

Coercion and libertarianism: a reply to Gordon Barnes

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Libertarians oppose coercion and champion a free market society. Are these two commitments, as libertarians claim, wholly consistent with one another – indeed, two faces of the single value of individual liberty? Or is there, by contrast, a tension between them? This is the issue at the heart of a discussion to which Gordon Barnes has recently contributed in this journal, challenging my view on the matter (Barnes 2012). In a critique of libertarian capitalism, I took the latter view of the relation between libertarians' opposition to coercion and their endorsement of the free market (Olsaretti 2004, ch. 6). I claimed that, on a certain understanding of the notions of voluntariness and coercion, some free market transactions are non-voluntary, or forced, and that coercion is one, but only one, type of non-voluntary or forced transaction. I then claimed that given that *one reason why libertarians oppose coercion as justice-disrupting is that coercion involves being forced*, libertarians should also oppose as justice-disrupting those free market transactions which, while non-coercive, are forced.

Barnes casts doubt on the success of this argument against libertarians. His central contention is that I do not make a fully-worked out case for the italicised claim above, and that libertarians do not, and need not, endorse that claim. Instead, they believe that coercion is justice-disrupting because it violates 'side-constraints that prohibit certain ways of bringing about forced action' (461): the fact that coercion involves force is not by itself why libertarians oppose it. Whereas my critique of libertarianism, says Barnes, presupposes a victim-centred account of coercion, on which the injustice of coercion 'locates this injustice in the effect on the victim' (461), libertarians endorse an agent-

centred view of coercion, on which 'the injustice of coercion focuses on the role of the agent who coerced' (461).

Barnes' key insight is ingenious and I am sure that many libertarians would embrace it. They would claim that they are not committed to protecting people's capacity to make voluntary choices as such, but only to protecting people against specific ways in which others may interfere with their voluntary choices. This would be in line with Robert Nozick's remark that '[p]olitical philosophy is concerned only with *certain* ways that persons may not use others; primarily, physically aggressing against them' (Nozick 1974, 32). Accordingly, libertarians could deny that any and all non-voluntary transactions are justice-disrupting.

Barnes is right that I have given short shrift to this line of argument by not giving it the sustained attention it deserves. In my discussion I did *assume* that one reason why libertarians oppose coercion as justice-disrupting is that coercion involves being forced. I assumed it because I took at face value various claims libertarians make, and which I think they have reason to make, about the role of voluntariness in their account (more about this shortly). Moreover, as I have argued (Olsaretti 2004, ch 5), libertarians like Nozick themselves resist *appearing* to restrict their view in the way Barnes suggests, by building the restriction into their notions of force: they say that only interference which violates certain rights can render a choice forced. By upholding a rights-defined conception of force, Nozick can declare a commitment to protecting people from making *any* forced choices, but only because he restricts what counts as a forced choice. Barnes' suggestion is that libertarians operate the restriction openly, by defining force as I do, but then declaring that not all forced choices are justice

disrupting. Coercion (along with physical aggression and some other forms of incursions) is in this sense relevantly different from other types of forced choices.

I agree with Barnes that this strategy would be less problematic than the adoption of a rights-definition of force. However, in my view, there are two problems with the proposed restriction. First, if interpreted stringently, it is at odds with many statements of libertarianism – statements which, I submit, contribute to lending libertarianism its appeal. Second, it is possible to adopt a less stringent version of this restriction on what types of forcings are justice-disrupting, and still press against libertarianism the challenge that its opposition to coercion sits ill at ease with its endorsement of the unbridled market.

With regard to the first point, notice that the restrictive view, especially the stringent one on which libertarianism only views as justice-disrupting a narrow subset of non-voluntary choices (physical aggression and only some forms of coercion which involve curtailment of libertarian rights), is at odds with many statements by libertarians which articulate a more encompassing commitment to the importance of people's making voluntary choices. These include the statement that libertarianism upholds 'a right to *decide* what would become of himself and what he would do...' (Nozick 1974, 171), or that it is a philosophy committed to 'the right to live one's life in accordance with one's *voluntary choices*' (Hospers 1995, 8. All italics mine). Nozick's motto for his version of libertarianism, '*From each as they choose, to each as they are chosen*' (Nozick 1974, 160), would not only be, as Nozick says it is, a 'great simplification', but a grossly misleading one.

