

WOULD-BE FARMER JOHN AND THE WELFARE STATE: A RESPONSE TO BLINCOE

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ADAM BLINCOE AIMS to show that libertarianism, at least in Robert Nozick's version, is faced with a dilemma: "Either (a) Nozick must admit that taxation for the purpose of guaranteeing a compensatory level of welfare (and not merely for protection from harm) is legitimate or (b) he must admit that his entitlement theory cannot satisfy the Lockean proviso."¹ So what is Nozick's version—and in any case, what is the *correct* version—of this famous proviso? (I assume Blincoe is not just making scholarly points about Nozick, but rather about his fundamental idea, libertarianism.) Locke famously says that someone's acquisition is just "since there was still enough, and as good, left for others; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his enclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all" (*2nd Treatise of Civil Government*, §33). Almost all modern commentators have drawn from an earlier passage: "For this Labour being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others" (§27). Both passages leave open a crucial question:

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¹ Adam Blincoe, "Forcing Nozick beyond the Minimal State: The Lockean Proviso and Compensatory Welfare," *Libertarian Papers*, vol. 10, no. 1, 2018, pp. 19-48. Unattributed page references are to that paper.

what if there is not enough and as good for others? Locke speaks here of land in particular, so another question is whether there is any special priority to that particular resource. Many, including Blincoe, seem to think there is.

Speaking from the vantage point of the twenty-first century, “too little” would seem to be an obvious possibility too, assuming a certain general agricultural technology. But too little for what, exactly? People went into the American wilderness in the seventeenth to nineteenth centuries to make a living and, especially, to grow an adequate food supply for themselves and their families. At the time, “enough and as good” was quite a bit and pretty good indeed: prime farmland in central North America, top-class material for the agriculture of the time. But as agricultural technology improved, the required amount diminished. It was down to around one large living room’s worth in about 1970, and at the present day, if what is in question is the ability to raise enough to live on, then that quantity is actually zero: we no longer need *any* land to grow ample food stocks on, as the upper floors of large buildings suffice provided you are happy with a vegetarian diet.² Nozick’s tack on this is to generalize:

A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened... it does not include the worsening due to more limited opportunities to appropriate... Someone whose appropriation otherwise would violate the proviso still may appropriate provided he compensates the others so that their situation is not thereby worsened.³

Has he generalized correctly? If being able to go down to the corner store and satisfy your daily caloric requirements for a very modest outlay counts, then present-day technology, especially in agriculture, solves the problem neatly for all but the absolutely indigent. A serious question arises of just what constitutes worsening when we talk of being “thereby worsened.” As we will see, everything, for Blincoe’s argument, depends on this. A first shot at it is easy: if your action deprives someone of something he legitimately owned, then you violate the intended proviso. But legitimate ownership traces back, via whatever exchanges intervened, ultimately to initial appropriation, which is what the proviso is intended to apply to.

² This is no longer sci-fi-level conjecture. See Ian Fraser, “The Vertical Farm: Growing Crops in the City, without Soil or Natural Light,” *New Yorker*, January 9, 2017, available at: <https://www.newyorker.com/magazine/2017/01/09>.

³ Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974), p. 178.

Here, Locke (and almost everybody) obscures the situation by asserting that, after all, God “gave the World in common to all Mankind” (§32). I will table the logically prior question of how Locke or anybody knows what God had in mind. Is he sure He did not give it to the Jews, for instance, rather than all mankind? I will confine myself to the question of just what He *did* thereby “give” us. Suppose procreation proceeds apace and the population outruns the available food supply. Then what? It would seem that *any* appropriation—including Farmer John’s—sufficient to feed an individual will “thereby worsen” the situations of others in that case.

