

Right Wing Libertarianism hits a Wall

Moral problems originated by climate change cannot be answered sufficiently  
by right wing libertarianism

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**Abstract:**

In this research, the options to persuade an extremely right wing libertarian into changing his behavior towards damaging the environment are discussed. The method which will be used is that, in trying to persuade the most extreme right wing libertarian position, less radical arguments will simultaneously be reviewed, albeit as not strong enough for this case. The following arguments will be discussed and evaluated: The Ability-to-Pay and the Polluter-Pays principles, granting the environment inherent worth, the Clean Hands Principle and Free Market Environmentalism. Conclusively, granting the environment inherent worth will turn out to be the most potent argument, but is still not entirely convincing and thus further research is required from the libertarian perspective.

**Keywords:**

Climate Change  
Principle

Ring Wing Libertarianism  
Nozick                  Locke

Free Market Environmentalism Clean Hands  
Rawls

## Introduction

Since the latest IPCC rapport (IPCC 2017), a scientific consensus seems to have been reached: climate change is happening and it is human inflicted. This raises many morally relevant questions, some of which have been discussed for quite some time now and some of which are only being discussed recently. In the latter category, political libertarianism in particular faces some normative questions that have not been discussed extensively thus far.<sup>1</sup> That is, some libertarians avoided the question on moral responsibility concerning the climate change debate by questioning the claim on human influence altogether (Dolan 2006, as cited in Sahar, 2009, 219). Now since that error is settled by the IPCC and thus used as a premise throughout this research, the goal is to discuss and evaluate the most relevant reasons to be motivated to combat climate change as a libertarian.<sup>2</sup>

In doing so, the method that will be used is '*aim for the stars, land on the moon*'. What this means is the following: it seems reasonably plausible that arguments that could persuade the most extreme, right wing libertarian in changing his behavior in such a manner that he would start combatting climate change, would probably also persuade less extreme liberal positions. Thus, the goal is to look for the most persuading arguments towards all liberals in general, but the most right wing in particular. As will turn out, some reasons that do not persuade the right wing libertarians, are still very reasonable and motivating for less radical right liberals.

First, the definition of libertarianism that will be used throughout this research will be clarified. Hereby the distinction between left and right libertarians that is based on the tenacity of their view on the right to self-determination will be discussed. It is important to note beforehand that the difference between left and right libertarianism is not conceived to be categorical, but rather as being placed on a spectrum. Accordingly, the normative weight attached to the value of individual self-determination and the rights following from that core value determines to what extent an agent leans to right or left libertarianism. In other words, this spectrum refers to the method that will be used, namely if the an absolutist, right wing liberal is persuaded to combat climate change, this probably also persuades the

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<sup>1</sup> Other political philosophies also have to answer to responsibility question within the climate change debate, however, most of them hold as opposed to liberalism an idea of the greater good. Whatever this greater good entails, it originates a complete different debate then when considering libertarianism. Also, libertarianism seems to been most opposed to the obvious policies wherein the state interferes with everyday life of agents.

<sup>2</sup> For this research, I mainly focused on literature written after the IPCC rapport, like (Calder 2011) (Dawson 2011) (Heath 2016) (Sobel 2012). However, since libertarianism is being discussed, (R. Nozick 1974) and (Locke 2000) are included as well. Also, to articulate the position of the 'environmentalist' I used (Caney 2011) (Moellenhof 2012) (Neumayer 2005) (Pennington 2005) (Wissenburg, Green Liberalism 1998) and others.

softer form of libertarianism for similar reasons. Hence, libertarians will hopefully help in changing their behavior and start combatting climate change.

In short, the goal in this research is to look for the most persuasive reason to motivate extremely right winged libertarians as soon as possible in such a way that climate change will be combated on an individual basis. The urgency is due to the fact that, according to IPCC's rapport, we have to act fast to avoid most catastrophic consequences (IPCC 2017, 15). This is why the aim is to look for reasons that motivate individuals, which entails agents' own motivation, rather than to force policy upon them. It is important to understand that the discussion takes place inside their own, libertarian court, i.e. from within their own moral framework. This is because individual freedom over governmental interference principally suits libertarians better.

