

Several years ago, I participated in a Cato Unbound forum entitled “Where Next? The Past, Present and Future of Classical Liberalism.”<sup>1</sup> In the course of the discussion I got into exchanges with a group that self-identify as Bleeding Heart Libertarians (hereafter BHL) and we ended up continuing the discussion on our blogs. That is the origin of this chapter.

## **Cartoon Libertarians, Social Justice, and Bleeding Hearts**

"Social justice = the idea that coercive institutions can be legitimate (i.e., permissible) only if, under favorable circumstances, they can reasonably be expected to help ensure that most conscientious people will lead minimally decent lives."

(From Jason Brennan's Facebook page)

"social justice is a moral standard by which the institutions of a society can be evaluated on the basis of how well they serve the interests of the poor and least advantaged."

(Definition offered by Zwolinski and Tomasi in the course of the [Cato Unbound exchange](#))

Jason Brennan recently took some of his fellow libertarians to task for “cartoony opinions on complex matters.” His list of examples started:

You might be a cartoon libertarian if:

1. You think the term “social justice” has no definite meaning in philosophy today.

(followed by points 2-17)

While I agreed with many of his points, that was not one of them. If “social justice” has a definite meaning in philosophy, philosophers should be able to offer clear definitions and the definitions should be consistent with each other. As the quotes above, from two philosophers from the same faction of the same political movement, demonstrate, they are not. The first specifies that it is about coercive institutions, the second about institutions in general. The second makes the evaluation of a society depend on how well it serves the interests of the poor and least advantaged, the first makes it depend on maintaining a minimal standard for “conscientious people.” The poor and disadvantaged are not all conscientious, conscientious people are not all poor and disadvantaged. Both definitions look more like political rhetoric than political philosophy.

Not only are the definitions not consistent with each other, neither has a clear meaning. Consider, for instance, “minimally decent lives.” A modern making a list of the requirements would almost certainly include access to decent medical care, by which definition no human being prior to 1900 lived a minimally decent life, since what we consider reasonable medical care did not then exist.

One obvious response is that what is a minimally decent life changes over time. But that is to concede that the definition uses dishonest rhetoric, pretends that a relative concept is an absolute one. To say that the same life would be minimally decent if lived in 1700 but not if lived in 2000, is minimally decent in India but not in America, makes nonsense of the words “a minimally decent life.” An egalitarian might say that what matters is not the absolute level but how equal the society is. A utilitarian could point out that what distribution of income maximizes utility depends, among other things, on how much income there is to be distributed. The BHL folks are unwilling to

---

<sup>1</sup> <https://www.cato-unbound.org/issues/april-2012/where-next-past-present-future-classical-liberalism>

identify with either of those approaches and unwilling or unable to offer a substitute that actually means what it says.

To continue ... . “Advocates of social justice believe the moral justification of our institutions depends on how well these institutions serve the interests of the poor and least advantaged.” Depends entirely? Two societies are equally justified if they equally serve the interests of (say) the bottom 10% of the income distribution, even if, in one of them, the rulers live a life of luxury supported by the taxes of everyone else above the bottom, or if, in one, almost everyone above the bottom 10% is a (well taken care of) slave? Does Brennan think there is any human being who thinks none of that matters, that the moral justification of the institutions depends only on how well they serve the bottom of the distribution?

One possible response is that advocates of social justice believe that the justification of the society depends in part on the implications for poor people. But so does very nearly everyone else. Utilitarians believe that the justification of the society depends on how well it serves everyone’s interests, the poor and disadvantaged included. Similarly for alternative candidates. The concept that, according to Brennan, has a definite meaning in philosophy either has a meaning that nobody could take seriously or a meaning that distinguishes it from practically none of the alternative concepts — the only exception I can think of is a pure deontological position that pays no attention at all to consequences. I agree with Jason that consequences matter, but that agreement does not define social justice.

