

“Five Questions on Political Philosophy”,
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1) Why were you initially drawn to political philosophy?

I came late to philosophy and even later to political philosophy. When I started my undergraduate studies at the University of Toronto in 1970, I was interested in mathematics and languages. I soon discovered, however, that my mathematical talents were rather meager compared to the truly talented. I therefore decided to study actuarial science (the applied mathematics of risk assessment for insurance and pension plans) rather than abstract math. After two years, however, I dropped out of university. I had always studied on my own and had never enjoyed attending classes. I therefore decided to work for a life insurance company and study on my own for the ten professional actuarial exams. When not studying for an exam, I would often go to the public library and I was drawn to the philosophy section—although I had no idea of what philosophy was about. I there saw *Logical Positivism*, edited by A.J. Ayer. I knew that I was interested in logic and I also favored an optimistic attitude towards life (!) and so I thought that the book might be interesting. I checked it out and was absolutely enthralled with the writings of Bertrand Russell, Rudolf Carnap, Carl Hempel and others (if I’m remembering correctly). Of course, I didn’t really understand much of what they were doing, but I did see that they were addressing important problems in a systematic and rigorous manner. I liked it!

I then went on to read most of Bertrand Russell’s books and realized that I had a deep interest in philosophy. Eventually, I returned to university—this time at McGill University in Montreal—and completed an undergraduate degree in mathematics and philosophy. After a fantastic year

traveling around Greece, I went to the University of Pittsburgh intending to study philosophy of language, philosophy of logic, or philosophy of science. David Gauthier arrived at Pitt the following year, and I was exposed to his work and that of John Harsanyi and John Rawls. I was very excited by the application of the theory of rational choice (decision theory and game theory) and the theory of social choice (and normative economics generally) to the foundations of moral theory and I decided to focus on moral philosophy. During graduate school, my focus was on ethical theory and consequentialism in particular. Later, I became interested in liberty and equality in political philosophy. Here, I was much influenced by the writings of Richard Arneson, G.A. Cohen, Ronald Dworkin, James Fishkin, Robert Nozick, John Roemer, Philippe Van Parijs, and Hillel Steiner. Cohen, Van Parijs, and Steiner were very important influences in getting me interested in left-libertarianism, which is my current focus.

2) What do you consider your own most important contribution(s) to political philosophy, and why?

My contributions have been modest, but let me identify them nonetheless.

One of my main contributions is in the area of ethics rather than political philosophy. It concerns problems that arise when, although each person has only a finite amount of goods at a given time, one must choose between options some of which contain an *infinite* amount of goods. The problem is fairly general, but the simplest version can be formulated in terms of utilitarianism when the future is infinitely long and there is at least one person alive at every point in time. For example, one might have a choice between producing a total of 2 units of happiness at each time and producing 1 unit of happiness at each time. Given that both produce

infinite totals, neither of which is greater than the other, standard versions of utilitarianism say that neither is better than the other. I have argued that this judgement is implausible and defended a revised version of utilitarianism that judges 2 at every time as better than 1 at every time in the infinite case (and agrees with the standard view in the finite case). The rough idea is this: One alternative is better than another if and only if there is some time in the future such that *for all later times* the consequences *up to that time* of the first alternative are better (e.g., greater total) than those of the second alternative. This is a somewhat technical problem, but it shows, I believe, some deep tensions between basic moral principles (e.g., impartiality and Pareto efficiency). It turns out that Frank Ramsey discovered this problem in the 1920s and that economists have developed various solutions that are similar to the one I developed (but much more sophisticated!).

With respect to political philosophy proper, my contributions have been mainly in the areas of liberty and equality. On the topic of equality, I have argued (with others) that although equality is a very important requirement of justice, it is limited in a number of ways. First, there are constraints imposed by the rights of self-ownership (or at least of bodily integrity) on the means by which equality may be promoted. Second, the demand for equality does not require that one promote equality as much as possible (relative to the above constraints); it merely requires that one promote equality sufficiently (where an independent account is needed of what sufficiency requires). Third, justice leaves room for individual accountability for choices. Thus, although some form of equality is required, equality of *outcomes* is not (since that leaves no room for holding agents accountable for their choices). Equality of life prospects (e.g., initial opportunities for wellbeing) and equality of brute luck advantage are two main possibilities. (Brute luck effects are effects that are not attributable to one's choices; e.g., being struck by

