

REVIEW OF NARVESON AND STERBA'S *ARE LIBERTY AND EQUALITY COMPATIBLE?*

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ARE LIBERTY AND EQUALITY COMPATIBLE? By James Sterba and Jan Narveson. Cambridge, UK: Cambridge University Press, 2010.

ARE LIBERTY AND EQUALITY COMPATIBLE? consists of a written exchange between moral philosophers James Sterba (answering the above question affirmatively) and Jan Narveson (answering negatively). Each author presents their case in essays a little over 100 pages in length, and then briefly critiques the other's case. The debate over whether negative liberty is compatible with substantive equality is certainly not a new debate, and these two authors have been arguing the issue—with each other and other contemporaries—for many years now. As such, both authors are well-versed in the other's position and offer interesting cases.

First, Sterba presents his affirmative case that not only is liberty and equality compatible, but that liberty *demand*s equality. In making his case, though, Sterba is careful to define liberty in a negative, rather than a positive, way: as the absence of external constraint on peoples' action consistent with a like absence of constraint for everyone. Thus, Sterba starts with “the premises of my libertarian opponents” (117), defending negative, over positive, liberty.

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Sterba suggests that when everyone has the liberty to pursue their goals without the absence of constraint by others, there will be situations where the rich can satisfy their basic needs (and then some) without others interfering, but that the poor often cannot. In situations where the poor “have tried all the means available to them that libertarians regard as legitimate” (17), there will still exist situations where the poor’s only option for securing their basic needs are to take these needs from the surplus of the rich. Employing an “ought” implies “can” principle, Sterba suggests that it is simply unreasonable in these situations to expect that the poor can refrain from taking from the rich when it may be their only way to avoid starvation, suffering, and death.

In such situations, Sterba argues that negative liberty suggests that the poor not be interfered with in taking from the rich what they need to satisfy their basic needs. To libertarians, this may appear a strange interpretation of negative liberty. Yet, Sterba argues that to deny the poor the right not to be interfered with in taking from the rich for their basic needs, we are setting up an incongruous situation where the rich will be at liberty to secure their basic needs (and then some) without interference from others but the poor will not. Our options are to “say that the rich should have the liberty not to be interfered with in using their surplus resources for luxury purposes” or that “the poor should have the liberty not to be interfered with in taking... what they require to meet their basic needs” (15). Using the “ought” implies “can” principle, Sterba argues that the latter is the more reasonable proposition because it imposes a manageable burden on the rich, where the former imposes an impossible burden on the poor.

Is advocating for the right of the poor not to be interfered with when taking from the rich really an advocacy for a negative, rather than a positive, right? Sterba suggests that the difference is that the negative liberty he argues for does not obligate the rich to *do* anything, but rather to *refrain* from doing something (from stopping the poor from taking what they need). Yet, one can justly wonder whether this difference is more semantic than substantive.

Despite Sterba’s attempt, it can be argued that he intends to make a case that obligates the rich to do more than simply stay out of the way. Sterba suggests that “virtually any use of their [the rich’s] surplus possessions is likely to violate the negative welfare rights of the poor by preventing the poor from rightfully appropriating (some part of) their surplus goods and resources” (26–27). This means that not only are the rich not to interfere with the poor’s taking of their goods, but are to refrain from spending their surplus possessions so that the poor can take them. So, Sterba is going beyond telling the rich only that they can’t stop the poor from taking; he is suggesting that the rich must also avoid spending their possessions how

they'd like. Surely, that is going beyond advocating a negative liberty of the poor.

Sterba and Narveson are both contractarians who dissent from a Rawlsian "veil of ignorance" stipulation. Anticipating Narveson, Sterba seeks to answer the question of why entrants into a social contract who are, or think they will be, well off would agree to a contract that allows the poor to take from the well-off. Why wouldn't everyone more likely agree to a contract upholding a strict right to property for all? The answer is both intricate and not entirely convincing. Suggesting that the poor agree to the rich's desideratum (endorsing a property-rights) contract rather than the rich agreeing to the poor's desideratum (endorsing a right-to-welfare contract) begs the question as to why selfish interests ought to trump altruistic ones. As it is unlikely that many folks are wholly selfish or altruistic, the more accurate (and non-question-begging) way to decide between prospective social contracts is to have each deliberator rank their selfish and altruistic reasons in favor of either contract. So, a rich person might rank her desire not to have wealth taken as a highly ranked selfish reason in favor of a property-rights contract, but the good feeling from help others less fortunate as an altruistic reason in favor of the welfare-rights contract. A poor person might list desire to secure basic needs as a selfish reason for favoring a welfare-rights contract, and a desire not to interfere with others as a low ranking altruistic reason to support a property-rights contract. In the end, high ranking interests (whether selfish or altruistic) should be preferred over low-ranking ones. While he does not argue for it directly, we can infer that Sterba is confident that this "morality as compromise" approach will lead its deliberators to choose the welfare-rights contract. (I will argue why this approach to social contracts is less desirable than Narveson's below.)

