Article

IF YOU'RE A LIBERTARIAN, HOW COME YOU'RE SO RICH?

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Abstract

This article examines the bearing of political philosophy on one's personal behaviour. I review the 'rich egalitarian problem' posed by G.A. Cohen and consider a variant of this problem called the 'rich socialist problem'. I argue that once we adopt a nuanced view of what adequate fidelity to one's political principles requires there is a satisfactory solution to the rich socialist problem. Finally, focusing on Robert Nozick's highly influential historical entitlement theory, I explain the 'rich libertarian problem' and explain why, perhaps somewhat surprisingly, it is more intractable than the rich socialist problem.

Résumé

Cet article analyse l'importance de la philosophie politique pour le comportement personnel. Je passe en revue 'le problème de l'égalitarien riche' posé par G.A. Cohen et considère un problème analogue 'le problème du socialiste riche'. Je maintiens que dès que nous adoptons un point de vue

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nuancé sur ce que requiert la fidélité à des principes politiques, il y a une solution satisfaisante au problème du socialiste riche. Enfin, me tournant vers la théorie très influente de Robert Nozick sur l'habilitation ('entitlement') historique, je pose 'le problème du libertarien riche' et j'explique pourquoi, étonnamment, c'est un problème plus difficile à résoudre que celui du socialiste riche.

Key Words
egalitarianism; G.A. Cohen; libertarianism; Robert Nozick; socialism

Mots-clés
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It can be difficult to display fidelity to one's principles. To paraphrase Tom Lehrer, a rich egalitarian may feel a bit like a "Christian Scientist with an appendicitis" (Lehrer, 1965, track 6). The egalitarian and Christian Scientist both want something that their principles appear to forbid. The Christian Scientist wants an operation that his religious commitments condemn as medically unnecessary and impious. The egalitarian wants to keep a share of resources that her political principles suggest is not necessary to meeting her needs and is unjust.

In the concluding chapter of his *If You're An Egalitarian, How Come You're So Rich?* G.A. Cohen (2001) addresses the understudied problem of the bearing of political philosophy on one's personal behavior. He considers whether rich self-professed egalitarians can reconcile their commitment to distributive equality with their belief that it is morally *permissible* to keep a greater share of resources than they would have under a just distribution. Cohen dubs this the 'rich egalitarian problem' (Cohen 2001, 177). He reviews a variety of possible solutions to the problem but argues that none has sufficient justificatory force to solve the problem. Egalitarianism takes many different forms and this means that the precise shape of the rich egalitarian problem may vary with the specific variety of egalitarianism a rich egalitarian embraces. For instance, it is likely that the demands placed on a person by fidelity to equal opportunity for welfare (Arneson 1989) will differ from the demands of fidelity to equality of resources (Dworkin 2002) and both will differ from fidelity to simple income equality. Similarly, as I explain below, it matters whether one conceives the egalitarian conception of justice to which one professes allegiance as comprised by a single distributive principle (e.g., equality of income) or by a cluster of complementary political ideals about the character of a just society. I think the problem about what fidelity to one's principles requires is more fruitfully explored by considering a variety of egalitarianism that consists in a cluster of ideals. So in my discussion, I will examine a variant of the rich egalitarian problem that I will call the 'rich socialist problem'. Socialism, I shall assume, is a normative theory about the social and political features of a just society. The rich socialist problem, which I

elaborate in greater detail below, asks about the moral status of the personal behavior of a person who claims to be committed to socialist ideals yet who enjoys a greater share of resources than she believes she would have if society conformed to a socialist conception of justice.

It is commonly thought the tension between political ideals and personal behaviour is particularly acute for rich egalitarians, and perhaps especially for rich socialists. However, I will suggest that there is a satisfactory solution to the rich socialist problem and that, at least in our unjust world, it is actually the rich libertarian who faces a tougher justificatory challenge than the rich socialist. I will proceed as follows. First, I will quickly review some salient features of Cohen's discussion of the rich egalitarian problem that are relevant to framing the rich socialist problem. Second, I will explain why features of socialist principles furnish at least *some* rich socialists with an acceptable justification for retaining *some* of their wealth. However, the moral character of the justification is nuanced and does not provide unqualified moral vindication of rich socialists. In particular, I will argue that it does not follow from the fact that rich socialists do not act wrongly by not divesting themselves of the share of resources to which they believe they are not justly entitled that rich socialists should not aspire to make their personal behaviour more fully harmonize with their egalitarian distributive principles. Third, focusing on Robert Nozick's highly influential historical entitlement theory, I will outline the rich libertarian problem and explain why, perhaps somewhat surprisingly, it is more intractable than the rich socialist problem.