Once the definitions are elucidated, the search for potential reasons begins in section 3. There are two possible categories of reasons. First, there are the more common options. This entails the Ability-to-Pay Principle, the Polluter-Pays Principle, the reasoning from the Human Rights Framework and granting the environment inherent worth. The first two potential options will be passed quickly since they are mostly rooted in consequentialist arguments, which do not fit the libertarian framework from a start. The third option is a potentially strong position, however, it would require a whole new research to justifiably consider it as an option. The latter option, on inherent worth, is discussed in more extent. This is because although it might *prima facie* seem like it is a no go for libertarianism, there is more to be said and worthwhile to look into.

Second, the paradigm on climate change conceived as a collective action problem is more explicated. In doing so, it paves the way for two alternative options that could motivate an individual libertarian agent into combatting climate change. The first is a comparison with another, similar collective action problem, namely mandatory vaccinations. There is a libertarian case in favor of mandatory vaccination that is based on 'The Clean Hands Principle' and so the aim will be to look for similarities between that case and the case on climate change, since they are both collective action problems of the same sort. The second option is called 'Free Market Environmentalism'. This position claims that it is not due to the failure of the free market that polluting behavior goes unharmed, but precisely the opposite: the environment as such has to be included in the system of property rights in order to change libertarians behavior towards the environment for the better.

In Section 4, the options on granting the environment inherent worth, the Clean Hands Principle and Free Market Environmentalism will be evaluated. This evaluation will take place on two levels: on a practical and theoretical level. The practical objections towards the options presented are mainly based on the urgency of the problem of climate change and the fact that the

most damage done to the environment consists of, and will be consisting of in the short term, irreversible damage. The theoretical objections entail two problems, namely; first, that of the climatological science that is and will be too unclear to determine the causality of the harm done. This is required by the libertarians to require too much. The second looks more at the marriage between libertarianism and the free market, which is a) problematic for the goal of this research since – most times - polluting behavior, financially speaking, loans and b) the free market doesn't fit the libertarians as much as they hoped for and, if that indeed is the case, Free Market Environmentalism is no longer a preferable option.

Conclusively, it seems to me that there is one option remaining, and that is granting the environment inherent worth. I favor this option broadly because of at least two reasons: 1) it could start right now and leaves enough room for improvement and b) it is a clear and understandable condition one can work with. Since this option is unacceptable for the most radical, right wing libertarian, I think a more left wing libertarianism is a more realistic political philosophy in the face of climate change.

## Section 1. Definitions

In this section the terminology that will be used extensively throughout this research is discussed. It will start with a broad definition of libertarianism in which the core values, the political philosophy and the corresponding idea of rights are being discussed. The idea of rights is important because it distinguishes right from left libertarianism on the basis of individual property rights. After that, the central question will be elucidated that will be discussed in this research.

### 1.1 *Libertarianism*

Libertarianism is a political philosophy which is rooted in the core-value of self-ownership. Self-ownership in this sense entails the individual right to autonomy and private property. Private property consists of a bundle of rights, which include the right to acquire, keep and exchange agents' holdings. The state's primary function then is to protect these individual rights. This brief description of libertarians already demonstrates why libertarianism is so appealing to many people. Namely, since libertarianism values every individual inherently and the state's primary function is to protect that value, no individual could be justly sacrificed on behalf of another individual's interests or some other 'greater' good. Every individual counts equally. Furthermore, the inherent individual value in the form of one, single agent is an easy and clear starting point when one starts thinking about justice (Vallentyne 2014).

