

## A response<sup>1</sup> to “Libertarianism and pollution: the limits of absolutist moralism”<sup>2</sup>

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We are first told that

Some of the currently most popular forms of libertarian thought are defined by a commitment to the “non-aggression principle” – a principle which holds that it is always wrong to initiate physical force against other human beings.

Although “popular”, this is a poor expression of libertarianism. “Aggression” is problematic as being what libertarians are against. For one thing, it is rarely explained exactly how non-aggression is supposed to relate to a theory of interpersonal liberty. For another, “non-aggression”, in plain English, is no more up to the task than “non-coercion” (another libertarian favourite, although less popular of late)—not without charitable interpretation, at least. As glossed in the above quotation, “aggression” clearly does not work for two main reasons. 1) Theft and fraud don’t need to involve anyone having to “initiate physical force against other human beings”: you don’t need to initiate physical force against me in order to steal my money or cheat me out of it. 2) Consequently, it will sometimes be necessary to “initiate physical force” against thieves and fraudsters: to arrest them and bring them to trial, for instance.

That said, we can try to make a little more sense of the “non-aggression principle” (NAP); partly because many libertarians use it, and partly in order to move towards something clearer. Therefore, we might, as above suggested, provide a charitable interpretation of “aggression”, e.g., ‘the proactive interference with the bodies and external property of other people (where that property is itself not acquired by proactive interference)’. And if we do that, then it begins to make sense that the absence of such “aggression” is what interpersonal liberty is (although this sets aside various precise philosophical problems with this account). For such “aggression” against us would be other people initiating constraints on us. And we can then make sense of interpersonal liberty as the absence of such initiated constraints. (However, it ought at least to be mentioned that what liberty is—as a theory and as social phenomena—is a factual matter that is completely separate from the moral issue of whether breaching such liberty is “always wrong”. Conflating the two issues, as the article does, is a major source of confusion.)

Having rectified that account of the “non-aggression principle” sufficiently for our current purposes, we can now proceed to the second major error in the article:

The problem is that libertarianism seems to imply that environmental pollution, insofar as it constitutes or involves aggression against other human beings, is morally impermissible. Not just a bad thing, mind you, but absolutely morally impermissible in the same way that theft, assault, and murder are.

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<sup>1</sup> The article in question repeats a criticism of libertarianism that was one of those raised (<http://www.libertarianism.org/blog/libertarianism-pollution>) and briefly answered (<http://www.libertarianism.org/blog/pollution-minimizing-aggression>) on [libertarianism.org](http://www.libertarianism.org). The revised replies to those criticisms are now available in a book chapter (Lester 2014, Ch. 5). But as the new article is somewhat different, and the audience different, a reconsideration of these important issues seems merited.

<sup>2</sup> IEA Blog, 20 February 2015: <http://www.iea.org.uk/blog/libertarianism-and-pollution-the-limits-of-absolutist-moralism>

The error here is easily explained. The “non-aggression principle”—as interpreted here, at least—is best seen as being what observing liberty fully or absolutely would require. That is, full liberty is the absence of any “aggression” (i.e, proactive interference with people and their—non-proactively interfering—property). Now, it is true that pollution will be “aggressive” in this sense. But that is only half of the story. Because to prohibit the activities that are causing the pollution will also be “aggressive”. Consider a simple example. If I have a fire for warmth and cooking, then you might suffer some minor pollution as a result. But if you can force me not to have a fire, then you have deprived me of warmth and cooking. Both the allowance and the prohibition of pollution will be “aggressions” (although ‘proactive impositions’ seems to be a clearer expression). Whichever one is preferred, or however they are balanced, there will be some “aggression”. Therefore, it is impossible to implement the non-aggression principle in the event of such clashes. So what is the libertarian solution? It is surely libertarian to maximise liberty as far as is practical. That means adopting a minimum-aggression principle (or MAP). And that probably involves compromise and possibly compensation. How are minimum aggressions to be determined? They can often best be measured, traded, and compensated for by assigning market—or, at least, reasonable—monetary values to the gains and losses involved. In any event, the general solution to the problem is to see the NAP as referring to observing liberty when matters are one-sided. But the MAP applies when there are clashes.