unforeseeable lightening as opposed to losing money on a lottery ticket.) Both base the relevant equality in part on *initial* effective opportunities, but only the latter also includes *later* outcome brute luck (brute luck in how things later turn out). I have argued that justice does not require that the effects of (later) outcome brute luck be equalized. Instead, at the level of policy, it will be included for instrumental reasons when, and only when, it is efficient to do so (e.g., when administrative costs are low and it is effective in overcoming risk aversion to social desirable activities). Fourth, equality is relevant only for choosing among Pareto optimal (or efficient) options. (An option is Pareto optimal if and only if it is not possible to make someone better off without making someone else worse off. This is a weak notion of efficiency, which requires no interpersonal comparisons of wellbeing.) In the theory of justice, that is, equality is lexically posterior to Pareto efficiency (i.e., is relevant only when Pareto efficiency is achieved) and thus justice never requires leveling down to equality. Thus, it is always permissible to make one person better off so long as no one else is made worse off, even if this results in inequality of outcome. This is called Paretian egalitarianism. Finally, the conception of equality that is relevant for the theory of justice is highly sensitive to *sum-total efficiency* (i.e., favoring the greatest total, which is a much stronger notion of efficiency than Pareto efficiency). All measures of equality hold, as does leximin, that benefits to individuals who remain *below the mean*, no matter how small, take absolute priority (with respect to equality) over benefits to individuals *above the mean*, no matter how large. I argue that a plausible conception of equality for the theory of justice will hold, as does utilitarianism, that the distribution of benefits to *individuals who remain below the mean* should be made so as to *maximize the total benefits*. This gives sum-total efficiency a maximal role in the measure of equality (anything stronger would not be a conception of equality). It avoids any requirement to channel resources to worse off individuals

when other individuals below the mean would get greater benefits. On this conception of equality, for example, giving each of two below average people a benefit of two units is more equal than giving a single worse off person a benefit of three units.

The other main area of political philosophy to which I've contributed is libertarian theory in general and left-libertarianism in particular. Libertarianism is committed to the natural rights of full self-ownership. This is roughly the thesis that individuals morally own themselves in the same way that a slave-owner legally owns a slave under the strongest legal form of slavery. This, however, leaves entirely open the moral status of the rest of the world. Right-libertarians (such as Nozick) view it as largely up for grabs by whoever gets there first. Left-libertarians, by contrast, hold that natural resources (all the non-agent resources in the world prior to modification by agents; land, water, air, minerals, etc.) belong to all of us in some egalitarian manner. One of my contributions has been to promote the discussion of left-libertarianism, which has been largely ignored by recent political philosophy.

Another of my contributions to libertarian theory has been to analyze the content of the notion of full self-ownership. Full self-ownership is simply full ownership applied to the case where the owner and the entity owned are identical. Ownership of an entity consists of control rights (liberty rights to use, claim rights that others not use), compensation rights (rights to compensation if the entity is used without one's permission), enforcements rights (rights to use force to stop others from violating one's rights), transfer rights (rights to lend, rent, give, or sell these rights to others), and immunities to loss of these rights under certain conditions. *Full* ownership of an entity consists of a logically strongest set of ownership rights over that entity that is compatible with someone else having those same rights over the rest of the world. There is, it turns out, some significant indeterminacy in the concept of full ownership, since

strengthening rights to compensation and enforcement weakens immunities to loss, and vice-versa. Still, there is a significant determinate core to the concept of full self-ownership, and I have defended its plausibility.

My other main contribution to libertarian theory is to articulate and defend a version of equal opportunity for wellbeing left-libertarianism. It holds that individuals have the moral power to appropriate unowned natural resources as long as they pay the full competitive value (based on supply and demand) of the rights that they claim and disburse this payment so as to promote equality of effective opportunity for wellbeing. (Michael Otsuka has also developed and defended a similar view.) This views natural resources as resources to be used for the promotion of equality of opportunity, and further holds the duty to pay the competitive value of rights we claim over natural resources is the only non-consensual source of our duty to help others. Such a view, I have argued, adequately captures the roles of liberty, security, equality, accountability, and prosperity in the theory of justice. Furthermore, it is compatible with the justice of significant state activity (significant taxation, enforcement of rights, provision of public goods, promotion of equality) but not with the justice of the state's prohibition of activities that violate no one's rights.

3) What is the proper role of political philosophy in relation to real, political action? Can there ever be a fruitful relation between political philosophy and political practice?

I believe that, for any domain of concern, judgement and practice must be mutually informed and mutually supporting. Our reflective judgements must have a relatively good “fit” with (in the sense of endorsing) our practices—otherwise they are not anchored in the reality of everyday

living. Our practices, however, should not be taken as given. Practices are often ill grounded. They may be based on false beliefs or confusions. Or they may have been well adapted to past circumstances but not to current circumstances. Neither judgement nor practice should be considered immune to revision in light of pressure from the other. Sometimes practice should be revised in light of reflective judgement and sometimes vice versa. This, of course, is what Ronald Dworkin says about the relation between a theory of the law and legal practice. It is also the method of reflective equilibrium, but where practice plays the role of judgements about specific cases. To modify some language from Kant (writing on a different topic): Theory without practice is empty. Practice without theory is blind.

