DISTRIBUTIVE JUSTICE IN A PURE SERVICE ECONOMY:

HOW THE TRUTH OF LIBERTARIANISM FOLLOWS FROM THE WRONGNESS OF SLAVERY

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1. The Pure Service Economy

Imagine a society in which *goods* are superabundant, but in which *services* remain scarce. That is, property narrowly conceived is virtually there for the taking, but the *labor services* of other people most decidedly are not. Now such a situation would hardly be a utopia: for some of the things most essential to life — surgery for example — would still be scarce.

It follows that the only thing that would cost something would be labor itself; and of course it could only be purchased with a corollary offer of labor. To keep the example simple, let us add the stipulation that there is no money, nor even labor notes; rather, when someone gives a service to one person, he simply records the deal in a book. If someone reneges on an agreement, no punishment is inflicted, but word gets around and the reneger finds that no one wishes to trade with him or her any further.

2. Testing Theories of Distributive Justice

Now this hypothetical society offers an interesting test for some competing theories of distributive justice. For if you examine the hypothetical carefully, you will see that there is no possibility of re-distribution in such a system save by direct imposition of forced labor. Since most theories of distributive justice require such redistribution, this hypothetical service economy presents the advocates of such theories with two stark alternatives. Their first alternative is to abandon their redistributionist theory of justice; their second is to openly embrace forced labor as a means of achieving a just society. Indeed, the latter alternative would commit them to the view that not only is forced labor permissible, but it is indeed mandated by justice.

To make this clearer, consider the case of a trained surgeon in such an economy. He spent many years in study to acquire his skills; but of course his raw talent and intelligence played a big part too. Now this surgeon finds that his labor is extremely valuable; he has the power to save lives. People will pay an enormous amount for the value of his services. Of course, they are paying him back in other services: 1,000 hours of maid service in exchange for 1 hour of surgery; 200 haircuts for a removed appendix; 20 college educations for a triple bypass.

It is not difficult to see that this surgeon is going to be extremely rich because of his special talent. The disparity in income between himself and other people will be very great. Indeed, some people may be too poor to afford his services at all. And the question will naturally arise: Does justice permit, or even require, that the surgeon be forced to provide free services for others, or give some of his payment back to the community? Either choice commits us to forced labor: either the doctor must be forced to toil, or else his patients must be forced to give some free labor services up as a "tax" every time they pay him.

But suppose that we recoil from this notion of forced labor. Where are we then? Quite simply, we are left with a libertarian, free-market economy, in which people own their own bodies and can acquire the services of others solely by contractual agreement. Charity can of course exist; the surgeon might help the poor out of sympathy for their plight. But nothing in the system assures that the poor will be provided for; that becomes a matter of generosity rather than of right.

Philosophical Notes No. 42

ISSN 0267-7091 ISBN 1 85637 351 7

An occasional publication of the Libertarian Alliance,
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3. Redistributionist Charges of Injustice in the Pure Service Economy

We can easily imagine the criticisms that might be made about the justice of accepting the libertarian theory of distributive justice in our hypothetical society. First, the poor and unlucky have no guarantees in such a society. The better-off members may choose to help them; or they may not. The care of the poor becomes a matter of purely private concern, and the choice to give becomes fully voluntary (and hence uncertain). Secondly, such a society would permit unlimited inequality. The surgeon might need to work only one day per year, enjoying luxury and comfort every other day. Thirdly, success in such a society would be strongly influenced by "luck" or unearned good fortune. The surgeon might have to work hard to learn his trade, but surely hard work isn't the whole story. He also probably had greater innate intelligence; perhaps a better family environment than others. Indeed, the well-off member of this society might be a talentless heavy-metal musician, whose singing can command large exchanges of labor services from others. The musician's good fortune in this case may be exclusively a matter of luck, without a day's sweat and toil to train for his career.

To these three criticisms we might add others. If the surgeon is the only person of his trade, then he may exercise "monopoly power". Or returning to the case of the talentless musician, we will notice that production of services in this society is fully determined by willingness to pay, with no reference to the true value of the goods produced.