Again, we can run into complexities that we need not address here, especially because we can simply point out that the production of capitalist society is such that it is easy for all to avail themselves of sufficient food and much, much else. Nozick might then be understood to be implying that anyone who genuinely did not have enough calories—the “basic wherewithal” of life—and was unable to acquire the now wholly owned land with which he might have been able to provide it for himself would be owed a social minimum of some sort. While I think (and will argue below) that is wrong as well, I can agree that, as Blincoe observes, “focusing on welfare instead of actual appropriation makes the proviso much easier to satisfy” (Blincoe, p. 24). Blincoe notes too that Nozick thinks his formulation takes care of the appropriation of, say, the only water hole in a desert area or of an island on which an unfortunate castaway washes up. What does the fortunate acquirer of the water hole or the island owe to the thirsty traveler or the castaway? Nozick seems to say it is enough to keep the latter two alive. And in so doing, he appears to imply that we will need more than just liberty. That is, we must not only refrain from doing violence to these folks, but also allow them some water or whatever else even if they did nothing to acquire it themselves from the resources still available after others’ appropriations.

I have previously insisted that the Lockean proviso prohibits “only (and all) worsening *in respect of previously acquired possessions*.”⁴ (I unfortunately left out the qualification that the possessions in question must themselves have been legitimately acquired by libertarian criteria—that is, without robbing or otherwise invading somebody else. I will assume this qualification is met.) Now, our own bodies are “acquired” at birth. Thereafter we have parents and others who may provide sustenance or whatever at will, and later on, when we have some capability, we are entitled to whatever we find or make that

⁴ Jan Narveson, “Property Rights: Original Acquisition and Lockean Provisos,” *Public Affairs Quarterly*, vol. 13, no. 3, 1999, pp. 205–27, and in my *Respecting Persons in Theory and Practice* (Lanham: Rowman and Littlefield), ch. 8, pp. 111–30.

was not already found or made by others, along with whatever we acquire by free exchange or gift (e.g., from loving parents). This understanding makes it clear that the traveler in the desert, or the castaway, does not have the basic libertarian right to provision by owners of now-needed resources, which is presumably what Blincoe is talking about.

There are all sorts of good reasons why we nevertheless should in general be ready to help such unfortunates, but that does not amount to recognition of basic rights. Of course, conventions with considerable force are usually in place. Having traveled in Algeria, for example, I can attest that motorists there will always stop if they spot a stranded traveler, and it is certainly a norm of the desert that one do so. (This is prior to the age of jihadism, to be sure. What travelers would do nowadays, I do not know. But in just about everyone's normal experience, the observation is reiterated in innumerable contexts: flood victims taken in by neighbors, you and I tossing a dollar or two into the hat of the beggar, so many of us sending off a hundred or two hundred a year to agencies devoted to helping remote indigents, and so on.) The point is that the all-too-ready inference that libertarianism requires a system of coercively supplied support for the indigent can and should be resisted. It does not follow from any version of the proviso that is compatible with the principle of liberty from which Locke and Nozick intended to derive it.

Enter Farmer John

But now a new question looms. Blincoe turns to

the more common case of the poor individual in conditions of moderate scarcity. Nozick recognizes the need to compensate both sorts of people. However, I will argue that in the latter case, Nozick greatly underestimates the magnitude of compensation required to justify the appropriations in question. The case of the poor individual will force Nozick to admit much more substantial levels of compensation and push his ET [entitlement theory] beyond the minimal state. (p. 25; footnotes omitted)

There are two ways to counter this argument. One is that people nowadays, despite often being unable to acquire land, are better off because of the manifold goods they can now acquire instead. Indeed they are; but the claim will be plausible only if we suppose that what is at issue is certain fairly typical values that just about everyone has, specifically regarding supplies of food, water, clothing, and shelter. We do not normally extend this to more exotic desires.

But what if those are not the relevant values in a given case? Blincoe now imagines “an individual, John, who finds himself on the lower rungs of the socioeconomic ladder. John has an intense desire to execute the modest life plan of farming his own land” (p. 33). Given his circumstances, John is currently a waiter, doing all right but not nearly well enough to save enough capital to realize his real life ambition, which is to live as he could have done in America in 1740, where after much sweat and toil, “John is his own master and lives off his own plot of land. The ability to pursue his cherished life plan is a great boon to John’s level of welfare.” So, as things are now, “Waiter John cannot plausibly pursue, much less attain, his life plan.”