From The Rich Egalitarian Problem to The Rich Socialist Problem

The rich socialist problem poses a puzzle about the moral justification of one's personal behaviour in relation to the cluster of political principles one espouses as a socialist. More specifically, it is a puzzle about the demands of a socialist conception of justice on one's personal conduct. In order to frame the rich socialist problem, it may help first to review Cohen's presentation of the rich egalitarian problem. Cohen's discussion focuses on the apparent tension between an agent professing belief in (some variety) of distributive equality as a fundamental demand of justice while simultaneously believing that it can be morally (and politically) acceptable for one to keep a greater than equal share of resources. A number of general points are worth making about the problem.

First, the basic issue concerns the availability of an adequate moral *justification* of personal behaviour rather than the availability of considerations that furnish an *excuse* for personal conduct that is wrong. As Cohen notes the puzzle is not about *akrasia* (Cohen 2001, 157). Second, there must be some reasonably determinate answer to the counterfactual question of what share of resources an agent who is currently rich would have under a more just distribution. In other words, there must be a way of roughly

calculating how much the rich egalitarian has in excess of a just share of resources. In practice, determination of this excess may prove extremely difficult for a variety of reasons but here I will assume that the excess can be identified with sufficient precision for us to say with confidence that many rich egalitarians in our world enjoy a fairly large excess of resources. (Henceforth I shall simply refer to the share of resources an agent has beyond a just share as 'the excess' and I will assume rich agents would view the loss of the excess as a significant loss.)

Third, it must be possible for the rich agent to do something with the excess that will plausibly contribute to the advancement of or closer realization of egalitarian principles of justice. For instance, divestment of the excess by a rich agent must make some agents who are unjustly disadvantaged somewhat less disadvantaged or it must make some difference to advancement of egalitarian political objectives (e.g., by improving the electoral prospects of an egalitarian political party.) However, the effect of divestment of the excess on the overall degree to which justice is realized need not by itself be large. As Cohen argues, the egalitarian case for giving away the excess is not undermined simply by the fact that such giving would, in the context, be "a drop in the ocean" (Cohen 2001, 161). Fourth, the moral convictions that generate the problem are convictions about justice. So what is sought (if the tension Cohen identifies is to be satisfactorily resolved) is an explanation of why considerations of egalitarian justice permit a rich agent to keep (at least some) of the excess.

Cohen's presentation of the rich egalitarian problem leaves the precise form of egalitarian justice to which the rich egalitarian is committed only vaguely specified. What matters to Cohen is only that the rich person affirms a principle of distributive equality that implies that the rich person has an excess and could productively give the excess away. Cohen suggests that the rich egalitarian problem can be generically formulated by considering the apparent tension between the following triad:

A believes in equality.
A is rich (which means that A does not give a relevant amount of his money away).
(A believes that) A's behaviour is not out of line with his own principles. (Cohen 2001, 157)

For some varieties of egalitarian justice, especially those that focus narrowly on resource distribution, the rich egalitarian problem may well be intractable. However, many conceptions of egalitarian justice are defined not by a single, simple principle of distributive equality but rather by a constellation of egalitarian commitments that include, but are not exhausted by, a principle of distributive equality. In short, a belief in equality as a principle of justice may be more complex than Cohen's generic presentation allows. Such is the case, I believe, with a credible socialist conception of egalitarian justice. So I propose to frame the rich socialist problem by offering a fuller characterization of the

dimensions of a socialist conception of egalitarian justice than Cohen provides in his treatment of the rich egalitarian problem in *If You're An Egalitarian, How Come You're So Rich?* However, in characterizing the main tenets of socialist justice, I will draw upon claims made elsewhere by Cohen about socialist principles.

