

FREEDOM AND EQUALITY: ANDERSON AGAINST LIBERTARIANISM

Posts In This Series. This post is updated from time to time with additional resources.

The first four posts in this series discuss two articles by Elizabeth Anderson explaining her view of freedom and equality. The text for this post is her chapter titled *Freedom and Equality* in The Oxford Handbook Of Freedom And Equality, available online through your local library.

In the last post I said that relational equality* is a principle of social relations, and not a principle of the distribution of material goods and opportunities. But as Anderson says, relational equality entails a certain minimum level of material distribution. Material redistribution is flatly rejected by libertarians**. It's easy for progressives to forget that there is a philosophical basis for libertarianism, with well-known exponents, including Robert Nozick. Anderson takes on the libertarians in this chapter. She argues that freedom as non-interference, the ground of libertarianism, cannot justify a regime of private property.

In Part 1 of the chapter, Anderson describes different ideas about freedom and equality, and gives some examples. This section covers the ground of the first four posts in this series, and is easy to follow. In Part 2, she addresses the libertarian arguments justifying private property strictly on the grounds of negative liberty*, that is, freedom from interference.

Anderson starts with a brief discussion of taxes. In standard libertarian thought, requiring someone to do something is normatively different from requiring someone to refrain from doing something. Thus, ordering people to supply

others with goods and services is different from ordering people not to take the property of others. Libertarians say that taxes raise revenue for the government which is used to supply goods and services to others, and so taxation is normatively wrong. The basis for this assessment is that income is associated with labor, so that making people pay taxes is directly the same as making them work for others. Anderson points out that this may be true of taxes on wages, but it obviously irrelevant to passive income, as that from investments, capital gains, mineral royalties, rents, bequests and interest.***

She points out that taxes on land rents can be justified as “respecting the property rights in the commons of those who lost access to privately appropriated land.”

But that’s just the first point. Anderson’s focus is on the priority of positive freedom in connection with property rights. This argument is more complex. First, she points out that even libertarians do not argue for absolute negative freedom with respect to property. Perfect negative liberty means that no one has the right to demand that the state assist in constraining an owner’s use of property. As far as I know, no one, even the most rigid libertarian, makes such an expansive claim. Therefore the claim to private property is a right.

If claims to property are rights, then they entail duties in other people. If the owner excludes others from property, exercising the owner’s right to non-interference, then others lack the right to use of that property. Their right to use of that property is interfered with. On numerical grounds alone, this negative liberty of one person creates a massive net loss of negative liberty.

... to secure the right of a single individual owner to some property, the negative liberty of everyone else – billions of people – must be constrained. Judged by a metric of

negative liberty alone, recognition of property rights inherently amounts to a massive net loss of total negative freedom.

To justify this massive net loss of negative freedom, we must look to other kinds of freedom. Positive freedom* supplies a good answer. Private property can improve overall economic outcomes for the many. Properly used, it can create greater opportunities for many. Receiving the benefits from improvements can encourage more of these benefits. Freedom from domination* is protected and increased when in a system of regulated private ownership which prohibits the use of private property to dominate others.

To use these arguments, though, we must prioritize positive liberty and freedom from domination over negative freedom. This, of course, was the point Anderson is trying to show.

Instead of libertarian negative freedom as the primary principle of society, Anderson offers a social contract view of private property.

In this picture, the principles of right are whatever principles persons would rationally choose (or could not reasonably reject) to govern their interpersonal claims, given that they are, and understand themselves to be, free and equal in relation to one another.****

Generally people would choose a regulated system of private rights so as to ensure reasonable economic efficiency, order, and maximum positive liberty and freedom from domination. In this setting, individual rights are not grounded in selfish interests as in libertarian thought, but in the reality that we all have "a common interest in relating to each other through a shared infrastructure of individual rights."

Discussion

1. As I read this section, Anderson is trying to show that prioritizing negative freedom, meaning noninterference, is not a solid foundation for a decent society; and I think she succeeds.

I have never thought libertarianism was sensible. In high school, I read *Anthem* by Ayn Rand, which I took to be an anti-communist screed, mildly enjoyable and short. In college, I read *The Fountainhead* and *Atlas Shrugged*, and I realized that Rand was actually arguing for radical selfishness. The books are badly written and laughably simple-minded, and impossible to take seriously. Essentially libertarians want social protection for themselves and their property, but think it is theft if taxes are used for anything besides protecting them and their rights and giving them stuff. Their society looks like the Gilded Age, when state and federal governments called out the militia to attack striking workers. Let's just skip past all the jargon. As a practical matter, Libertarians need to explain why those workers should support their ideal society. A similar question should be asked of today's plutocrats and their enablers.

2. The tax question is a good example. I noted Anderson's view of earned vs. unearned income issue, and her argument based on the principles of social contract theory. Social contract theory is the idea that we as a group implicitly agree to certain rules and institutions, surrendering some of our rights and accepting some duties, in exchange for protection of our remaining rights and creating and maintaining social order.

The justification for this theory is that life is better in such a society. In a democracy we select our leaders and can vote them out. This is a form of freedom from domination by government, and to the extent we can force government to act, it frees us from domination by employers.

"Taxes are what we pay for civilized society" as Oliver Wendell Holmes said. For now, I'll just

note that in Modern Money Theory, Holmes is not quite right. In nations that issue their own currency there is no connection between spending and revenue. In the MMT model government spends money into the economy and taxes bring some of it back to the government; and this is done for several reasons, including stabilizing prices and the value of money. That model seriously undercuts the primary argument that taxes are extracted from the successful to buy stuff for losers.

* These terms are discussed at length in prior posts

**Thus we are regularly treated to the idiot claims that taxation is theft, and that affirmative action is an unfair benefit to minorities and to the working class.

*** One thing I love about Anderson is that she never limits herself to a list of three examples followed by etc. Here she identifies 5.

**** This starting point is similar to the Veil of Ignorance of John Rawls in A Theory Of Justice.