The situation is as follows, then:

Waiter John also has a color television with five channels, a secondhand spring mattress, and a fridge full of Busch Lite. Farmer John’s cabin life lacks these modern wonders. Does this not clearly show that a modern waiter is better off than a frontier farmer? I think not...

The reason Nozick and Narveson are wrong on this point is because they weight (non-natural) material wealth too heavily when determining a person’s welfare. (p. 35)

Blincoe thinks John, who had his heart set on being an independent farmer, which he could have been if those nasty capitalists had not moved in first and devoted the desired land to more efficient farming (profitable exchange in turn leading to manufacturing and such), is in fact worse off, given his desires, than he would have been in the eighteenth century. Now, alas, there is no land left that Waiter John can afford to buy.

The case for Nozickian compensation to such as John apparently runs as follows: Before others’ acts of appropriation, there was plenty for all. After them, there is not, even though no one steals anything from anybody. This leaves many worse off than in the pre-appropriation condition. So compensation is due them.

The case as it stands is very shaky, of course. That John’s heart is set on having land is irrelevant: Libertarianism does not promise that we will realize our dreams, whatever they may be. What it promises is only freedom, and that John has, along with everyone else (I am assuming). Everyone’s exercise of that freedom led to a situation in which John cannot get what he wants. It often does, for all of us. Could John actually have what he wants now? Sure, if all sorts of things had been different, as Blincoe’s depiction of the 1740s version of Farmer John exemplifies. But our question is whether we (the rest of us, I guess) owe him a plot and some primitive tools as a result of our previous actions, and the answer to that, I shall argue, is no. What we owed

him and everybody else is, as Locke's "law of nature" makes perfectly clear, not to worsen his situation as it was. He never did have that farm, and it is not the eighteenth century anymore, so the fact that an earlier predecessor might have been in a position to have one is not to the point. Nobody has at present deprived him of it.

Have we deprived him of the *opportunity* to acquire a farm? No. The available land is now all owned by people, none of whom, evidently, are ready to give it to John to help him realize his dream or sell it to him at a price he would be able and willing to pay. But one might point out that if he did have either the money or the borrowing power to pursue that wish, there is always land for sale, typically within the capability of persons of normal means to buy if they are really ready to sweat it, as eighteenth-century John obviously was. But suppose Waiter John really is incapable, however persistently he tries, to manage that. Then one is tempted to say: so it goes. I have always wanted a 747, but, alas, it is far beyond my means, and nobody seems to want to supply me with one for free. Tough, but it is nobody's fault.

What the acquisition of available land does is to prevent anyone from simply acquiring that particular bit of land by stumbling upon it and setting up shop. But mankind never had an obligation to save some land for the Johns of this world (nor did Locke's God!), and it never will. Mankind does not have an obligation to save up for everybody who wants to live out his 1740s daydreams. A world in which most people did so is unlikely to have existed, to be sure, and is certainly not available any longer. But that fact is not such as to convict us of depriving John of something to which he is entitled by libertarian criteria.

Who, we should ask, does John think he is? Back in the days when all people were hunter-gatherers, the Johns among them would not have been able to conceive of becoming pioneer farmers. Were they deprived of farmland? One presumes not. Twenty centuries later, as it happens, a would-be Farmer John can not only conceive of but actually realize such a dream. But then, two centuries later still, becoming an inefficient gentleman farmer or a Thoreauvian independent is, we will assume, too expensive for John. What makes it too expensive is its inefficiency, the progress of everyone else (progress as seen by all those others), and our own particular incapacities combined with bad luck (as would-be farmer John sees it: bad luck at having been born two centuries too late).