First, following Cohen, we can begin by saying that socialists are committed to a complex form of equality of opportunity which "seeks to correct for all unchosen disadvantages, disadvantages, that is, for which the individual cannot herself reasonably be held responsible whether they be disadvantages that reflect social misfortune or disadvantages that reflect natural misfortune" (Cohen 2009, 18). Second, socialists endorse a principle of communal reciprocity that limits the extent to which outcomes otherwise compatible with equality of opportunity are acceptable (Cohen 2009, 38-39). This principle emphasizes the importance of collective commitment to one's fellow members of political community. Third, socialists are committed to a division of moral labour such that the realization of equality of opportunity and community reciprocity is facilitated primarily through state institutions, laws, and regulations that coordinate individual behaviour, meet basic needs and secure for each person a just share of resources that they are free to devote to their own projects. As Marx said we seek an "association in which the free development of each is a condition of the free development of all" (Marx and Engels 1998, 28). The division of moral labour does not mean the realization of justice is solely the responsibility of governments. However, socialists can embrace Mill's point that given a suitable institutional background, the facilitation of each person's self-development is usually best achieved by each person focusing their attention and energy on advancing their own flourishing and the flourishing of their family and friends (Mill 1983, 27).

So rather than relying on individuals to coordinate their behaviour in a way that secures distributive objectives that facilitate the 'free development of all', we set up rules and institutions that furnish persons with a just share of resources. Each person is then free to devote their share of resources to pursuit of their own life plans and projects. Socialism is best achieved through collective action and socialists should be disposed to work within, support and rely upon those state institutions and policies that best secure distributive equality and community reciprocity. Given satisfactory institutional arrangement and social rules, socialist ideals are usually best realized if persons play within the rules rather than aiming directly and individually to secure egalitarian distributive goals.

Fourth, the socialist commitment to equality has a crucial democratic component. Just socialist institutions should enjoy democratic legitimacy that reflects the equal political standing of persons in political community. In political contexts where there are reasonably legitimate democratic processes socialists should pursue egalitarian objectives via these processes. That is, they should form non-violent political parties that participate in elections and other democratic activities. They should seek to implement socialist

ideals by winning the support of the electorate and thereby gaining political power. A further important element of the socialist commitment to democracy is recognition of the political legitimacy of many non-socialist political results. Where adequate democratic systems are in place, socialists should accept as legitimate laws, policies and institutional arrangements that are generated through democratic processes when they fall short of or even violate socialist requirements of distributive justice or community reciprocity. This does not mean that socialists are bound to accept as legitimate grossly oppressive or exploitative arrangements that win the endorsement of a democratic majority. But legitimate democratic outcomes can be unjust, from the point of view of socialism, without being tyrannical.

It is also important to emphasize that a democratic system itself can have legitimacy even if it does not fully epitomize a socialist conception of democracy. For instance, democratic socialists may hold that democratic ideals would be more fully realized through a system with proportional representation than through a single-member-plurality system. But they can accept that a political party that wins power in a reasonably well functioning single-member-plurality system can legitimately form government and exercise political power. Similarly, socialists may credibly argue that the overall fairness of democratic processes is diminished by significant social and material inequalities between citizens of the sort characteristic of most contemporary Western democracies. However, once some suitable threshold of political equality is met – e.g., that there are free and fair elections in which all adult citizens have an equal vote and in which there are decent guarantees of freedom of association, speech and assembly – they can accept that democratic processes are legitimate albeit flawed. There is, of course, room for debate about the exact conditions that must obtain for a political system to be at or above the threshold necessary for legitimacy. Moreover, it's possible that the legitimacy of some (perhaps many) putatively democratic systems is severely compromised by economic inequalities that effectively marginalize the views and interests of disadvantaged and vulnerable citizens. However, I will proceed on the perhaps optimistic assumption that the societies in which the problem of the rich socialist arises are one in which the democratic systems in place, though far from perfect, meet the conditions of basic legitimacy.[2]

With this brief characterization of socialist justice, the rich socialist problem can now be framed. Unlike the rich egalitarian, the rich socialist seeks to display sufficient fidelity not simply to a single standard of distributive equality but to the foregoing

[2] Although I cannot supply the requisite supporting evidence here, I think the Canadian democratic system currently meets the threshold of basic legitimacy. Even though there are many ways in which Canadian democracy could be significantly improved, the current system is sufficiently fair and free for the outcomes it generates to have political legitimacy. This is, I hasten to add, quite different from viewing outcomes generated by Canadian democracy as just.