To return to the first definition ... . If “coercion” means the literal use of force, then fighting off a murderer or rapist counts as coercion, making a society that permits it a “coercive institution.” Does Brennan believe, does he think anyone believes, that permitting self-defense is only morally permissible if it helps “ensure that most conscientious people will lead minimally decent lives?” What if self-defense is relevant to only a few, and most will get to live minimally decent lives without it? What if it is important only to people who would manage minimally decent lives even if they are not able to use force to defend themselves, but much better lives if they are?

Brennan might reply, as would most libertarians, that using force in self-defense does not count as coercion. But that would bring him straight into one of the problems with libertarian theory that he is, I suspect, already aware of. Libertarians say they are against the initiation of coercion, but their definition of initiation of coercion depends on their definition of what rights people have. If Brennan uses the same definition of rights for his definition of social justice, then practically all libertarians believe in it. If not, then what distinguishes Brennan et. al. from the rest of us is not their commitment to social justice but their view of what rights people have.

One of the things that bothered me in a later online exchange with Matt Zwolinski<sup>2</sup> was a tendency to slide over from the right to use force to protect property in land, which raises serious moral issues since most land was not produced by humans, to the right to use force to protect property in general. Without a theory of what property claims are legitimate, one cannot distinguish the use of force to protect legitimate property from other and coercive uses, which gets us back to the idea that one is only permitted to fight off a murderer or rapist if doing so helps the poor — or at least helps whoever would otherwise be at risk of not living a minimally decent life, whatever that means.

---

<sup>2</sup> My post is at <https://www.libertarianism.org/blog/is-all-freedom-equal> and contains a link to the post of his I quote.

Jason was not merely claiming that his view that social justice had a definite meaning was defensible. He was claiming that it was so obviously true that to deny it was a cartoonish position. On the principle of tit for tat ...

### **You might be a cartoon Bleeding Heart Libertarian if**

1. You insist that the idea of social justice is well defined and prove it by offering two or more inconsistent definitions.
2. When asked in exactly what sense your philosophy implies a special concern for the poor, you change the subject.<sup>3</sup>
3. Your explanations of why the views of other libertarians are wrong are clearer, better written, more convincing and much shorter than your explanations of what you believe and why it is right.
4. You describe Rawls as offering the “philosophically most sophisticated” theory of social justice—and then decline to defend it when "David Friedman trenchantly critiques the maximin decision rule that lies at the heart of John Rawls’s theory of social justice."<sup>4</sup>

Which brings us to ...

### **Contra Rawls**

John Rawls is a prominent political philosopher whose most famous contribution to the field is the difference principle, a rule which holds that a just society must produce the best possible result for whoever are its least well off members. The arguments for that claim were offered in *A Theory of Justice*, published in 1971. A review in *The New York Times Book Review* by Marshall Cohen, himself a famous philosopher, described the book as providing a “bold and rigorous account” of “the principles to which our public life is committed,” and noted that other scholars had compared Rawls’ accomplishments to those of Mill and Kant.

The first step of the Rawlsian argument is to ask what principles all reasonable people would agree with in a hypothetical original position, one in which people knew nothing about what role they would occupy in the resulting society but knew all of the other relevant facts about economics, sociology, technology, and the like. He concluded that in that situation everyone would agree on a number of rules, one of which was that the outcome for the worst off people should be as high as possible, what Rawls referred to as a “maximin” choice rule, maximizing the minimum outcome.

I read the book a very long time ago, probably not long after it was published, and could never see why anyone took it seriously. The argument for the difference principle appeared to me to be pure assertion and the conclusion one that no reasonable person could agree with, since it implies that, if you did not know what role in society you would fill, you would assume that you were certain to be the worst off person, that you would rather be randomly allocated to a society where everyone

---

<sup>3</sup> <http://www.cato-unbound.org/2012/04/18/matt-zwolinski-john-tomasi/concern-poor>

<sup>4</sup> <http://www.cato-unbound.org/2012/04/16/matt-zwolinski-john-tomasi/property-absolutism-social-justice>

makes \$20,000/year than to one where one person makes \$19,900 and everyone else makes \$40,000.

