependences of productive intellectual activity.)

But never mind, for the left-libertarian’s problem is that he wants to give partial rights of control over natural resources to *everybody*, including people who do not occupy them or possess them in any way, or have ever heard of them or would have the faintest idea what to do with them even if they stared him right in the face, or indeed, in the overwhelming majority of cases,

aren’t even born yet! More precisely, Left-libertarians want to give people far more control than they already have – for everyone, of course, is *ipso facto* a possessor and controller of a set of natural resources in his own body and mind. But this further control is control that cuts right against liberty. It puts us all in the power of everyone else in the most crucial way, namely, by being able to undercut, preempt, and defeat our living of our lives as we want to live them, specifically as we relate ourselves to our nonhuman environment.

The left-libertarian theorist needs to get around the problem that nothing has any value apart from transactional situations, and in those, its value is, of course, a function of supply and demand, period. There is no sense to any other theory of economic value, and so there is no sense to the claim that land or whatever has value independent of people’s uses of and for them in contexts of exchange. Land is useful to us, when it is (which is not always, and indeed, not usually, to the most of us nowadays who make our livings in offices and shops and factories); and when it is, anyone already occupying or otherwise owning it would, of course, be doing us a service if he were to relinquish that control in our favor. Being a service, there is no inherent reason why anyone should be required to perform it without charge; thus we have rent, or sale, or lease, and so on.

It might be said that the fundamental service, as I have argued it is, of *nonmolestation* is performed without charge. But not so: it is performed on condition that others *reciprocate*. My objection to the socialists is that they want to put an *extra* price on top of this very important but wholly natural and reasonable reciprocation. Somehow, the poor, on the left-libertarian theory, get to *threaten* the rest of us if they don’t get quite a bit *more* in the way of services than the normal one of assured nonviolence to then nonviolent. And that surely looks unreasonable.<sup>13</sup>

Vallentyne is right to see that a justification of the state is required for his program. But since the program, it seems to me, makes no sense, one must ask how some version of it that did make sense would work. Now, I hold it to be very dubious that the state is justified in any case.<sup>14</sup> But if it is to be justified, there is only one way to do it: namely, to show that without the state, at least some people would be worse off without anyone’s being better off, by comparison with what they could have under the state. I think it clear that any of the usual contemporary state functions cannot be justified in this way, so I am arguing totally in the abstract here. But the abstract argument goes as follows: making the provision of service S involuntary would have to render a return to everyone that is superior to the return he or she could get in a voluntary system.<sup>15</sup>

Most people who defend the state do not realize that they need to say this. They think, apparently, that we can get by with just providing S to a lot of people, and, as it were, devil take the rest. I am very puzzled by people who argue that way. But we can modify it a bit. We can say that the rest, probably unbeknownst to them, do benefit from S, even though at first sight it looks as though what they pay for the provision of S is more than they would pay if they had their choice. Some kind of subtle, indirect benefits might be mentioned. For example, the provision of incomes to the allegedly “poor” at taxpayer expense brings it about that the people in question refrain from malevolent activities they would otherwise engage in.

Never mind the details, since this symposium is not concerned with the question at that level of detail. What we are concerned with is this: can it be claimed that taxing only natural resources, in some way that effectively distinguishes between those and ordinary work or capital gain, etc., is what is especially called for in order to meet the criterion imposed above? This I am quite unable to see. I should have thought that an income tax, basically, would have a better chance of doing this. Of course, one major reason for that is that natural resources, as pointed out, have no value except insofar as they are sources of income, and they are sources of income only insofar as their owners use them for that purpose – which is true of anything you can name anyway. Taxing income as such will tax all sources of income, including income from rent or capital as well as wages.

Taxes have the advantage of theft over honest toil, as Bertrand Russell once said in another context.<sup>16</sup> From the victim’s point of view, if the thief gives him a return on his involuntary investment, the question is only whether this is a net benefit to him. What has any prospect of making it so is lowering of transaction costs. But I don’t see that taxing rent to the exclusion of all else – supposing you can non arbitrarily identify what constitutes “else” – is going to have any special advantage in that regard. Whereas the income tax is, at any rate, relatively easy to assess, and has the merit that since all wealth is a function of people’s activities, the transfer of wealth via an income tax from those who have it to others who allegedly don’t and who allegedly nevertheless deserve it, for some unspecified reason, is the point of taxation. I don’t think that’s justified for any of the known reasons, but if it is, then a tax that singles out rent in particular is conspicuously unfair. Rent is just one way among others to make your living, and of course all of us live off the rent of our natural abilities anyway, so - at the risk of boring the reader, I say one last time! - the basic division is not defensible in principle.

