

Lowe hanging fruit? Underdeterminism and the evaluation of libertarianism

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Abstract. I respond to Dan Lowe's charge that libertarianism, or the most defensible version, involves an unacceptable "asymmetry of value." I argue that there is an inconsistency between Lowe's approach to counterexamples and his eventual objection.

Draft version: Version 1 (July 12th 2022).

A nicely-written paper from very early on in this decade objects to libertarianism, or what the author regards as the most defensible version. The libertarianism targeted is understood as a doctrine which grants all individuals a minimal set of rights, oriented towards protecting each individual's ownership of themselves and the fruits of their labour, and directs the government to protect these rights and do no more than this. The paper is by Dan Lowe. Although the paper was published quite recently, much the same argument has been made for centuries (see footnote 2). Anyway, I shall present what I believe is an inconsistency within the paper.

Lowe's argument. For grasping the inconsistency, we can present Lowe's argument as emerging in three stages.

Stage 1. A counterexample is presented: if we apply libertarianism in response to the example, the conclusion is surely wrong. The counterexample is an adaptation of one from G.A. Cohen (2020: 688). Your boat sinks but you somehow make it to an island, exhausted and in need of food. The inhabitant, Jenny, offers to provide you with food if you become her slave for life. You agree. She does her part of the agreement but after six months you escape.

For the libertarian, if you make a contract with someone else, and they do their part, then you have to do yours. You do something wrong by agreeing and then escaping. You violate her rights. You have taken the fruits of her labour without her consent, because that is not what she agreed to. But it seems mistaken to say that you have done something wrong in escaping slavery agreed to under such conditions.

Stage 2. Lowe makes a point which parallels the Duhem-Quine thesis of underdeterminism, and which he casts as a natural extension of it. According to the underdeterminism thesis, if one has a sensory experience which does not fit with one's system of beliefs, one has to make a change to this system, on pain of irrationality, but the experience does not determine where exactly to make the change: which belief or beliefs to abandon. Similarly, the counterexample to libertarianism in the previous stage tells the libertarian that they have to change their beliefs but it does not determine exactly how.¹

Stage 3. The way to respond to the counterexample, says Lowe, is to realize that there is "a deep problem" with libertarianism. Put simply, the deep problem is as follows. Why does the libertarian give all these rights to do with freedom, or why do they suppose that there are these rights, if "give" is the wrong word? They must see the capacity to choose freely as valuable, otherwise giving these rights and aiming to defend them is irrational. But why does the libertarian not give rights to do with other things? It must be because the libertarian does not find sufficient value here (2020: 690). So libertarianism involves an asymmetry, valuing the capacity to choose over other things, notably other capacities. But there are other things of no less value, such as Jenny's being more moral (2020: 692). So libertarianism is based on

¹ Prior to Lowe, John Rawls writes, "Objections by way of counterexamples are to be made with care, since these may tell us only what we know already, namely that our theory is wrong somewhere. The important thing is to find out how often and how far it is wrong." (1971: 52)

a false premise that there is an asymmetry between the value of the capacity to choose and other things.²

An objection. Stages 2 and 3 are inconsistent. To genuinely extend the underdeterminism thesis to cover counterexamples, which is what stage 2 tries to do, would undermine Lowe's attempt to identify the deep problem with libertarianism in stage 3. Before saying why, here is Lowe extending the thesis:

But even the most powerful counterexample cannot pinpoint the deep error of a complex theory; it is a natural extension of the Duhem-Quine thesis to say that counterexamples can only show that something, somewhere in the theory has gone wrong (Quine, 1951). This kind of critique leaves undetected any deep error in a theory. (2020: 685)

I earlier presented the underdeterminism thesis as follows: if one should have a sensory experience which does not fit with one's system of beliefs, one has to make a change to this system, but the experience does not determine where exactly to make the change. The thesis more fully is that there is always more than one way of revising the system to achieve a fit with experience and it is up to inquirers which way they choose. For example, if scientists observe a planet the size of Jupiter near a star and their theories entail that such a planet does not form there and does not move there, one group give up the does-not-form belief and the other group give up the does-not-move belief. Sensory experiences never force upon us one particular change (Quine 1951: 40).

² The complaint that certain liberal, or libertarian, philosophies overvalue freedom and ignore the value of anything else is not new and has been made for centuries. See Sidgwick 1907: 275 and Hart 1973: 538, 548. There may be some newness in Lowe's fleshing out in terms of capacities. The chief newness of his article for philosophy is, I suppose, the explicitly Quinean interpretation of Rawls on counterexamples, but Rawls is not acknowledged as a source for extending the underdeterminism thesis.

Now Lowe says, “A fully adequate critique of libertarianism... must diagnose the deep problem with libertarianism.” (2020: 685) But if we extend this thesis of underdeterminism to cover counterexamples to moral and political philosophies – in short, to produce counterexample underdeterminism – I think it will not allow you to ever say, “Now I have detected the deep problem,” as Lowe does in stage 3. That is not, or not just, because the counterexample does not specify where the deep problem is. It is because if you start with the counterexample and then look further into the matter, and come to regard a certain belief as a potential problem, there are always other options regarding what to revise. You might keep that belief and get rid of something else. Lowe himself ends up looking into revisions involving disaster clauses (2020: 699). Extended underdeterminism in this context means there are always insufficient grounds for calling any given libertarian belief “*the* deep problem,” because of other ways of coping with the challenge from the counterexample.

References

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