These central values result in a political philosophy which aims at a just procedure instead of a just outcome. The content of people's conception of the good life is theirs to create and of equal value amongst every agent. The state, as a collectively formed instrument towards establishing a just society, should therefore render moral neutrality. *'The core of the liberal principle is to protect the individual from coercion by the social groups to which he or she belongs, by demarcating private area within individuals can do as they please, free from interference by the rest of society'* (Dawson 2011, 3). Only those rights necessary to protect individual freedom, like the right to safety for himself and his property, are to be enforced by the state. Rights are to be understood as side constraints, in Nozickian terms as deontological limits to individual freedom, in which each individual can do as they please to an extent that every other individual enjoys an equal level of freedom (R. Nozick 1974).

The understanding of the liberal conception of rights in relation to the goal of combating climate change is of importance for the secondary object. Namely, only the right wing libertarian as defined earlier believes in individuals being entitled to full absolutist rights. However, as mentioned

before, it is highly likely that some options strand in trying to persuade this hypothetical figure, but are still useable for ‘softer’ forms of libertarianism. For this second goal of this research, a slightly deeper understanding of the concept of rights within the libertarian framework is needed. A suitable definition of rights for this research could be that people are entitled to means not to be deprived of by other moral agents in the absence of moral significant reasons (Sahar 2009). This definition views rights in a relation to other moral agents. This relation is an important condition, since: first, it has to be something other than myself which could violate my rights. Second, it should have epistemological intentionality in order to be responsible for that violation. What this means is that it doesn’t seem to make sense to ascribe a rock the capacity to violate my rights, nor an animal. The rock does not hurt me intentionally when it falls down a cliff on my shoulder, whereas the animal could hurt me intentionally, like when I do not feed my cat for a too long time. My cat however is most probably not aware of the fact that I have a right to not be harmed. In addition, and this is a very important clause to most libertarians, the inclusion of moral significant reasons needed to be a violation of my rights ensures that there remains a distinction possible between the violation and infringements of my rights, within the contingent and specific situation that occurs. Taking someone’s phone without consent in order to save someone’s life is still not a perfect situation, but you do not violate their property rights. You merely infringe them. This distinction then is however *not* available to the right wing libertarian considered in this research, which makes him the hardest of libertarians to persuade being motivated to combating climate change.

## 1.2 Left and Right Libertarianism

As mentioned in the introduction, the main aim is to persuade the most extreme ‘right’ version of libertarians thinkable into being motivated to change ones behavior for the better when considering climate change. In doing so, it could be that some reasons which fail the primary goal are still useful in persuading other, less radical libertarians. It is therefore important to have a better understanding on how left and rights libertarians differentiate and are related to one another.

The usual differentiation between left and right libertarianism depends on their reading of the Lockean Proviso on appropriation. Locke argued that man could appropriate goods when she mixed her labor with it, provided that she would leave *as much and as good for others*<sup>3</sup> (Locke 2000). The precise interpretation of what as good and as much entails creates a spectrum from far left to far right libertarianism. The most extreme leftist reading suggests joint-ownership of every resource, which

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<sup>3</sup> *Italics* are made by me.



proposes the condition of universal consent in terms of either majority voting or unanimity, since the appropriation has to be endorsed by everyone. Then somewhere around the middle of this spectrum there are views like sufficientarianism, which entails that when a resource is being appropriated, the appropriator has to make sure that the rest of humanity is provided in their basic human needs.

The position of interest in this research is the far right corner. Here, what matters is that *his* individual freedom and *his* properties are the sole reasons that he is motivated to act in the political realm. Social justice, in his world, is equal to the Nozickean minimal state, meaning that no one may be left worse off when compared with non-use or non-appropriation. He is a purely deontological libertarian, which entails that not consequences but rational principles are what matters when trying to determine the right course of action. Finally, as a libertarian, he focuses on negative freedom, and positive freedom should be addressed only under the most extreme circumstances.<sup>4</sup> Negative freedom is articulated in things one should not do, like not harm or steal something from another agents, whereas positive freedom is articulated in being entitled to, like having the freedom to enjoy education or healthcare.

