

Hang Together

"We must indeed all hang together, or most assuredly we shall all hang separately." Benjamin Franklin

Of Unmasked Riddlers And The Equality Mandate

Posted on April 9, 2013 by Daniel Kelly



I knew this day would come. Over the years, I have learned that Greg's opinions are the product of careful thought and keen insight. And almost without fail, I am quick to confirm him with a hearty "Greg Forster is quite right!" But once in a while I would hear something that seemed out of place – a passing comment that didn't mesh, a turn of phrase that flowed uneasily in what I had thought was his stream of thought. And as those instances accumulated, I started to think there might be some deep difference in the principles that inform our respective opinions.

Thus, I was not terribly surprised when Greg unmasked himself as "not a libertarian." That's okay with me – I don't think I'm a libertarian either. What *did* surprise me was the thorough-going rejection of the equality mandate and the foundational concept that there are both prudential *and* jurisdictional limits on government authority. Let's take a close look at his proposition.

Greg says “I hold that there is no justification for the existence of the state that does not, in principle, justify the existence of some transfer-type programs as circumstances permit.” Before I give my response, I want to explain how I understand this statement so Greg can correct me if I go astray.

First, Greg refers to my prior posts addressing the illegitimacy of wealth transfer programs (see, for example, [here](#), [here](#) and [here](#)), so I will assume that when he speaks of “some transfer-type programs,” he is talking about the programs as I defined them. My definition of such a program is one in which the government takes the fruit of someone’s labor, against his will and without compensation, to give to someone who has not worked for it. The recipient might be someone in abject poverty, or it might be a fabulously wealthy multi-national corporation. Either way, the mechanism is the same. The *government* decides who shall receive the fruits of someone’s labor, and on what terms. Not the person who labored.

Second, Greg doesn’t just defend the existence of wealth-transfer programs as, perhaps, a necessary evil, or because we don’t know what else to do in the face of an immediate and pressing need. Instead, he says that such programs are justifiable as a matter of principle.

Third, he places this power – the power to take from those who produce wealth to bestow on those who do not – at the center of the state’s very purpose. But even that does not capture the centrality of that power in his formulation. For Greg, it is not just *important* that the state have this power. It is an irreducible prerequisite. It is a power without which there can be no justification for the state to exist at all.

Think about that for just a bit. Greg says one of the *necessary* functions of the State is taking your property so that it may give it to someone the *State* thinks ought to have it. Now, it is true he puts a qualifier on this – the power is not exercisable except as circumstances permit (presumably this is a concession to financial realities). That, however, is not a jurisdictional limitation, but a prudential one. So as circumstances *do* permit – that is, insofar as the State can siphon off your money without collapsing the economy – it has all the authority it needs to “spread the wealth around,” as a certain president so infelicitously put it. That, Greg says, is one of the core functions of the State, in the absence of which there can be no basis for a State at all.

The Founders and Greg have dramatically different views about what justifies the existence of the State. In the Founders’ view, the purpose of the State is to enforce the equality mandate, a pre-existing set of rights. In our culture, that mandate finds its most prominent and eloquent expression in our Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

The very next self-evident truth identified in the Declaration describes the purpose of government in relation to that mandate: “That to secure these rights [the equality mandate quoted above], Governments are instituted among Men, deriving their just powers from the consent of the governed.” I don’t think you can derive wealth-transfer programs from the protection of life, liberty, and property (otherwise known as the pursuit of Happiness).

In fact, wealth-transfer programs are directly at odds with 2/3rds of the unalienable rights contained in the equality mandate. Think of it like this. What is the difference between (a) the government taking 2.3 months of your wages, against your will, to give to someone who did nothing to earn them, and (b) making you work for someone without pay, against your will, for 2.3 months every year?*

We instinctively recognize the latter as involuntary servitude. But the former is no different as a matter of principle because wages are simply the liquidated value of the labor you performed. Either way the government is taking the fruit of your labor against your will to give to someone else. It is impossible to say that a government is protecting your liberty and property when it is stealing both through wealth-transfer programs.

So when Greg says wealth-transfer programs are one of the necessary justifications for the existence of the State, he is really saying the Founders got it all wrong. The State does not exist to protect your rights, it exists for the purpose of, inter alia, enforcing involuntary servitude.

I will forego an exposition on Locke for the moment, and instead content myself with three observations that can serve as the basis for further discussion. First, fostering and promoting involuntary servitude is, under the analytical framework Locke explained in his Second Treatise, a tyrannical act. I'll have to see some pretty powerful quotes to be convinced that Locke somehow abjured his Second Treatise as thoroughly as Greg suggests. In any event, the Founders said that "whenever any Form of Government becomes destructive of these ends [securing the equality mandate], it is the Right of the People to alter or to abolish it" Our Founders certainly didn't understand Locke the way Greg apparently does.

Second, there is no facial difference between Greg's formulation and the one offered by Marx. "From each according to his ability, to each according to his needs," sounds an awful lot like "there is no justification for the existence of the state that does not, in principle, justify the existence of some transfer-type programs." I'm willing to bet they would apply the principle differently. But that is a matter of prudence, not authority. The problem is that they would both employ the same principle.

Third, I think it would be helpful if Greg would indicate whether there are any jurisdictional principles that inform his analysis. I agree, for example, that we have a duty to rescue. But the locus for enforcing a duty is not automatically the State. And with respect to the duty to rescue, it *can't* be there. Keep in mind that the State is just us – a collection of co-equal people. You do not surrender that equality simply because another has need of you to do so. Indeed, if it is possible for another's need to strip you of your equality, to become his involuntary servant, then you were never equal to begin with. Which would mean the Founders were all wet about that self-evident business.

To harmonize the Founders and Greg, therefore, the Declaration would have to read: "We hold these truths to be self-evident, that all men are created equal, except when one man requires the uncompensated and unwilling service of another, that they are endowed by their Creator with

certain conditional Rights, that among these are Life, Liberty (when not otherwise in a condition of servitude), and the pursuit of Happiness, but not until others have taken what they need of him.”

Uninspiring, and a little clunky, no? But perhaps the Founders would agree with Greg after all and they wrote the Declaration the way they did because they knew the version above wouldn't roust anyone out of bed when the British came a-calling.

As Sherlock might say, the game is afoot! Back to you Greg.

* A quick, back-of-the-envelope calculation shows that the government gives away to others approximately 2.3 months of your labor every year.

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2 THOUGHTS ON “OF UNMASKED RIDDLERS AND THE EQUALITY MANDATE”



Greg Forster

on **April 9, 2013 at 2:24 pm** said:

Come on, Dan, couldn't you at least have made some token effort to keep the Batman meme going?



Daniel Kelly

on **April 9, 2013 at 2:27 pm** said:

The Uncle Sam picture was just too appropriate to pass up. But Batman will Return!