When I expressed that view, asking why Brennan et. al. took Rawls seriously rather than applying to him the same standards they applied to an amateur philosopher such as Ayn Rand, Matt Zwolinski responded that while he did not agree with either the difference principle or Rawls' derivation of it he thought it was defensible. He suggested that I read an article on Rawls by Samuel Freeman<sup>5</sup> in the *Stanford Encyclopedia of Philosophy* in order to understand why. I have now read the parts of that very long article that deal with justification for the difference principle and found no reason to alter my conclusion.

Rawls' central argument (I quote Freeman's summary) was that "given the enormous gravity of choice in the original position, plus the fact that the choice is not repeatable, it is rational for the parties to follow the maximin strategy when choosing between the principles of justice and principles of average or aggregate utility (or most any other principle)."

The decision of whom to marry is a real world decision that has the characteristics described, although in a somewhat weaker form. Does that imply that one should apply the minimax principle — reject all possible brides for whom there is any chance at all that the marriage could go very badly in favor of whichever choice will be least bad if things go as badly as they possibly could? The conclusion would probably be that nobody should ever get married, since any marriage might fail and a sufficiently failed marriage is worse than staying single.

More than twenty years before Rawls published, the original position appeared in an article by John Harsanyi.<sup>6</sup> Earlier still, Von Neumann had proved that, if you assume that individual choice under uncertainty meets a few simple consistency conditions, it is possible to assign utilities to outcomes in such a way that the decisions people make when choosing among uncertain outcomes are the ones they would make if they were maximizing expected utility.<sup>7</sup> Economists since have routinely used Von Neumann's definition of utility to analyze choice under uncertainty.

Having introduced the initial position, Harsanyi used Von Neumann's definition of utility to reach the obvious conclusion: An individual choosing among the alternative futures implied by alternative sets of rules for society and knowing that he had an equal probability of ending up as anyone would see the utility of each future as the average of the utility of the lives lived in it. It followed that the set of social rules he would choose would be the one that maximized the average utility of the society.

Rawls, unwilling to accept that conclusion, assumed instead that each individual would choose as if he were certain of being the worst off member of society and concluded that the best set of rules would be the one that left the worst off member with the best result.

Rawls offered other arguments for the difference principle but, so far as I could tell, none of them was an improvement. When, for instance, he asks how you would explain to a poor person that his interest was being sacrificed for that of someone better off than himself, the obvious response is

---

<sup>5</sup> <https://plato.stanford.edu/entries/original-position/>

<sup>6</sup> Harsanyi, John C. "Cardinal Utility in Welfare Economics and in the Theory of Risk-taking." *Journal of Political Economy* 61, no. 5 (1953): 434-35. Accessed July 30, 2020. [www.jstor.org/stable/1827289](http://www.jstor.org/stable/1827289).

<sup>7</sup> Friedman, David, *Price Theory: An Intermediate Text*, contains a more detailed explanation. (Chapter 13, pp. 321-322), webbed at [http://www.daviddfriedman.com/Academic/Price\\_Theory/PThy\\_Chapter\\_13/PThy\\_Chapter\\_13.html](http://www.daviddfriedman.com/Academic/Price_Theory/PThy_Chapter_13/PThy_Chapter_13.html).

to ask how you would explain to the better off person that his interest was being sacrificed to that of the poor person — especially if a huge amount of his interest was being sacrificed for a trivial benefit to the poor person, as Rawls' argument implies it, if necessary, should be.

Rawls' argument takes for granted the conclusion it purports to justify — that the proper starting point is a society structured by his difference rule, hence that only departures from that count as sacrificing the good of some for the benefit of others. The conclusion reverses if we start instead with the society implied by Harsanyi's rule and have to justify a policy that produces a small increase in the utility of someone at the bottom at the cost of a large decrease in the utility of someone only a little better off.