constellation of principles. So let us suppose that the rich socialist believes in equality of opportunity, community reciprocity, the division of moral labour via collective action, and democracy. She lives in a reasonably democratic (i.e., legitimate) but non-socialist state and she is committed to working within the legitimate though not perfect democratic system to achieve socialist reforms to laws, policies and institutions. She devotes some of her time, energy, and money to supporting the socialist cause. However, the democratically legitimate institutions confer upon her a share of resources that she can recognize as excessive (in the sense defined above). She can divest herself of the excess in a way that can, very modestly, advance egalitarian distributive objectives. Yet keeping the excess, though not a necessary to meeting her needs, contributes to her self-development[3] and loss of the excess would diminish the overall quality of her life. Although she devotes a portion of the excess to socialist causes, she does not give all of the excess away.[4] Our question is whether or perhaps in what sense the rich socialist so described is guilty of moral failure. To address this question, we need to consider the concept of moral failure in relation to personal behaviour a bit more closely.

Forms of Moral Failure

The most obvious kind of moral failure occurs when an agent deliberately violates, betrays or fails to display sufficient fidelity to an authoritative moral principle. Such behaviour we usually characterize as morally wrong or bad. Of course, the bad behaviour may be excusable but it is still wrong – i.e., morally impermissible. Commonsense morality seems to suggest that conduct that is not wrong is morally permissible. And it seems to follow from this point that an agent's behaviour does not constitute a moral failure if it falls into the category of permissible conduct. But we also make distinctions of moral appraisal within the category of morally permissible conduct. In particular, we characterize some morally permissible conduct as supererogatory. Such behaviour achieves (or at least is credibly aimed at) a highly commendable moral outcome but the conduct is not obligatory. So although an agent who does not act in such a fashion fails to

[3] By this I mean that she can use the excess to advance projects that she values and reasonably views as important. For instance, if her conception of the good involves appreciation of art and music, she can use her excess to attend excellent concerts and visit great art galleries around the world. Although it is true that material resources can be directed towards conspicuous consumption of the sort that contributes nothing to genuine human flourishing, the pursuit of many genuine human goods is enhanced by material wealth. I assume that the rich socialist can, to some significant degree, lead a genuinely better life by keeping the excess than by giving it away.

[4] I assume, without further argument, that the self-professed socialist who does not devote any of her excess to advancing socialist justice betrays her principles and acts wrongly.

advance some morally important objective, we do not view the failure to act in a morally heroic fashion as an objectionable moral failure.

However, our evaluative reactions are, I think, more complex in the range of behaviour that is between morally heroic and morally wrong. One type of behaviour is what I shall call *decent* moral behaviour. Decent moral behaviour is morally permissible in the sense that it displays sufficient fidelity to relevant moral principles such that we would not characterize it as bad or morally wrong. It is justified by relevant moral principles. Yet it somehow falls short of giving full expression to the principles that seem applicable to the evaluation of action. We can say of such conduct that it adequately but does not fully honour the relevant principles bearing on the moral evaluation of personal behaviour. Such behaviour is, from the moral point of view, 'good enough' or 'decent'. It is 'suboptimal' yet not wrong. In between decent moral behaviour and heroic moral behaviour is what I will call *good or optimal* moral behaviour. This is behaviour that more completely honours the principles bearing on the assessment of personal conduct and displays a kind of moral excellence lacking in merely decent conduct. It is the sort of moral excellence we can reasonably aspire to attain in our personal conduct and we can admire and seek to emulate persons whose behaviour is morally optimal. But there are boundaries to optimal moral conduct that are exceeded by heroic moral behaviour. The latter usually involves special effort or sacrifice that serves laudable moral objectives well but which goes beyond what optimal fidelity to moral principles entails.

To sum up: I have distinguished four kinds of moral personal conduct: bad, decent, good, and heroic. First, bad conduct fails to display sufficient fidelity to applicable moral principles. It is morally impermissible. Second, decent or suboptimal conduct is sufficiently commensurate with moral principles to be considered permissible (and hence not wrong). But decent conduct does not fully honour the principles relevant to the assessment of personal conduct. Third, good or optimal conduct fully honours relevant moral principles. Fourth, heroic conduct advances important moral objectives through action that can be praised but not reasonably encouraged. Bad conduct constitutes moral failure but it's less clear whether decent conduct should be considered a moral failing. It is, at best, a highly qualified form of moral failure that seems more nuanced than the moral failing Cohen worries about with regard to the rich egalitarian. Recall that Cohen's worry is that the rich egalitarian acts wrongly or in a morally unjustifiable fashion.