However, every position from left to right libertarianism runs into its own problems. Roughly, the right libertarians on the one hand blame the lefts that they put too much faith in the government or other forms of an organized collective of people, thereby reducing the individual's right to self-ownership. On the other hand, the lefts think that the appropriation as read by the right libertarians seems too much like a first-come-first-serves principle, which is too arbitrary. All the positions in between their most radical counterparts have to deal with these critiques one way or another with more or less intensity.

For this research, a close to the classical reading of Lockean Proviso will be used in that letting the rigorousness of the self-ownership value define the position of the liberal argument on the spectrum. This grants the opportunity that every response given to combat climate change that does not affect the most rigorous of right libertarians could directly be labeled as potentially relevant for other forms of libertarianism. Now that the definitions are in place, the first three options that could motivate a right wing libertarian into better behavior towards the environment can be discussed.

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<sup>4</sup> This point is made most clearly by Wolff (Wolff 2006, 1614), when he states that it is in the libertarian fashion to formulate rights negatively. Also, positive rights have a greater danger of getting into conflict with one another and/or with negative, whereas negative rights do this less often.

## Section 2: Common Options

### *Polluter Pays, Ability to Pay, Human Rights and Granting the Environment Inherent Worth*

In this section the most common options encountered in the literature in search for a response to the climate change question will be discussed. First, the principles of the ability to pay and the polluter pays will be touched upon. However, these principles fail the central question of this research too easily, since they are primarily consequentialist arguments and thus not fitting the libertarian framework. After that, the seemingly available bridge between the reasoning from the concept of Human Rights and right wing libertarianism will be elucidated. Third, although *prima facie* impossible, it remains worthwhile looking into the option of granting the environment inherent worth. Finally, this option will turn out unsatisfactory for a right wing libertarian. This is mainly because of the fact that climate change is a too complex collective action problem, which will be discussed more extensively in section 3.

#### 2.2 Principles: Ability to Pay and Polluter Pays

The first well-used option is the principle wherein the one who has the Ability to Pay for combatting climate change, should pay for it. This principle avoids a prominent problem on the following epistemic condition: we do not have to know who polluted what, historically and now. Build on the conventional claim that most economic prosperous agents – countries, companies and individuals - are most probably partly become wealthy due to their energy intensive activities they do and have done, it seems fairly reasonable to claim they are responsible for climate change to some extent, and thus they have to pay for it. Another approach to this reasoning is that it will be mostly the poorer parts of the world that suffer most from climate change, whereas the wealthier parts will be capable of handling the consequence. Since no one chooses where one is born, it is at least intuitively appealing to claim that the wealthy should help the poor.

This principle however suffers of at least two problems for a right wing libertarian. The first problem is of a practical nature, namely that of determining who exactly has to bear the responsibility. If it would be on an individual basis, it would be immensely complex to calculate exactly who is responsible for what (Moellenhof 2012). This problem will be encountered more often and thus discussed more extensively throughout the research. Would it, secondly, on the other hand be calculated on the basis of country or company, it starts to look very utilitarian. The underlying principle of this reasoning seems to be a strive for the greatest achievable happiness as a collective good, or the greatest reduction of suffering. You have to pay because you can, not because you have done

something wrong. Of course, some rich people have *probably* become rich through energy intensive activities, but definitely not all. As long as the science is lacking, it would simply mean you have to pay because you are wealthy. This then seems to possibly only be motivated by a greater good principle, and that is what a right wing libertarian obviously would not commit to.

Then there is the Polluter Pays principle. As the name suggests, this principle states that those who damaged the environment in one way or another, should be held accountable for their actions. There are a lot of different versions of this principle, primarily differentiating on practicalities like scope and time, but the principle remains the same. However, this principle does not fit the libertarian framework either. One reason is of a practical nature and can be seen as an extension of the problem for the ability to pay principle. Namely, the principle would depend entirely on figuring out the causality of the harms done. Who as polluted what, when and how did it effect other agents who are entitled to non-interference is an immensely complex question that will most probably not be answered within the timeframe of urgency surrounding the climate change problem.