Still, we can all have whatever we want (in the way of nonlethal goods and services), up to the limit of what we can afford. But does anyone owe us a higher income? Why? Thieves do, if we have been robbed, and no doubt assorted governments might, owing to their muddled policies and the ill-

conceived visions on which they waste our money. But Johns are not owed the realization of an eighteenth-century dream financed by taxes imposed by people who sympathize with the Johns but paid by people most of whom do not sympathize with them—at least, not to the point of being ready to give them enough money. (Maybe they should try crowdfunding.)

As I say, the Lockean proviso appears to have been intended by Locke to be about land in particular. But in that form, it is untenable, as contemporary commentators all realize. With seven billion of us, there simply is no way to “leave enough, and as good, for others” if land is the unit of value. (Of course, we all, plutocrats and marginal farmers alike, do leave enough and as good for whoever can afford it, if they are interested.) But are we left with, if not enough land, then something else that is “as good”? If the measure of value is the dreams of individuals, then we very likely are not. But it is inconceivable that Locke meant that. If the measure of the relevant value is provided by the market though—as of course it should be—then the comparison is between what John can acquire with his twenty-first-century waiter’s income and what he could acquire with what would be the economic value of his eighteenth-century pioneer’s income. Then the modest wage wins by a huge margin. With his current level of income, John can realize many dreams that he would not have had in the eighteenth century as well as some that he would (such as watching programs on his nice color TV). Which is better? That is for John to decide. But we do not have to cater to his preferences by fulfilling them. All we owe him is that we not intervene in his life to prevent him from even trying, provided the restriction that he respect others’ rights. Success is not part of the bargain. Liberty is.

We must remember that no one is in a position to compensate a would-be eighteenth-century John for becoming only a twenty-first century waiter instead. The waiter John has not been deprived of anything, for he never had what Blincoe alleges he was deprived of: the opportunity, without cost, to pull up stakes, go forth into a wilderness, and put it under the plow (or whatever his fancied farming life would be like). It is possible that some of his remote ancestors were deprived of such opportunities. Perhaps they ran afoul of a press gang, or a criminal gang, or whatever. But the parents of modern John were not so deprived, and presumably did what they could for young John without having acquired anything at the expense of anyone else in the process. How could the relevant baseline be anything else, if it is only the right to liberty that is in question?

Of course, Locke is wrong anyway, at least on one account of his claims. Acquirers owe it to all that they not acquire what is already someone else’s. That is the substance of Locke’s law of nature. But they do not owe to everyone else not yet arrived on the scene the opportunity to acquire the

same sort of thing their predecessors may have acquired before them, including land. Suppose it is true, as Blincoe states in a footnote, that the desire for land is neither rare nor strange. That does not mean it is satisfiable, or that we owe everyone the satisfaction of this non-rare desire. Is Blincoe suggesting that modern efficient farms in Iowa, with production worth several million dollars a year, be broken up and returned as plots to the contemporary poor, for them to work on with eighteenth-century technology? Or that those big, hugely productive, and highly profitable farms should be broken up, involuntarily, à la Stalin and Mao, thus violating the very sort of freedom Blincoe believes the pioneers had? (Suppose would-be farmer John has his dream realized. Will he be happy to have his modest plot broken up to accommodate even poorer immigrants with similar dreams?)

The State-of-Nature Baseline

Talk of legitimate acquisition requires, in the end, a baseline: what is our point of departure in assessing the worsening and bettering of situations? The law of nature has it that we owe it to all to not worsen their situations (insofar as they are themselves innocent of violations of the law of nature). What is our basic situation, as humans? Just what do we have the duty not only to refrain from depriving people of—bringing them below that level—but in fact to provide if it is lacking? In material terms, contrary to what so many (including Blincoe) seem to think, there is none.