## Two Questions for Bleeding Heart Libertarians

Apropos of which, I put two simple questions to Jason et al:

*1. Do you believe that the derivation of the rule that, as one of you put it, "lies at the heart of John Rawls's theory of social justice," is more intellectually defensible than any of the items on Jason's list of criteria for recognizing a cartoon libertarian? Is his derivation of the minimax rule more defensible than the claim that "Ayn Rand's critiques of Kant or Plato (or any philosopher, for that matter) are insightful." Than the claim that "'social justice' has no definite meaning in philosophy today." Than the claim that "there are no involuntary positive duties to others."*

Supposing you are not willing to defend Rawls, at least to that limited extent, the obvious next question is:

*2. Would you be willing to say that:*

*You may be a cartoon liberal if you think Rawls' argument for the minimax principle deserves respect.*

*Preferably online or in print.*

If the answer to both questions is "no," I do not see how you can defend yourself against the charge that you have a double standard, treat arguments made by academic philosophers, at least famous ones, with more respect than arguments made by other people — even when both are equally bad.

Which is not, I think, consistent with justice in the ordinary sense of the term.

Matt responded that while he did not agree with Rawls' derivation of the minimax rule it was more defensible than Rand's critique of Kant and Plato, that while Rawls' derivation of minimax was flawed, he offered other good arguments for the conclusion. Having looked, as he suggested, at Freeman's article, I have been unable to find them, and neither Matt nor others have offered me any.

Matt also pointed out, correctly, that he had not called anyone a cartoon anything. Jason Brennan, who had, responded was that even if "social justice" does not have a precise meaning, it describes a cluster of related ideas and so is as precise as other terms used in philosophy.

A simple test of that claim is whether he can use his definition to say what is a theory of social justice and what is not, and he attempted to do so. To illustrate the failure of that attempt, I offer three quotes from his post:

1. "Theories of social justice focus on the idea that moral justification of coercive institutions depends on how well these institutions serve the interests of the poor or least advantaged."

2. "Few advocates of social justice think this is the only criterion of legitimacy or justice."
3. "The most basic form of utilitarianism is a theory of distributive justice but not social justice, because it has no special concern for the poor or least advantaged."

Point 2 implies that serving the interests of the poor or least advantaged only has to be one of the things determining justice, not the only thing. Utilitarianism has no special concern for the utility of the poor or least advantaged, but it includes their utility in the total (or average) it is maximizing, hence the serving of their interests is one of the things determining justice for a utilitarian; if the poor do worse in society A than in society B and everyone else does exactly as well, then A is worse than B.

To avoid this conclusion, Jason had to introduce the requirement of "*special* concern for the poor or least advantaged" (italics mine). I had raised the question of what that meant in my earlier exchange with two of his fellow BHL's and got the following response:<sup>8</sup>

"As David notes, utilitarians care about the poor in the same way they care about everyone else: their interests are to be taken into consideration equally along with the interests of everyone else. Advocates of social justice, in contrast, seem to care about the poor in a deeper sort of way: in Rawls' version, the interests of the least well-off have a very strong *moral priority* over the interests of everyone else.

"This is a fine and important distinction for philosophers to make. But it's worth noting that for most of the real world problems that the classical liberals were concerned about, it is a distinction without a difference. ..."

And, in the rest of their reply, they never explained what a special concern means.

In fact, utilitarian arguments do suggest a special concern for the material welfare of the poor, since they can be expected to get more utility from a dollar's worth of income than the rich, implying that a change that benefits a poor person by a hundred dollars and costs a rich person a hundred and ten probably produces an increase in total utility, hence is desirable in utilitarian terms.

It appears to follow that, contrary to point 3, utilitarianism is (among other things) a theory of social justice.

Jason responded to my suggestion that he is more respectful to a bad argument offered by an academic philosopher, specifically John Rawls' argument for his minimax principal, than to bad arguments offered by libertarians, by disagreeing with my evaluation of Rawls argument, and wrote:

"Rawls's defense of the Difference Principle is not fully compelling because there are some important objections and questionable assumptions."

"Not fully compelling" implies that it is a pretty good argument with problems. But the central assumption of the argument is that someone who knows he will live a life in a society but does not know which will choose as if he is certain to live the worst life. No justification is provided for that assumption, on which the entire argument rests. Does Jason think there are pretty good, if not entirely compelling, arguments for it? Would he like to offer some?