But even if, *ex hypothesi*, the causality of the harms done could be determined, this principle brings forth a more theoretical and fundamental problem for libertarianism as theory. Namely, it seems that an increase in freedom of person A, necessarily reduces the freedom of person B. If you want to increase your freedom in terms of, say, mobility, you could start driving a car. However, this decreases person B's freedom since walking around on the street now comes with a slightly larger risk compared to you not driving a car. Thus, to be able to choose between either, seems to imply a presupposed conception of the good, which is what libertarians try to avoid by all means. Alternatively, libertarians come with suggestions that tries to answer this problem. The principle of Polluters Pay then, read through a libertarian lens, looks a lot like the solution offered by Nozick.

Nozick was aware of this problem and thus suggested a principle of cross-and-compensate<sup>5</sup>. He first argued that property rights cannot be absolutes, because that would necessarily lead to intervention with others liberties. So, he suggested that if property boundaries are crossed, they need to be compensated adequately. What adequately entails is up to the agent that's being crossed, since it would otherwise leave the door open for a conception of the greater good beyond the minimal state. The value of compensation has to be determined on subjective grounds, as is the whole idea of libertarianism: individual freedom and self-determination.

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<sup>5</sup> This term is coined by Sobel (Sobel 2012, 38), who uses it to not only aim for Nozick's Principle of Compensation (R. Nozick 1974, 30 - 35) , but also the arguments on using his principle in helping justifying the state, etc. For a better understanding of the term Cross-and-Compensate, look at footnote 17, 18 & 19 in Sobel's essay.

There are multiple problems with this principle, most of which the time nor need to discuss them are here. The most principled problem does suffice to understand why the Polluter Pays, even through the eyes of a libertarian, would lead to a dead end. Namely, the principle of cross-and-compensate does not solve the tension on freedom described earlier. Because what if some agent for whatever reason claims that there is no compensation adequate enough for her being crossed? What if I decide that there is nothing in this world, no amount of money, that could compensate my desire for, say, breathing in clean air? The only way around this problem is to let in some form of objectively determining what counts as a reasonable compensation. But this then seems to suggest a conception of the good libertarians do not appreciate, besides the paternalism it would necessarily imply (Sobel 2012).

Conclusively, both principles do not fit the libertarian framework for becoming motivated to action in the fight against climate change. The first principle is obviously too consequentialist. The second principle could be understood in libertarian terms, however, it opens a discussion libertarians would first be required to answer before being able to accept the Polluter Pays principle. This final problem will be encountered and discussed more extensively in Section 3.1.2 when the Clean Hands Principle is discussed. For now, the two remaining common options will be discussed: the Human Rights approach and the Inherent worth of the environment.

### **2.3 A Bridge: Human Rights and Libertarianism**

There is a reasonable amount of literature<sup>6</sup> on trying to combine the problem with responsibility on climate change and the concept of Human Rights. The most easy bridge between both dimensions of global justice is Human Right 25, which states that:

*‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Nations 1948).’*

The changing of the climate will harm people in those areas and humans are responsible for those harms. Now there is a lot of potential in building a bridge between both dimensions: Human Rights is for example capable of escaping the economic view of the world (Caney 2011). This line of reasoning

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<sup>6</sup> See for example (Humpreys 2011) and (Caney 2011)

however consists of a lot of similarities with granting the environment inherent worth as well as the Clean Hands Principle discussed later. The former primarily because it aims at granting something else, something transcendent if you will, than individual humans inherent worth. The latter option discusses what this would look like within a libertarian framework, albeit based on mandatory vaccination. For now, although this view look very promising, I think it should be left for what it is. Namely, I see two options: or the arguments in favor expressing the harms done by climate change are indeed similar to granting the environment inherent worth and/or the Clean Hands Principle. If this is the case, the arguments will be discussed albeit in other terms. The other option is that it is not the case and they entertain entirely different arguments. If that is the case, it would probably take a research comparable to the current one to get a grasp of it. Due to the lengthiness of this already lengthy research, I leave this option for what it is.