If we accept something like this typology we can now consider whether the rich socialist I described is guilty of moral failure and more specifically whether the rich socialist acts wrongly by failing to give all of her excess away. In order to answer this question, we need to consider whether the conduct of the rich socialist displays sufficient fidelity to the constellation of principles that comprise the socialist conception of justice. Let me concede from the outset that the rich socialist's behaviour is not good (or optimal) in the sense I have outlined. She could more fully honour socialist principles by giving more of her excess away. Moreover, we can say it would be laudable but probably not

heroic for her to give her excess away. To be heroic, we might expect her to give much more than her excess away and to devote herself single-mindedly to political action in the name of socialism. But it's much less clear that the rich socialist dishonours her ideals sufficiently for us to view her behaviour as wrong or as a betrayal of her principles. After all, she does not endorse the laws and institutions that confer upon her an unequal share of resources. She supports democratic activity designed to change them but she also acknowledges that the existing laws and institutions are reasonably legitimate from a democratic point of view. Moreover, they are not sufficiently unjust, in her view, to constitute tyranny. If sufficient numbers of her fellow citizens support democratic reform she will, in the spirit of community reciprocity, willingly accept the burdens on her that institutional reform will entail. By the same token, in the absence of a broad reciprocal commitment from her fellow citizens she is unwilling to shoulder burdens that others like her could but do not take on. She is disposed to willingly comply with a democratically legitimate division of moral labour necessary to the achievement of socialism. But in the absence of such democratic socialist solidarity she is inclined to devote most of the resources that the current, democratically legitimate, regime confers upon her to her own projects. Such reluctance to go it (more or less) alone in the pursuit of socialist ideals is arguably not especially admirable, but it is not unjustifiable. So in my view, the behaviour of the rich socialist is decent, not morally wrong.

Her conduct is analogous to the person who plays by the rules of a game that have been adopted through a reasonably fair process by the other players of a game. The player may believe (correctly) that the rules confer an unfair competitive advantage on him and he supports a suitable rule change to remedy this problem. He could, moreover, take individual action to mitigate the unfair effect that the current rules has on some other players. But he refrains to do so. This player's conduct does not give the fullest expression to the ideal of good sportsmanship but it is not wrong. I would not even call him a poor sport.

I have suggested that the character of the rich socialist's fidelity to the constellation of socialist principles that constitute the democratic socialist conception of justice is sufficiently serious and robust to meet the justificatory burden implicit in Cohen's challenge. An important element of my proposal is that there is a plurality of justifiable ways for an agent to respond to and integrate the different facets of one's socialist principles. Of course, the personal behaviour of some self-professed socialists will constitute a failure to be sufficiently responsive to socialist principles. Such behaviour will be wrong. But within the category of justifiable ways of responding to and integrating socialist principles personal behaviour will vary to the degree that it is laudable. Given her principles and given the context of a legitimate democratic system, the personal behaviour of our rich socialist is justifiable in the sense that it displays adequate sensitivity to socialist principles. But this does not mean that it could not be better (without being heroic). If this is right we have a partial solution the problem of the rich

socialist. It is morally acceptable to be a rich socialist even if it's morally admirable to be a somewhat poorer one.

The Rich Libertarian Problem

I now want to contrast the situation of the rich socialist with that of the rich libertarian. The rich libertarian professes allegiance to Robert Nozick's version of libertarianism. Thus he endorses Nozick's view that "a minimal state limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right" (Nozick 1974, ix). He embraces the historical entitlement theory of justice according to which inviolable entitlement to property is established through satisfaction of the principle of just acquisition provided by the Lockean proviso (Nozick 1974, 178-182) and through voluntary transfers of justly acquired property (Nozick 1974, 160). He believes that the state, no matter what level of popular democratic support it enjoys, cannot employ its coercive power to redistribute property in the name of equality or to secure public goods. On this view, respect for individual property rights is politically paramount and permits only a minimal night watchman state. Our libertarian agrees with Nozick that "a more extensive state violates peoples' rights" (Nozick 1974, 149). So the libertarian repudiates the socialist idea that collective state action can be legitimately used to secure equality of opportunity or to promote the common good. This does not mean that our libertarian is hostile to all forms of social solidarity favoured by the socialist. However, desirable outcomes for the community must be pursued wholly via the voluntary actions of individuals. In this respect, the division of moral labour endorsed by the libertarian is strongly oriented toward individuals and the voluntary organizations they create and away from democratic state action.