---

<sup>8</sup> <https://www.cato-unbound.org/2012/04/18/matt-zwolinski-john-tomasi/concern-poor>

If not, I do not see why he regards that argument as more defensible than the (bad) arguments Rand offers for her views. He goes into some detail on what is wrong with Rand's critique of Kant, and very likely he is correct. But his rebuttal of Rand depends on an analysis of exactly what Kant meant in parts of his writing. My rebuttal of Rawls is more nearly on the level of "his argument assumes that  $2+2=5$ ."

In his cartoon libertarian post, Jason offered a quote from Edith Watson Schipper: *Reasons are the coin by which we pay for the beliefs we hold. People who strongly hold strong beliefs on bad reasons haven't paid the bill.*

I agree.

Aside from giving me an opportunity to get back at Jason for implying that I might be a cartoon, why does all of this matter? My criticism of the concept of social justice arose in the context of my attempt to get the Bleeding Heart Libertarians to give a clear answer to the question of how their view of libertarianism differed from the views of other libertarians, in particular mine.<sup>9</sup> Part of the answer seemed to be that they thought libertarians should make more of a point of the fact that a libertarian society would be good for (among others) the poor, but that defines at most a difference in rhetoric not content, since essentially all libertarians agree with the claim.

The other part was that they wanted to incorporate social justice into libertarian philosophy, so I tried to get them to tell me what "social justice" meant. To put some substance into the concept, one needs more than concern for the poor, one needs a *special* concern for the poor, so I asked them to explain what that meant and they didn't.

Part of what is interesting about Rawls is that he does answer that question — his concern for the poor is very special indeed, giving their welfare infinite weight relative to that of anyone else. Brennan, Zwolinski and Tomasi all speak respectfully of him, but none is willing to adopt his answer. That leaves their position as the combination of a critique of the hard line natural rights version of libertarianism, a critique I agree with and made in print a very long time ago,<sup>10</sup> with language about caring for the poor whose content they are unwilling or unable to explain, at least to me.

One final digression, having to do with my interest in moral philosophy. What originally intrigued me about both Rand and Rawls was their claim to have solved Hume's is/ought problem, to have offered a rational argument for normative conclusions based on positive facts — I think a stronger claim in Rand's version than in Rawls'. I concluded that both claims were bogus. Not only does each of them present a chain of argument with at least one gaping hole, both try to paper over the hole with rhetoric, Rand more entertainingly than Rawls. Readers interested in my view of that feature of Rand's work will find it in Chapter 59 of the third edition of my *Machinery of Freedom*.<sup>11</sup> My own approach to the problem of deriving moral rules is described in Chapter XX below and my non-moral account of rights in Chapter XXX.

---

<sup>9</sup> <https://www.cato-unbound.org/2012/04/06/david-d-friedman/natural-rights>

<sup>10</sup> In chapter 41 of the second edition of *The Machinery of Freedom*, published in 1989. Also in a talk I gave in 1981, webbed at <https://www.youtube.com/watch?v=GuYt6X2g0cY>. In his introduction to the talk, Jeffrey Hummel claimed to have a tape of a talk on the same subject I had given a decade earlier, but he has not so far located it and it may no longer exist.

<sup>11</sup> An earlier version is webbed on my site:

[http://www.daviddfriedman.com/Libertarian/My\\_Posts/Ought\\_From\\_Is.html](http://www.daviddfriedman.com/Libertarian/My_Posts/Ought_From_Is.html)

## What's Wrong With Mushy?

An issue that I kept coming back to in my exchanges with various of the Bleeding Heart Libertarians was what I saw as their unwillingness to offer a clear description of their position. It came up in details of what they wrote, such as Jason Brennan's use of the phrase "minimally decent lives." It came up in the overall pattern of the exchange, which started back on Cato Unbound, was continued on libertarianism.org, and revived on my blog when I responded to Jason's cartoon libertarian post. I tried to get the BHL people to tell me what they wanted to add to libertarianism as other libertarians see it, with a notable lack of success.