Once we get into the sort of “distributive justice”

theories that taxation forces upon us, a tax that is indifferent among sources of incomes seems most justified, *prima facie*. I don’t see a special tax on rent as having anything at all to be said for it in this regard, and it seems to have a good deal to be said against it. You can also escape an income tax by having no income; you can’t escape a rent tax on yourself except by ceasing to exist, and you can’t escape a tax on land except by moving either to nowhere or to a rented apartment (in which case you move the tax to the owner of the land on which the apartment building stands.)

All this, of course, is most pertinent on the assumption that redistribution can be a good thing. If we don’t make that assumption but instead turn to hard economic analysis, there’s a pretty strong case against it, as a generalization. Governments everywhere will take all they can get, generally speaking, and some of them no doubt do better than others with the spoils. I applaud Vallentyne and Steiner’s tendency toward universalism, which is implicit in the libertarian program from the start, of course. But redistribution at a universal or global level is, I think, not going to work any better than redistribution at the national or (especially) the local level. And the more local you get, the less plausible a single tax on resources is going to be.

Waterloo, Ontario - revised, May 2008



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<sup>2</sup> The occasion was a Symposium on Left Libertarianism and its Critics, at a session of the Canadian Philosophical Associations' annual meetings, at University of Toronto, May 26, 2002. Fellow symposiasts included Hillel Steiner, of the University of Manchester, Peter Vallentyne, of Virginia Commonwealth University, Michael Milde, University of Western Ontario, and myself (plus Samantha Brennan, also of the University of Western Ontario, chair.) Readers of this should know of the two-volume project recently published under the editorship of Vallentyne and Steiner, *The Origins of Left-Libertarianism* and *Left-Libertarianism and its Critics* (Basingstoke: Palgrave, 2000) [Palgrave is formerly Macmillan Press] I would especially commend to the reader's attention the selections by Spencer and George in the first volume, and by Steiner himself, Arneson, and the introduction by Vallentyne in the second volume. "Left-Libertarianism" has complex relations to "socialist anarchism" as well. For a sort of manifesto on that subject, see <http://www.anarchistfaq.org> (for an antidote, perhaps, see Bryan Caplan's very thorough website faq on anarchism at , <http://www.princeton.edu/~bdcaplan>).

<sup>3</sup> (Note: I include here under "political arrangements" the special case of (principled) anarchy, in which no centrally administered compulsion is practiced. Compulsion, possibly, yes: but administered by privately acting agents, though with the blessing of a principle that is legitimate in the aforementioned way.)

<sup>4</sup> Jan Lester, *Escape from Leviathan* (London & New York: Macmillan, 2000), ch. 3 (57-148)

<sup>5</sup> Locke, 2nd Treatise, #6.

<sup>6</sup> For further exploration of this idea, see Jan Narveson, "On Economic Rent: Michael Jordan, the Reichmann Brothers, and Jim Smith, Day-Laborer: Whom do we get to Tax, and Why?" in *Reason Papers*, #25, Fall 2000, 29-54.

<sup>7</sup> See the long essay "On Value" in *Economic Harmonies* (Irvington-on-Hudson: Foundation for Economic Education, 1996)

<sup>8</sup> Jan Narveson, "Libertarianism vs. Marxism: Reflections on G. A. Cohen's Self-Ownership, Freedom and Equality (*Journal of Ethics*, vol. 2, no. 1, 1998, p. 15.

<sup>9</sup> Hobbes' *Leviathan*, esp. ch. 13, is the classic source here.

<sup>10</sup> The term is used, for example, by Peter Vallentyne in the source cited in footnote (2) above.

<sup>11</sup> Hobbes, to be sure, regarded the Laws of Nature as being "not properly laws, but virtues." This raises a large scholarly issue, which won't be gone into here, but the general point is that they are not Positive Laws (as such, though they tend to be written into actual codes of positive law to some extent). But in calling them 'law' Hobbes means that they are outputs of reason, and not matters of taste or choice - reasonable rules for us all to live by, and impose on each other as may be needed.

<sup>12</sup> In this discussion, I put to one side the point that people do not come singly, but in pairs and families. As Hobbes observed, the distributions of goods within families do not obviously operate on market principles, though the contrary is arguable. But we do not decide on the matter here.

<sup>13</sup> See in this respect Robert Nozick's classic analysis of Rawls, in *Anarchy, State, and Utopia* [New York: Basic Books, 1974], p. 195. "Rawls would have us imagine the worse-endowed persons say something like the following: "Look, better endowed: you gain by cooperating with us. If you want our cooperation, you'll have to accept reasonable terms. We suggest these terms: We'll cooperate with you only if we get *as much as possible*."

<sup>14</sup> Among innumerable other expressions of doubt about the state, I mention my recent book, *You and The State* (Lanham, Md.: Rowman & Littlefield, 2008)

<sup>15</sup> For further development of the idea, see *You and The State*, Chs. 2, 4, and 8.

<sup>16</sup> It had to do with the Axiom of Choice in metamathematical theory, I believe, but I am not able to track down the source of this memory.