We may suppose that through luck, talent and hard work our libertarian has done well in market transactions and has amassed his share of resources without recourse to the use of force, fraud and theft against other property owners. Like the rich socialist, the rich libertarian he enjoys a much greater share of resources than most others in his society and he is vastly better off than the worse off in his society. He opposes the liberal welfare state, even in those respects that benefit him, and lends political support to the establishment of a minimal state. However, the rich libertarian also knows the current distribution of resources has been significantly affected by a long history of force, fraud and theft. Moreover, he knows that the initial assignment of private property rights amongst past generations violated the principles of just initial acquisition. For instance,

he knows that colonialism and the establishment of slavery[5] were gross violations of libertarian property rights and he also knows that these, and countless other instances of historical injustice, cast a dark shadow over the moral acceptability, from the point of view of the historical entitlement theory, of current holdings.

In light of these facts, the rich libertarian is highly confident that the current distribution of property is tainted and morally suspect. It's quite possible that he has a greater share of resources than he would have had there not been a long history of violations of the historical entitlement theory of justice. He certainly cannot establish that the property he currently controls is justly his. Moreover, he is aware that the historical entitlement theory requires rectification of violations of the Lockean proviso and the principle of justice in transfer. Just like the rich egalitarian or rich socialist, the rich libertarian can identify, with reasonable determinacy, an excess. He thinks Nozick provides a reasonable way of identifying this:

> lacking much historical information, and assuming (1) that victims of injustice generally do worse than they otherwise would and (2) that those from the least well-off group in society have the highest probability of being the (descendants) of victims of the most serious injustice who are owed compensation by those who benefitted from the injustices (assumed to be those better off, though sometimes the perpetrators will be others in the worst-off group), then a rough rule of rectifying the injustices might seem to be the following: organize society so as to maximize the position of whatever group ends up least well-off in the society (Nozick 1974, 231).

The perhaps surprising implication of a libertarian principle of rectification of this sort is that material inequalities in our world are presumptively unjust.[6] So a reasonable approximation of the rich libertarian's excess, is the amount of resources he has above

[5] Nozick does not discuss specific examples of historical injustice in any detail but concedes, as any reasonable person must, that there have been grave injustices that are relevant to assessment of current property rights. On the example of American slavery, he cites with approval Boris Bittker's *The Case for Black Reparations* (New York: Random House 1973), (Nozick 1974: 344, n 2).

[6] Where there is inequality, some persons are worse off than others and this raises the issue of whether redistribution can improve their situation. Of course, as Rawls pointed out in discussion of the difference principle, there can be cases in which inequalities work to the greatest advantage of the least advantaged. This adds some complexity to proper calculation of the 'excess' of the rich libertarian because we might discover that the maintenance of some inequalities works to the benefit of the worst-off. But we can suppose that the principle of rectification presumptively favours distributive equality and that this presumption can be overridden in the special case in which inequality is to the advantage of the least advantaged.

what he would have if resources were equally distributed. Moreover, given Nozick's plausible speculation about the probable effects on the descendants of the victims of historical injustice, it makes sense for the rich libertarian to view people in the worst-off group as those to whom compensation is most likely owed. By forming the judgement that the worst-off are unjustly deprived of resources, the rich libertarian does not appeal to non-libertarian considerations. Rather he accepts the logic of his own principles of historical entitlement and makes a reasonable judgement about what kind of rectification for violations of the principles of acquisition and transfer is appropriate in current circumstances.[7] The theory requires him to acknowledge the influence that historical injustice has had on current property holdings and to find a way in which ugly legacy of historical injustice can be neutralized. The rich libertarian can divest himself of his excess and although he cannot alone fully remedy the injustice, he can materially improve the lot of the worst-off and move his society somewhat closer to the allocation of private property rights required by the historical entitlement theory.