Blincoe states:

But if compensation is requisite, it is not the original appropriation that comes into question. Nor is it the system as a whole at all times that comes into question. Rather, what comes into question is the system as a whole at some stage (or stages) in its development, namely the stage(s) at which it is no longer possible to appropriate some resource. (p. 39)

Of course, it is no longer possible to appropriate any exhausted resource. No mere normative principle can, King Canute-like, control the amount of stuff in the world. But if we respect the Lockean law of nature, we also cannot take it from someone who happened to get to it first and who is therefore now the legitimate owner. What we owe each other, what we are to refrain from worsening others in respect of, and so, what we “started out with,” is not any particular amount of any particular sort of stuff (land, food, or whatever) but rather freedom (i.e., nonviolence), the very thing we lack in the hypothetical state of nature that contractarian theory hopes to save us from. And we all can extend that good to all, to the richest and the poorest, without any consequent deprivation, and we can do so at any time.

Meanwhile, anyone, rich or poor, can deprive anyone else of liberty, or at least reduce his supply of it, given enough spleen, ill will, and energy. Indeed, it is the intent of Locke's law of nature to forbid precisely that: it bids us that we not deprive anyone of his (or her) health, life, liberty, or property, all of which deprivations are ways of attacking him (or her). But so long as we refrain from depriving anyone of those things, we are home free as far as fundamental Lockean justice is concerned, and doing so does not leave people with a farm as their fair share. And if someone has very little health, liberty, or property, then that is very sad, and it will be very easy for us not to deprive him of the little that he has (you cannot take from somebody what he does not have), but we do not violate the Lockean law by not taking steps to improve his situation.

Consider the important case of someone who *has* been deprived of something to which he has a just claim—but deprived by someone else. For example, if A has enslaved B, does C owe it to B to free him, even if he can? What do we, who did not do that depriving, owe him as compensation? Basically, nothing. It would, of course, be lovely, or possibly heroic, if C did some such thing. But C did not put B in that state, and so has no basic duty to get him out. Many Dutch non-Jews took steps to prevent numerous Jews from falling into the hands of the Nazis, at great risk to their own lives. They are heroes. They were not compensating those Jewish people (unless we assume prior complicity, which we in general cannot). They were going beyond the requirements of sheer duty, and we owe them our admiration, but not our payrolls or our lives, for it.

Freedom leaves us, instead, with the right to seize whatever opportunities we can find that are compatible with their being voluntarily offered and taken. The sky is the upper limit, and of course the gutter the lower. But in neither case need the individual in question have been invaded and despoiled by anyone.

That is a far cry from contemporary conceptions of social minima and the like, of course. The point is that there is no way to justify those minima, in general, on the basis of restitution for former wrongs, if liberty is our guide. (Whether we can justify such things on the basis of some kind of contemporary social contract, specific to the circumstances of our time, is another question. My point is only that so far as the fundamental agreement with our fellows is concerned, the minima simply are not included.)

Contemporary Life, Hunter-Gatherers, and What “We” Owe

Blincoe appeals to the recent work of Karl Widerquist and Grant McCall⁵ in support of the expanded claim that the contemporary poor are actually worse off, by and large, than the hunter-gatherer societies of many millennia past (and some at present, as in New Guinea and the Amazon). These comparisons are, of course, dodgy. It is not only that in all likelihood, most hunter-gatherers would jump at the chance to join the ranks of today’s “poor” such as Waiter John, who, as Blincoe says, manages to have “a color television with five channels, a secondhand spring mattress, and a fridge full of Busch Lite” (p. 35). Some evidence is perhaps provided by the fact that they apparently have taken that chance in comparable situations. For examples, see Jared Diamond’s account of his return to Port Moresby, New Guinea, sixty years after first contacts with the natives: “New Guinea highlanders in 1931 were scantily clothed in grass skirts, net bags over their shoulders, and headdresses of bird feathers, but in 2006 they wore the standard international garb of shirts, trousers, skirt, shorts, and baseball caps... [In the interval, they] had learned to write, use computers, and fly airplanes.”⁶