Narveson argues next, taking the position is that liberty and substantive equality are incompatible (excepting the possibility of a world where a more egalitarian Mother Nature, or overwhelming public charity, were to erase disparities without forcing some to give to others). Like Sterba, Narveson uses a contractarian approach to argue the proper scope of our moral duties to one another alone. Unlike Sterba, Narveson argues that the likely results of a social contract would not include the right of the poor to be allowed to take from the rich. Narveson "suggest[s] that prohibition on aggression is the only thing that all persons would agree on in the way of socially imposed requirements, and the *only* thing we can *all* agree on—if anything at all" (161). This "prohibition on aggression" would cover prohibition on any attempts by anyone to aggress against anyone else, including equal against equal, the rich against the poor, and the poor against the rich.

Narveson is aware that we cannot all have full liberty to engage in any behavior without the potential for clashes of liberties, but suggests that in a contractarian framework, negative liberty—the liberty to be left alone from aggression or coercion—is a liberty all reasonable people could agree on. “The liberty to invade, despoil, aggress, undercuts others’ liberty, is excluded if the liberty principle is to serve as a universal rule. It is a strange misreading of the principle of liberty that makes it a free-for-all” (168–69). And, thus, Sterba’s argument that the poor have a right to take from the rich—a right to despoil and aggress—is not a legitimate negative liberty.

Narveson rejects Sterba’s idea that affirming only the right to be left alone leads to a conflict between the poor’s liberty to take from the rich and the rich’s right to hold onto their surplus. First, it is not correct to suggest that affirming everyone’s right to be left alone actually favors the liberty of some over others: strictly speaking, it favors the same liberty for all: the right not to be aggressed against, harmed, or coerced.¹ Some, like Sterba, may suggest it is unreasonable to ask the poor to refrain from aggressing against the rich in order to meet their basic needs. Yet, surely it is debatable whether Sterba’s requirement that the rich to work for, but refrain from spending, their surplus possessions so that the poor may take it for themselves is also quite unreasonable. (To this reviewer, it may well come down to one’s subjective criteria for what is to count as “reasonable.”)

Narveson takes a very different contractarian approach to Sterba’s. Rather than having participants list reasons for and against welfare-rights and property-rights contracts, and weighing all the reasons of everyone together, Narveson calls for a per-person vote. Explicit in Narveson’s contractarianism is that, for there to be a proper contract, everyone (every reasonable person, that is) must agree to its terms. As such, Narveson is confident that for everyone to agree on one contract, the contract will be a minimal one where everyone promises to abstain from coercing others in return for the security of not being themselves coerced.

Narveson does not suggest that everyone entering into this contract is selfish in a narrow sense, but only that we can assume that, even fully acknowledging humans’ propensity toward altruism, we can be safe in assuming that everyone—and unanimity is what we want—is “interested in

¹Here, Narveson distinguishes between harm and failure to help. To harm is to “make you worse off than you would have been had I not acted” (165), while failure to help leaves you as bad off as you had been already. To Narveson, a unanimous social contract would very likely lead to a prohibition on harm, but not an obligation to help others (as everyone can at least agree to a ‘no harm’ principle, but it is likely that not everyone would agree to undertake an obligation to help others).

achieving certain states of oneself that are definable independently of relations to others..." (184). Nor does Narveson desire to defend narrow selfishness as a moral position; people should be encouraged to help, and give to, others. But forcing some to give to others—whether it is by requiring them to give, or by requiring them to refrain from interfering with others' taking—is a violation of one's negative liberty not to be coerced against. In Narveson's eyes, there is big difference between whether we should give to the poor and whether we should be coerced to give to the poor.

Narveson ends by defending the market as the social organization that encourages voluntary cooperation most effectively. Narveson recognizes that in a world where talents and fortunes vary, equality will be an unlikely outcome of a market economy, but forcing some to give to others, or let others take from them, simply violates negative liberty. Further, Narveson postulates that, as long as we define "basic need" basically, it is probably that a world where charity is encouraged will be every bit as effective as a coercive welfare state, while also being less invasive to liberty.

Unfortunately, only 14 pages are devoted to responses by each author to each other, and the responses are not very fruitful. Sterba, I think, persists in misunderstanding Narveson's contractarianism as giving some sort of preference to self-interested actors; in reality, Narveson simply recognizes that if unanimity is the goal (and a non-unanimous contract isn't a contract in any real sense), the contracts terms must be such that diverse people must be able to agree to its terms

Narveson's response is largely a condensed reiteration of his approach, and a review of why he believes that granting all a negative liberty to be left alone does not lead to a conflict between the poor and the rich (for it is strange to assume that we violate the poor's right to be left alone by not allowing them to interfere with others). Narveson might also have questioned Sterba's contractarian approach as being much less feasible than Narveson's own by asking what incentive potential entrants would have to write down all the reasons they can adduce for supporting different contracts, rate those reasons numerically, and tally reasons in order of importance. Surely, Narveson's contractarianism has the benefit of resembling the way contracts are actually entered into, where unanimity must be achieved by tallying each person's up or down vote.

In the end, though, both authors are to be commended for providing very interesting arguments in the type of crystalline prose seldom found in modern philosophy. While this reviewer would have preferred more give and take between authors (more space for rebuttals), anyone who reads *Are*

Liberty and Equality Compatible? will be treated to two very able philosophers engaging in a highly interesting conversation.