#### **2.4** *Granting the Environment Inherent Worth*

This option is offered by Wissenburg in his book '*Green Libertarianism*' (Wissenburg, Green Liberalism 1998). His line of reasoning starts with the reason for libertarians to not harm other people, which is rooted in the inherent worth of every individual human being. In this context, what is meant by inherent worth is that the entity discussed should be considered valuable, independent of a specific, contingent context. So, one option on why libertarians should be motivated to change their behavior towards the environment is demonstrating the inherent value of the environment. In other words, just as with individual human beings, the rational liberal should then reasonably stop harming the environment for whatever reason he could possibly have. The fact that libertarians do not embrace the environment as inherently valuable, counts as proof to environmentalist<sup>7</sup> that libertarians too much praise their strive for political neutrality and is too anthropocentric. Thus, the tension that arises between both positions is *prima facie* clear: libertarians see only humans as having inherent worth, whereas environmentalist also value the environment inherently. However, there are some options for libertarians and environmentalist to meet halfway which will now be discussed.

One option is to argue that caring about the environment as a libertarian is possible in the sense that nature is practically always of importance to humans. In his chapter on greening libertarianism, Wissenburg suggests that environmentalist usually 'attack' libertarianism on their claim towards political neutrality and/or their being too anthropocentric (Wissenburg, Liberalism 1998). The former

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<sup>7</sup> Environmentalists entail every political theory that conceives the environment as inherently valuable. For the purpose of lengthiness, I do not go into details of this umbrella term.

attack grants some opportunity to bridge between the theories in practical terms, whereas the latter is of a more theoretical nature. Libertarians acknowledge that neutrality is never in absolute terms; one important example for now is that the desirability of the agents is limited by the conception of reality. What he means by that is that it is impossible to be absolutely free. Reality as it is, limits our options for acting. And so, we are constantly dependent on the healthiness of our environment in order to survive. Heath formulated it so that we are actually pretty fragile species that only by the merits of our capability to convert our surroundings, we manage to flourish as we do, in biological terms. ‘*We have carved out an ecological niche for ourselves, one that we think of as very robust, but in fact depends rather heavily on climatic conditions* (Heath 2016, 26).’ So this then leads to a conclusion saying that even though the environment does not have a theoretical inherent value as humans have within the libertarian framework, it nevertheless has the physiological science to claim that in *practically* every situation the environment should be considered valuable. Hence, the outcome of every public debate would be that libertarians should behave in such a way that the environment is not harmed.

It may be helpful to clarify this part by articulating this point in Rawlsian terms. Rawls explains that

‘the status of the natural world and our proper relation to it is not a constitutional essential or a basic question of justice. [...] it is a matter in regard to which citizens can vote their nonpolitical values and try to convince other citizens accordingly. The limits of public reason do not apply (Rawls 1972, 246).’

Environmental arguments are comprehensive arguments, meaning that they are directly drawn from a particular comprehensive doctrine. Caring about the environment is an end-state doctrine in that it proposes a moral good, namely a healthy environment. Thus, like any other comprehensive doctrine that proposes a moral truth, the arguments should be debated over in the public sphere (Wenar 2017). And that is where it is possible for the environment to gain its worth, albeit only but constantly instrumental. When looking at the most recent IPCC findings, it indeed seems to be the case that the outcome of the overlapping consensus between comprehensive doctrines should always be in favor of the environment, based on how bad it looks. (Bell 2002) As a consequence, the environment does not have to have the same moral standing as humans within the libertarian framework to get the same actual results.