The interesting thing here is, of course, that these are *precisely* the same criticisms normally made of the standard libertarian, free-market society in which both goods and services are scarce. In other words, there is no relationship between the need for redistribution and the existence of private property narrowly defined. Whatever complaints may be launched against libertarianism in the real world may also be made against the application of libertarianism to the pure service economy as outlined herein.

And yet it is *very* difficult to abandon the intuition that the surgeon cannot morally be forced to give free services to the needy, or even to reduce his prices to the slightest degree. What we are faced with is the need to openly deny that the surgeon owns his own body, and may do with it as he sees fit; and that his services must be obtained exclusively by voluntary means. In short, if the surgeon says No, then to force him to work is slavery, no matter what the need of the poor, the degree of inequality, or the role of pure luck in the surgeon's success. Of course, this may simply lead one to affirm the justice of slavery, but that is hardly a plausible escape route.

4. Extending the Model

Now suppose that instead of writing down labor debts in a book, people started circulating negotiable labor notes (as was apparently done in Josiah Warren's 19th-century utopian village). Would the redistributionist have a firmer case here? It is hard to see why he would. For these notes are merely a more convenient way of designating the same agreements as before; for naturally in the initial setup, the surgeon could agree to perform surgery on Fred on the condition that Fred gives 100 hours of wood-working lessons to Ann (and Ann agrees to give 2 years of flute tutoring to the surgeon). So why should the more fluid designation of the underlying fundamentals matter? True, it may now be more *convenient* for a government to demand 10% of all notes exchanged; but what we are interested in here is not convenience but justice. The fact remains that the 10% tax is blatantly a demand for forced labor; for each time one person sells labor to another, he is also compelled to give up an additional 10% of that labor against his will.

But let us then go further. Suppose that the abundance of nature dried up, and goods, from land to minerals to wildlife, became as scarce as they are in the real world. Naturally, people would want to claim products as their own; they would want to homestead unowned products and claim exclusive ownership of them. What objection could be made to this new regime; and would it create a wedge for redistributionist theories of justice to come into their own?

Again, it is hard to see how it would. The right to claim unowned products by "mixing one's labor with them" is not deducible from the claim of self-ownership, but the ideas are nevertheless closely connected. And so are the objections that might be levelled against one or the other.

One might claim, for example, that because the homesteader does not "really create" the cultivated land, he is not entitled to it. But of course the homesteader did not create himself either; does it then follow that he is not entitled to own himself? Or one might claim that the labor merely *adds values*, and so the homesteader is merely entitled to own the value that he adds; and the remainder may be legitimately taxed away for social aims. But as our example with the surgeon makes clear, the same could be said about my own labor services. Namely, while I do contribute to my own value by training and experience and education, a significant fraction of the market value of my services is determined by my innate intelligence, dexterity, and so on. Does my education entitle me merely to that part of my earnings added by the education? May I be forced to labor a percentage of the time equal to the percentage of my labor value determined by my raw talent? One of the many absurdities entailed thereby is that the totally unskilled laborer is entitled to *nothing*. Again, then, we see that generalizing the argument against individual homesteading leads us to the untenable affirmation of the propriety of forced labor.

5. Conclusion: Libertarianism and Its Alternatives

No moral argument, indeed no argument at all, can compel agreement. It always remains open to a person to deny the premise *or* embrace the conclusion. The one thing he cannot do is accept the premise and deny the conclusion. The most desirable feature of an argument, then, is that the initial premise have greater initial probability than the conclusion does.

Now I claim that the argument arising from this thought experiment does indeed meet this criterion. The truth of libertarianism as a theory of distributive justice does indeed strike most people as wildly unlikely; for it is a theory bereft of concern for equality, poverty, luck, and so on. (Or to be more precise: it is a theory that says that these concerns are not a matter of justice and right; it leaves open the possibility that they are of moral interest, but on a lower level.) And yet, if anything is known about morality, it is known that it is just plain wrong to force someone to labor against his will, to enslave him or her. Wrong whatever else must happen in consequence. This intuition is perhaps the fundamental intuition behind libertarian moral theory; and it is the intuition that the proponents of redistributionist theories must reject if they are to avoid the libertarian position.