This is not to say, of course, that all theorists must be practitioners and vice-versa. There is a division of labor. Some individuals will do highly abstract theory. Others will be mainly practical. Still others will be somewhere in the middle (e.g., the way that many biomedical ethicists are). Each must to some extent be sensitive to the judgements of theory and to current practices, but there are many ways of doing this and each has some value. The only thing that is ruled out is the theorist who is totally insensitive to practice and the practitioner who is totally insensitive to theory.

4) What do you consider the most neglected topics and/or contributions in post-Rawlsian or late 20century political philosophy?

I wouldn't say that any of the following issues have been neglected, but I do think that they are each underdeveloped.

One pet peeve that I have is purely linguistic. Philosophers use the term “justice” to mean all kinds of different things. Sometimes it designates the moral *permissibility of political structures* (such as legal systems). Sometimes it designates moral *fairness* (e.g., as opposed to efficiency or other considerations that are relevant to moral permissibility). Sometimes it designates *legitimacy* in the sense of it not being morally permissible for others to interfere forcibly (even if the legitimate action is wrong). Finally, sometimes it designates *the duties that we morally owe each other* in the sense of respecting everyone’s rights (as opposed to impersonal duties, which are owed to no one). Each of these is an important topic. I would very much like for us to develop some standard terminology. My preference is to use “justice” to mean “violates no duty owed to someone”.

One topic worth greater attention is the connection between the justice of individual actions and the justice of institutions (a topic on which Liam Murphy has done insightful work). The two topics cannot be totally disconnected, if “justice” is being used in the same sense, but what exactly is the connection? There are three main types of position: (1) The justice of actions is primary and the justice of institutions derivative (e.g., as in standard libertarian theories). (2) The justice of institutions is primary and the justice of actions is derivative (e.g., a kind of rule consequentialism according which an individual has a duty of justice to X if and only if just institutions require her to X). (3) The justice of actions and the justice of institutions are each primary and each is sensitive to the other (for example, John Rawls in *A Theory of Justice* holds that there is a natural (individual) duty of justice to comply with just institutions when they exist and to promote the existence of just institutions). These are each important views, but much further investigation is needed. (Related to this is the question of how one’s duties of justice are affected by the extent to which others are fulfilling their duties of justice—another

underdeveloped important topic.)

An additional underdeveloped topic is the moral limits on the use of force. A lot has been written on this, but, given its importance, more attention is needed, I think. My own tentative view is that the use of force is limited to stopping someone from violating someone's rights. Punishment for its own sake is not permissible—although forcing violators to fully compensate their victims is. (Those who murder cannot even partially compensate their victims and a more complex account is needed for that case.) Moreover, national boundaries have no intrinsic moral significance, and invasions to protect the victims of gross human rights violations are no more problematic in principle than comparable uses of force internal to a country—although, of course, there are typically significantly different practical implications. The extent to which one is permitted to use force against innocent non-aggressors is also a very important topic that deserves even more attention (although it has received lots).

The final topic for more attention that I will mention is the nature of rights. Rights protect individuals and correspond to duties owed to individuals (as compared to impersonal duties, which are owed to no one). Two broad families of theories of rights have been developed. The choice-protecting family holds that rights protect choices and thus that only autonomous agents have rights. The interest-protecting family holds that rights protect interests and thus that even animals can have rights. My own view is that (1) at the conceptual level, we should recognize both kinds of rights as possible, and (2) at the normative level, some kind of hybrid theory is the most plausible. We have, I would argue, rights that protect both our choices and our interests, with the protection of choices as lexically prior to the protection of interests. For sentient individuals with no autonomy this is equivalent to an interest-protecting account. For autonomous agents, however, it allows that, where neither consent nor dissent is given, their

interests will determine whether a right is violated (e.g., when there is no time to obtain consent, or when the agent is temporarily unconscious). Obviously, all this is highly controversial. I merely mention it as an example of where further work is needed.

5) What are the most important unsolved questions in political philosophy (and/or related disciplines) and what are the prospects for progress?

In some sense, of course, almost all (if not all!) the important questions are unresolved. This is not because philosophy does not make progress, but because any solved question ceases to be philosophical. I will here briefly mention just one unresolved issue.

Perhaps, the most basic unresolved question is the nature of critical normativity. By this, I mean normativity that provides the basis for criticizing existing social norms and that is not merely an empirical description of existing social norms. This issue is not particular to political philosophy, of course. It includes, for example, moral normativity generally, prudential normativity, and epistemic normativity. It raises issues both about the metaphysics of normativity and of the methodology/epistemology thereof. The issue has been explored at great length with respect to moral normativity (moral realism, non-naturalism, non-cognitivism, etc.), and I'm inclined to think that whatever is correct with respect to morality is also correct generally. Although we've made lots of progress in understanding what the core issues are and what the main positions might be, there is nothing close to agreement. I'm not very optimistic about our being able to solve this one, but we must proceed, I believe, on the presupposition that it can be solved.

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