So now the first serious option is articulated. The bridge between Human Rights and libertarianism on climate change seems promising, but aims for a whole different discussion than the current research does. Besides that, granting the environment inherent worth within the libertarian framework seems to be instrumentally possible in practical, actual terms. Aside from these, there is

one other approach to climate change from within the libertarian framework. Namely, to understand climate change as a collective action problem that requires solving. This option will be discussed in the next section.

For now, there remains the problem of being too anthropocentric. If indeed the environment is only granted room within the overlapping consensus, there remains the option to override the obligations among humans towards the environment in favor of more artificial gains, for example. This is problematic according to the environmentalist, Calder argues, because it is too human-made and it thereby already denies even the *a priori* possibility of a normative commitment to the inherent value of the environment (Calder 2011). So now the main problem returns, namely that of the desire to include the environment in the metaphysical discussion of political philosophy as opposed to the sole inclusion of humans by liberalism. In other words, the strength of liberalism as previously shown is its political pluralism, where '[...] the image it connotes is of a shared reality on which different doctrines take separate, contradictory perspectives, each self-consistent on its own terms but not on others (Calder 2011, 164).' But precisely this is the problem when considering climate change, since among other things it is not a doctrine with a perspective on the good life. It doesn't matter how you view good or bad, climate change effects people to a possible extent that life is no longer possible. And to understand this, you do not have to be an environmentalist: taken the assumption that the IPCC rapport is correct would suffice.

If this is to be acknowledged by liberals, this would mean that the environmental problems should be what Rawls calls being of political value, which satisfies the following conditions: 1) the serious harm limits the full participation as citizen and 2) serious harms limits opportunities for achieving the good life in that it reduces negative freedom. And climate change seems to satisfy both conditions. Living conditions are limited by the changing climate for most people. Moreover, the standard of living will be reduced and their negative freedom along with it.

Being of political value however does still not justify a specific policy or individual behavioral guidelines, since it only recognizes that there is a need for a just version of a sustainable world, not a particular version of that world. This completion has to be, again, settled in the public debate (Bell 2002) Now this research was not in the pursuit of a policy to be forced upon people in how to act eco-friendly. To the contrary, its goal is to look for a convincing reason *on individual basis* for a right wing liberal to change is behavior in favor of the environment. As such, it seems to be that although it might not be self-evident how one should behave, it seems to be possible for to integrate limits to an agents behavior on damaging the environment on the basis of the environment being of political value.

The option of being continually urgent in the public debate is a strong suggestion for many liberals. The fact that some people do not understand the importance of the environment and their bad behavior towards it respectively does not lead to the conclusion that people should not be corrected in their behavior by for example the government. Harming the environment means always harming humanity, and humanity as such has inherent worth. Acting eco-friendly could then be introduced as a side-constrain for action, as with other rights to non-interference. Without going into full detail on how this would take form, the principle is clean and optional within a liberal framework.



### **Section 3: Libertarian Solutions to a Collective Action Problem like Climate Change**

In this section, the central question of this research will be approached from the perspective of climate change as a collective action problem. First, the way in which climate change is understood as a collective action problem will be discussed. Second, an option for the answer to the central question will be looked for in an analogous situation. Namely, the collective action problem on mandatory vaccination. Third, the final option of this research will be addressed, which entails Free Market Environmentalism. Then, all for now relevant libertarian responses have been discussed and so the evaluation will follow in section 4.

#### **3.1 *Climate Change as Collective Action Problem***

The concept of a collective action problem is founded in the view that humans are self-interested and instrumentally rational. That is, an agent will choose whatever options fits her own interest most. Now, in some situations a collective of persons has a shared interest on the one hand, but conflicting interests on the other. An easy example would be a trade union. It is better for all employees of a company to unite themselves and use the power of the collective to force the company to grant preferential working conditions. But to unite the workers requires time and effort of only some individuals, not necessarily all. It would therefore, in principle, be advantageous for every individual worker not to take on the responsibility of organizing this collective, since they will also reap the fruits of unionized organization if they didn't do it and others did. Not actively participating whilst receiving the benefits is called 'free riding'. The core of the collective action problem is then that solely following one's self-interest leads to a suboptimal outcome if every agent did that for themselves (Dowding 2013).