The point at hand is not only a terminological one. The substantive merits of libertarianism are at stake, too. Note that by declaring that a transaction is 'justice-preserving', we are supposed not *only* to be passing a judgement on the moral character of the action of the persons who engaged in the transaction, but also to be settling judgements of responsibility as liability for the outcome of the transaction. When Jack makes a proposal to Jill that he will do x if she does y, which Jill accepts, and we declare the ensuing exchange between them to be justice-preserving, we are passing a judgement not only on whether Jack has any enforceable obligation to not make the proposal and on whether he is blameworthy for making it, but also on whether it is Jill's substantive responsibility to live with the result – that is, whether we should enforce her obligation to Jack to do y, or whether she is owed any assistance by *someone* (who could be someone other than Jack) in performing y, bearing the costs of y, etc. (See Berman 2002). The plausibility of libertarianism as a view that can settle both these types of judgements diminishes if libertarianism only condemns as justice-disrupting coercive interference while avowedly declaring many forms of non-voluntary transactions to be justice-preserving. While it may be plausible to say that Jack's coercing of Jill is a necessary condition for Jack to be blameworthy, or for singling this out as a type of exchange that should not be permitted, it does not seem equally plausible to say that, provided that Jack did not coerce Jill, Jill and Jill alone is responsible for what befalls her. The agent-centred account of the wrongness of coercion proposed by Barnes seems better suited for settling only one set of questions about the justice of transactions.

My second point in reply to Barnes is that a revised version of my challenge against libertarianism can still be raised on what I suggest is a

plausible understanding of his restriction. Suppose that, in line with what Barnes suggests, we do not declare as justice-disrupting all transactions in which individuals choose as they do only or primarily because the alternatives are unacceptable. Instead, we agree with Barnes that it is also necessary that there be a violation of one of the 'side-constraints that prohibit certain ways of bringing about forced action' (461). We can further agree with him that this further condition is not satisfied when someone merely *foresees* that another person's will will be subordinated in or after a transaction with that person. This is so as to allow for Barnes' plausible claim that there is no injustice in a situation in which you are forced to accept my offer to follow me so that I can take you out of the desert you would otherwise be unable to leave (463).

In line with these observations, we could hold that someone's *intentionally and avoidably contributing* to another person's *being forced* is necessary for a forced exchange to be justice-disrupting. While being a forced action on this view is not in itself justice-disrupting, an exchange does not preserve justice if one party's choice is not voluntary, and it is not voluntary partly as a result of the other party's avoidable and intentional actions. On this view, there is an important difference between Barnes' desert case, which I have just mentioned, and the case in which I offer to let you follow me out of the desert only if you sign a contract with which you bind yourself to work for me at subsistence wages for the next decade. In the latter but not in the former case, I am intentionally contributing to making it the case that you make a forced choice. In the latter but not in the former case there is an injustice, because *I set the terms of the offer* in such a way that your choice to accept them is forced.

In *Liberty, Desert and the Market* I said, with regard to cases of this latter kind (rather than about all cases of forced choices, as Barnes implies in his piece) that they involve the subordination of a person's will to that of another person. I remarked that

[s]ome cases of forced acceptance of offers (...) are cases in which one's purposes and will are subordinated to those of another person. Insofar as the nature of the offer someone makes to someone in limited choice circumstances is informed by awareness that the recipient of the offer cannot but accept it, the recipient's will is indeed subordinated to the offer maker's. (Olsaretti, 146, emphasis added)

So, even if the libertarian denies that every instance of forced action is justice-disrupting, it can be argued that there are forced choices other than coerced choices that libertarians have reason to condemn, and that the free market hosts many of them. Even if we accepted the move to an agent-centred account of the wrongness of coercion, the defence of the free market and a condemnation of coercion may still be at odds with one another.

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