This raises the question with which I titled this section. Jason argued that terms do not have to have clear meanings in order to be useful, that lots of terms we routinely use, such as "justice" or "liberalism," don't. That is surely true to some extent; the meaning of words is usually at least a little fuzzy at the edges. It is true even for such obvious classifications as male and female, since there are people whose genetics are neither XX nor XY, people who are biologically male but (by their report, which I am inclined to believe) psychologically female, people who are genetically of one gender but morphologically of the other, hermaphrodites, and a variety of other sorts of people (not to mention other organisms) that cannot be neatly classified by gender. But there is still a difference between a word that has an adequately clear meaning and one that does not. And there is a further difference between both and a word or phrase which appears to have a clear meaning, is designed to appear to have a clear meaning, but dissolves into mist or turns out to have a very different meaning when you look at it closely.

As some evidence that philosophers who use such terms are pretending to refer to objective standards, consider this passage from the article about Rawls by Freeman that Matt recommended to me:

"For the principles of justice imply that no matter what position you occupy in society, you will have the rights and resources needed to maintain your valued commitments and purposes, to effectively exercise your capacities for rational and moral deliberation and action, and to maintain your sense of self-respect as an equal citizen."

That is referring to principles that are supposed to be applicable to all societies. Each of his three desiderata is presented as a binary choice: You either have what is needed to maintain your valued commitments and purposes or you don't. There is no hint of the fact that all three of them are matters of degree, to be achieved at various levels under different circumstances. Pretending that "enough" is a fixed amount, that the essential problem is just to get each person that fixed amount of each desideratum, is a way of evading that fact and so evading recognition of the tradeoffs that are a central feature of the problem of choice, whether for individuals or societies.<sup>12</sup>

There are two problems with mush, one having to do with arguments, one with implementing them in institutions. The first may be best described in George Orwell's classic essay "Politics and the

---

<sup>12</sup> This is a point that I first raised almost fifty years ago:

"The word 'need' should be eliminated from the vocabulary of political discourse. It is inextricably bound up with a dangerous oversimplification of reality, the idea that there exist certain values infinitely more important than all others, things I need rather than merely want, and that these 'needs' can be determined objectively." *The Machinery of Freedom*, first edition, Chapter 9.

English Language.”<sup>13</sup> If you have never read it I suggest that you now do so, since it is more worth reading than the rest of this chapter.

Clear language promotes clear thought, fuzzy language makes possible unclear thought. The less clearly your ideas are defined, the harder it is to see problems with them, the easier to evade problems when other people point them out. That is part of why I prefer the category of left-libertarians of whom admirers of the 19th century economist Henry George are the most familiar example to the ones I have been arguing with lately. The Georgist position starts from the observation that since land is not created by human effort there is a problem justifying anyone's claim to own it and exclude others. It goes on to argue for a land tax used to fund government and, possibly, provide payments to poor people. In an old article<sup>14</sup> I discussed problems with one version of this line of argument and offered an alternative solution to the problem of ownership of land, although not one I find entirely satisfactory. But at least the Georgists are willing to offer an explicit argument, which makes it possible for other people to look for holes in its logic or implications that they find unattractive.

The BHL people I argued with were not, which is why I at one point described my exchange with them as trying to nail jelly to the wall. The pattern was illustrated by their attitude to Rawls. They speak of Rawls with respect, imply that they, or at least some of them, are in favor of something with a vaguely Rawlsian flavor, but are unwilling to actually defend the argument with which he justified his principle. They think libertarianism should include something beyond natural rights but, aside from making it pretty clear that that something is not utilitarianism, are unwilling or unable to give a clear description of what.

So much for why I find mush irritating. Why do I also find it dangerous?

Suppose one concludes that people with characteristic X deserve special treatment, say a payment of a thousand dollars a year funded by other people's taxes. Assume, first, that X is clearly defined, someone either has X or doesn't and it is obvious to everyone which is the case. Let X be blindness, and assume for the moment that it is well defined.