What matters, however, is whether the alternatives are relevant. As depicted by many anthropologists, hunter-gatherer communities were anarchic. Modern societies are anything but. Still, it is just possible for people in contemporary states such as the United States to create social units of comparable types. It is even legal, and some people do it, though they cannot quite escape the long hand of government by doing so. And it is not popular, for whatever that is worth. Does the compensation Blincoe calls for include dismantling the government? He does not seem to recognize that possibility. Instead, he takes it that governments could assess the relevant variables in the good life and then compensate the unhappy would-be farmers so as to make their lives more like those of hunter-gatherers as depicted by Widerquist and McCall (and their many sources). (We might note that to do this, one requisite step would seem to be to kill off around 90 percent of the American population, since that is the only way that everyone could be a Farmer John. It would also reduce them to something like the agro-technological level of their eighteenth-century forebears, which I suppose is part of the Farmer John dream, since otherwise the corner store beckons as a more sensible and much less stressful alternative.) Otherwise, Blincoe will likely have to make

⁵ Karl Widerquist and Grant McCall, *Prehistoric Myths in Modern Political Philosophy* (Edinburgh: Edinburgh University Press, 2017).

⁶ Jared Diamond, *The World until Yesterday* (New York: Viking, 2012).

do with the sort of efforts the American welfare state currently does make. What he says is:

This guarantee of welfare will be required in order to compensate those (many) people who are worse off in light of how far the system of private property has developed and how much they value autonomy or self-mastery. Material wealth and comforts, at the right level, could perhaps compensate for lost opportunities to appropriate land. However, the more appropriate compensation might be to make it possible, for those who desire it, to purchase land to farm (or make some other opportunity possible short of appropriation). Whatever form the compensation takes, it will cost the state some money, which means the state will need to institute a redistributive tax scheme. (p. 36)

In this passage, Blincoe seems unaware—like so many “liberal” writers of today—of the extent to which America already has instituted a redistributive tax scheme. The results make America’s much-lamented income inequality look quite a bit different from what most people, evidently including Widerquist and McCall, seem to think, as pointed out recently by Robert Samuelson.⁷ And as to costing “some money,” does Blincoe think welfare states are cheap? The American government’s budget is currently devoted, to the tune of a couple of trillion dollars, to health, retirement, and other welfare expenditures, in addition to comparably huge amounts from state and local governments. Whether it is actually due to these state activities that American poor people are as well off as they are⁸ (in these conventional terms) is extremely difficult to say since we do not know how they would fare if things were as vastly different as the absence of government welfare expenditures would make them. That is subject matter for further investigation, going well beyond the terms relevant to the present discussion.

The advantage of liberty in this regard is that instead of having a central coercive agency decide what is good for people, they get to proceed on their own values, apart from the restriction that they be nonviolent ones. Whether the result will be that people live like ancient hunter-gatherers or modern

⁷ Robert Samuelson, “The Messy Truth about Income Inequality,” *Washington Post*, March 22, 2018, available at: https://www.washingtonpost.com/opinions/the-messy-truth-about-income-inequality/2018/03/22/4504af5a-2de0-11e8-8ad6-fbc50284fce8_story.html?utm_term=.e196e26102f8.

⁸ For one among many quick summaries of the situation, see Robert Rector, “Poverty and the Social Welfare State in the United States and Other Nations,” *Heritage Foundation*, September 16 2015, available at: <https://www.heritage.org/welfare/report/poverty-and-the-social-welfare-state-the-united-states-and-other-nations>.

Waiter Johns is indeterminate. To be sure, we often will not succeed in achieving our goals, especially if our desires are as exotic as would-be farmer John's. Still, we can well ask: is there any compensating for that?

Blincoe concludes with the claim that compensatory taxes are not forced labor. But what he proposes to compensate people for is something we do not owe them. And all taxes, as such, would seem to be forced labor on the face of it, for Nozick's obvious reason: they compel us to part with money we have legitimately earned and had no choice about paying. We should not seize upon over-hasty formulations by Nozick as the ultimate analysis of what liberty is all about.