Note that this proffered solution is not, as the article suggests, restricted to “discrete interactions between identifiable individuals”. It applies just as much to “a world increasingly characterised by the complexly interrelated activities of large numbers of dispersed individuals”. But to engage in, say, class actions (as the legal term has it) over “contemporary environmental problems such as automobile pollution, acid rain, and global climate change” is not in any anti-libertarian sense to be “less individualistic in identifying perpetrators and victims”. However, there is an important equivocation here. In one sense, rules that are intended to protect the general public (rather than any individuals in particular) are thereby, ipso facto, not “individualistic”. But they can remain individualistic in the libertarian sense that is opposed to collectivism (whereby individuals cease to have claims to liberty because of the greater good of the majority). Such individualism-in-principle is not abandoned just because there are lot of indeterminate people involved. Neither is the MAP in principle “less absolutist”. This is because liberty remains the thing that must absolutely be maximised. Consequently, it is clearly possible to “*keep* the individualism and absolutism where it makes sense” because, as interpreted here, it makes sense everywhere.

Then we are asked this question:

How can libertarians still maintain that it is wrong to impose a small tax on the wealthy, even if the social benefits would be enormous, while allowing that drivers are entitled to send small amounts of toxins into other people’s lungs since, after all, the social benefits of driving are enormous?

The question is confused in two main ways. First, no libertarian need concede that it is even practical “to impose a small tax on the wealthy” such that “the social benefits would be enormous”. This mere logical possibility flies in the face of the deleterious unintended consequences of tax-transfers. In an imaginary world, the state might be a welfare boon. In reality, it is a welfare bane. There is no sound reason to suppose that “utilitarianism” must in practice “countenance violations of individual rights”. Second, it is, at best, a muddle to describe the libertarian case for allowing the “toxins” caused by driving as being because “the social benefits are enormous”. It is, again, necessary to look at both sides before applying the MAP. 1) Allowing driving despite its toxins: this will proactively impose (“aggress”) to a

minuscule degree on people (probably too small to make compensation claims economic); and this has to include a deduction to the extent that any particular individuals also engage in driving, or benefit from the consequences of driving (such as the delivery of goods to their area, etc.), or chose to move into an area where driving is allowed, etc. 2) Banning driving because of its toxins: this would proactively impose huge costs, in one way or another, on almost everyone. Hence, 1 is the liberty-maximising option.

If the foregoing analysis is roughly correct, then the answer is not “waiting to be discovered by future libertarian philosophers”.<sup>3</sup> And it is more mere fantasy and confusion to suppose that any solution must ultimately mean “pushing libertarians back ... toward the more moderate classical liberalism of Adam Smith, David Hume, and Friedrich Hayek”.

### **Clarificatory conclusion**

Because of the way that the problem was originally framed, it is easy to misinterpret the above response. In particular, it might look as though it amounts to a moral advocacy of a sort of consequentialist libertarianism to replace deontological libertarianism. It does not. And such an interpretation would be to miss the crucial main point in a typical way. For the response is not really about libertarian morals. It is about what interpersonal liberty is (in abstract theory) and what applying it objectively entails (in normal practice). Most self-identified libertarians unwittingly have a moral muddle without a central factual theory of liberty. They cannot yet see that they first need to sort out what liberty is, and therefore entails if instantiated, and only after that can moral questions about it be coherently raised and tackled. An analogical error would be utilitarians who could not even give an account of utility.

### **References**

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<sup>3</sup> It ought to be noted that any attempt to refute this overall theoretical approach that is based on criticisms in Gordon and Modugno 2003 or Frederick 2013, ought at least to be aware of the replies to those criticisms: chapters 9 and 10 in Lester 2014.

Zwolinski, Matt. 2015. "Libertarianism and pollution: the limits of absolutist moralism", Institute of Economic Affairs, Blog, 20 February. Online here: <http://www.iea.org.uk/blog/libertarianism-and-pollution-the-limits-of-absolutist-moralism>