There will still be costs, in addition to the direct cost of the transfers, to implementing the policy. Individuals can and will spend resources supporting or opposing the proposal; that expenditure is a net cost. If the proposal is implemented, there may be additional costs as some people, most obviously the blind and those who provide goods and services to the blind, try to push the amount up, others to push it down. And there might be a cost due to a reduction in the incentive to avoid blindness or to cure it, although that effect is likely to be small as long as the disadvantages of being blind are much larger than the payment, and disappears if we assume that whether you are blind is entirely outside of your control. That assumption corresponds to the usual assumption in talk about social justice that it involves consequences of characteristics that are not your fault.

Now suppose we alter the assumption just a little by replacing “blind” with “legally blind” and giving a very fuzzy definition to the latter, something like “vision bad enough to significantly reduce life opportunities,” which is not too bad a parody of the sort of definitions moral philosophers like to give for disadvantages that they think deserve some sort of compensating special treatment. All of the problems I have described now expand. Anyone with less than perfect

---

<sup>13</sup> <https://www.orwellfoundation.com/the-orwell-foundation/orwell/essays-and-other-works/politics-and-the-english-language/>

<sup>14</sup> [http://www.daviddfriedman.com/Academic/Comment\\_on\\_Brody/Comment\\_on\\_Brody.html](http://www.daviddfriedman.com/Academic/Comment_on_Brody/Comment_on_Brody.html). Also Chapter 57 of the third edition of *The Machinery of Freedom*.

vision has an incentive to lobby Congress to broaden the criteria. Anyone with or without perfect vision has an incentive to try to get classified as legally blind, whether by bribing the inspector, getting a well paid physician to testify that he has an obscure optical problem, or merely faking the symptoms — at the cost of the inconvenience of not driving when he might be caught doing so. Make the criteria fuzzy enough — my example might do it — and what you really have is a subsidy to anyone with enough money and/or political influence to get himself qualified as legally blind, whatever the actual state of his vision. For a real world example of the problem consider the policy, at many universities, that allows anyone who offers evidence of some sort of learning disability to have additional time on exams.

That is why mush, used in philosophical arguments that are intended to justify legal rules, is dangerous.

Let me end by returning to the specific example of “minimally decent lives” and a slightly more defensible version that came up in the comment thread on the BHL blog, “basic needs.” I begin with the latter.

A reasonably objective definition of “basic needs” might be “enough food and shelter so that their lack would not greatly reduce your life expectancy.” To make it more precise, replace “greatly reduce” with “reduce at least in half relative to those who had such food and shelter.” What would that work out to?

There are parts of the U.S. where housing is pretty cheap, down to about \$100/room/month, probably less if I searched further. Assume that people are packed in ten beds to a room, along the lines of housing for tramps in London as described by Orwell in *Down and Out in London and Paris*. That gets annual housing cost per person down to about a hundred dollars.

On further thought, that’s too high. There are parts of the U.S. where the weather is temperate enough so that living outdoors, perhaps with a roof to shelter you from the rain, is not a serious risk to health. So all you need is some empty land in such an area, enough roofs for everyone to huddle under when it rains, and local authorities willing to put up with the land being used as a refuge for the homeless. Cost per person close to zero. Add a little for porta-potties and a water supply.

I should include clothing. There is a place in Boston that my wife, daughter, and some of our friends like to visit that sells second hand clothing at a dollar a pound. Twenty pounds of clothing should easily last a year in a temperate climate, so call that another twenty dollars a year.

What about food? George Stigler, back in 1945, provided an estimate of the lowest cost diet that satisfied what was then the list of nutritional requirements. It cost a little under \$40/year. A 1999 repeat of the calculation,<sup>15</sup> using then current prices and nutritional requirements, produced a figure of about \$600/year.