However, unlike the rich socialist, the rich libertarian does not believe that democratically authorized collective state action can be legitimately employed to redistribute resources. By contrast, he believes in the minimal night watchman state. The rich libertarian realizes that many of his fellow rich libertarians have, as determined by their own principles of justice, an unjust share of resources but he also knows that most of them will not give their excess away. In effect, the constellation of principles to which the rich libertarian claims allegiance do not permit him to appeal to the democratic legitimacy of the unjust property regime nor can he work towards the implementation of a democratically imposed system of redistribution because his principles forbid the kind of democratic collective action involved in government taxation. After all, taxation, on his view, is a disguised form of forced labour (Nozick 174, 169). And even if his principles, permitted some coercive state action in the name of a principle of rectification, he

[7] I assume we cannot offer a precise answer to the impossibly complex counterfactual question of exactly who would have exactly what share of resources if the principles of justice in acquisition and transfer had been respected throughout history. It's possible, though not epistemically ascertainable, that some who are well off now would have been even better off were it not for the legacy of historical injustice. Similarly, it's possible, though again not epistemically ascertainable, that some who are relatively poor now would have been even poorer if libertarian principles had been respected. However, we do know enough about the long history of grave violations of libertarian principles to credibly believe that the current distribution of property is sufficiently morally tainted to throw into question, *from a libertarian point of view*, current property holdings. Since we know this and since we cannot coherently reconstruct history with a view to determining what a just distribution of property is now, the libertarian has no recourse but to formulate a rough principle of rectification along the lines sketched by Nozick. So it is the libertarian's own account of rectification that permits him to identify the excess to which he cannot claim an entitlement.

believes that the creation of the coercive state necessary to effect redistribution[8] is deeply regrettable. Moreover, he realizes that his fellow citizens do not politically support such an option. Whereas the rich socialist has some reason to think it is acceptable for her to keep her excess, the principles of the rich libertarian seem to condemn his keeping his unjust excess. He should no more keep his excess than he should keep property that he knows to be stolen. (The excess is like stolen property in the sense that it is property to which one does not have just entitlement and it is property to which others can claim just entitlement. The principle of rectification implies both that a rich person is not entitled to the excess and that others (i.e., those who are the worst off) can lay claim to it.) So it seems that minimal fidelity to the libertarian principles requires him to give the excess to the worst-off, even if other similarly situated rich libertarians refuse to do so.

With this argument in place, we can now try to situate the conduct of the rich libertarian who keeps his excess in the framework of moral behavior I sketched earlier. His conduct is certainly not supererogatory. Morally heroic action in the name of libertarian principles would require the libertarian to make dramatic sacrifices of his own well being in order to improve the situation of the worst-off. Similarly, we cannot characterize his conduct as good since full fidelity to his principles would require the libertarian to fully divest himself of his excess and to work tirelessly to persuade others to do so. But it is also difficult to characterize his conduct as decent since, unlike the rich socialist, the constellation of principles to which the libertarian subscribes provide no basis on which to resist the demand to divest himself of his excess. The force of the imperative to divest is located in the normative primacy of property rights on which libertarianism is predicated. The rich libertarian knows that he has in his possession property to which others have a right. So by keeping his excess, he violates the rights of others[9] and conduct that violates rights must be wrong. In a sense the rich libertarian is condemned by the simplicity of a theory that treats property rights as normatively basic and inviolable.

Given the plausible premises about the legacy of historical injustice on current property distribution, the rich libertarian problem actually seems more intractable than the rich

[8] The redistribution of resources sanctioned by the theory does not appeal to a 'patterned principle of distributive justice' of the sort rejected by libertarians (Nozick 1974, 150-160). Rather redistribution would take the form of the reestablishment of property rights of the sort that roughly parallels the return of stolen property to rightful owners.

[9] There may be some epistemic indeterminacy about the identity of those among the worse off whose property rights are violated. But from a libertarian point of view, one cannot claim an entitlement to property that is not yours simply on the grounds that you do not know exactly to whom it really belongs. The principle of rectification may only provide approximate guidance about such matters. But if we are guided by it, persons with a less than equal share of resources can claim that those with more than an equal share have some of the resources to which the disadvantaged are entitled.

socialist problem. Cohen rightly pressed the rich egalitarian problem. Even if I am right, rich democratic socialists should not be morally complacent or smug about their wealth. Their conduct may be decent but it is not good. But in the spirit of Cohen's earlier critical work on libertarianism, I conclude with the following question that is, I believe, harder than the parallel question posed to socialists: If you're a libertarian, how come you're so rich?[10]

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