That again is too high, since a sizable fraction of the world’s population survives on considerably less than Stigler’s 3000 calories/day or the more recent calculation’s 2900 calories for men and 2200 for women. If all we are asking is what it takes to prevent severe malnutrition for someone who is presumably sitting around unemployed, since if he were employed he would already be

---

<sup>15</sup> Susan Garner Garille, Saul I. Gass, (2001) Stigler's Diet Problem Revisited. *Operations Research* 49(1):1-13. <https://doi.org/10.1287/opre.49.1.1.11187>

making more than the amount we are considering, 2000 calories/day should about do it.<sup>16</sup> And we can get a better estimate of the cost of a really minimal diet, one designed to keep you from starvation, by simply looking for the foods that have the lowest cost per calorie. The last time I looked at the problem I checked supermarket prices and calorie contents, but now we have the web and someone else has done it.<sup>17</sup> The result was that 200 calories of canola oil or wheat flour cost \$.07, of peanut butter \$.17.

Those three items, suitably combined, let you choose your mix of carbohydrate, protein, and fat, although I expect you would need a few other things, perhaps some vitamin pills, to avoid serious nutritional deficiencies. Call the total \$.10/200 calories, or \$1/day. That is not allowing for the cost of food preparation, but that ought to be pretty minimal if we are only trying to provide minimal nutrition, not a tasty meal.

Adding it all up, it looks as though a serious estimate of the cost of “basic needs” in the U.S. at present, taking the term seriously as describing what it takes to stay alive, would come to not much more than \$500/year. Is there any of the BHL authors, any modern American philosopher who uses the term, who would be willing to interpret it that way?

Anyone who is not, it seems to me, is pretending to use an objective standard when what he actually intends is something more like “a standard of living I would find tolerable.”

I am not suggesting that people ought to have to live on \$500/year, although at some point in the future someone may quote me out of context to claim I am. It is not the life I would choose — although if we assume that the homeless refuge contains several interesting people and not too many unpleasant ones and that some generous donor provides a large supply of second hand books, I expect I would prefer it by a good deal to not living. I have included no expenditure for medical care in my calculations, which could get unpleasant, but I think the historical evidence suggests that while the lack of medical care reduces life expectancy, it is unlikely to cut it in half.

So much for “basic needs.” “Minimally decent life” is harder to give any content to. For most of us, I suspect it gets interpreted as the least attractive life we would feel reasonably happy about living, which in practice probably means life at something like half whatever our annual expenditure presently is. That is not an objective standard. It would be hard to come up with any convincing argument, certainly with any argument convincing to a libertarian, to show that everybody is entitled to achieve it, if necessary paid for by other people.

Having spent a considerable amount of time trying to get a clear definition of “social justice” from libertarian philosophers, let me end by offering mine. It is based not on philosophy but on observed usage, twenty some years on the faculty of a university that is very strong on social justice.<sup>18</sup> I too can offer two:

1. Social justice means ideas of justice that especially appeal to people on the left.
2. Social justice consists of asking, in response to any proposal on any subject, how it affects the poor.

---

<sup>16</sup> For some relevant figures, see:

<https://health.gov/our-work/food-nutrition/2015-2020-dietary-guidelines/guidelines/appendix-2/>

<sup>17</sup> <https://www.mymoneyblog.com/what-does-200-calories-cost-the-economics-of-obesity.html>

<sup>18</sup> Santa Clara University, the same university at which Matt was an undergraduate.

For anyone who would like to follow the argument from its beginning, here are the relevant links:

[The Cato Unbound discussion](#): Where Next? The Past, Present, and Future of Classical Liberalism

[Matt's post](#) to Libertarianism.com: Liberty and Property

[My response](#): Getting the Property Problem Wrong

[His response to me](#): More on Property, Freedom, and Coercion

[Another post by him](#): Against Moralized Freedom

[My response](#): Is All Freedom Equal?

[Matt's response](#): Conceptual Claims Aren't Moral Claims: Why Not All Freedom Matters Equally

[Jason's "cartoon libertarian" post](#): Why Talk about "Cartoon Libertarianism"?

[My first response](#): Cartoon Libertarians, Social Justice, and Bleeding Hearts

[My second response](#): A Question for Bleeding Heart Libertarians

[Jason's response to me](#): Defining Social Justice, Etc.

[My reresponse](#): Jason Brennan Defends, I Reply

More can be found on the comment threads to some of those posts. Matt defended his position at length in comments on my second response.