When a collective action problem is concerned with a specific resource as the collective interest of the agents, it is called 'the tragedy of the commons'. In this case, the greater good which is in the interest of all the individual agents is not only an effect of emergence of their interest, like with the union example, but depends on a finite resource as well. A common example of this concept is the case of overfishing: it is in the interest of all those who earn their wage from fishing that they catch as many fish as possible on the one hand, but on the other it is better for all those who fish that there remains a certain threshold of fish, sufficient to reproduce a new batch for all fisherman to catch. The situation of overfishing contrasts with the situation of the employees union in that the collective interest, or the greater good, is finite. The achievements of the union are in some respect limitless, as well as the effort put into it, in the sense that the work is never done and the collective action problem is never completely solved. The union continually needs time and effort from certain individuals in

order to exist and thus the free rider problem remains an option for the individual agent. With the overfishing, it starts similar in that it is advantageous for the individual agent to only follow its own interest, irrespective of his or her competitors. But this will eventually lead to a race to the bottom: ultimately there will be no more fish and every fisherman is worse off.

Hence it is more understandable why climate change could be perceived as a collective action problem. Since the latest IPCC rapport it has become known that it would be better for everyone if humanity combats climate change collectively. It is also a tragedy of the commons situation, in the sense that we only have a finite amount of pollution we could bear without getting to close to a natural catastrophe: if we pollute to the extent that global temperature rises above a certain threshold, the effects will probably be catastrophic. Think of the familiar examples of ice caps melting, heavier storms and loss of agricultural capacity. Also the option of freeriding is present; in some (but valuable) respects, being the one that continues polluting whereas other countries or companies or people try to combat climate change gives you an advantage. In economic terms, for example, it would give the polluter a short-term advantage over the nonpolluter due to the lower costs of unsustainable production mechanisms. We will discuss climate change as a collective action problem more in depth in the section that discusses the comparison to other collective action problems.

### 3.2 *Clean Hands Principle*

The following option is based on the ‘Clean Hands Principle’ formulated by Jason Brennan. He argues for mandatory vaccination within the libertarian framework and there are some morally relevant analogies between his case and the climate change case. The overlap will be discussed simultaneously, i.e. there will be looked for similarities and the lack thereof between his and our case.

Brennan starts his argument with the assumption that not vaccinating people is dangerous. As a consequence, the government should coerce people into vaccination, since it is the primary function of the government to protect its own people. This however does, at least *prima facie*, not stroke with the libertarian view that holds that no individual should be coerced to action in favor of the common good. What he means by libertarianism is quite similar to the definition formulated in Section 1, with the only difference that he emphasizes mostly with the fact that the role of the government is relatively small. This is because his aim is to lay out the foundations on which a government could, within a libertarian framework, create policy that coerces people to vaccinate. This contrasts with this research aim, which is to look for inherently motivating reasons for right wing libertarian. However, this doesn’t necessarily mean that the reasoning in favor for the vaccination policy argument could not also be applied as being an inherent motivator for eco-friendly behavior.

Brennan starts with a claim in which he already differs from this research' perspective, namely that the negative civil and economic rights are strong within libertarianism, but usually not absolute. This leaves the door open for the earlier discussed infringements of rights. That is, when the consequences of a certain action are to a degree that a catastrophe would be immanent, certain individual rights could be overwritten. The example Brennan uses is of a zombie apocalypse: if the people who would not be vaccinated turned into zombies which threatened the entire human existence as a species, we are allowed to force them into vaccination. However, in both cases this exception on the right to non-interference does not hold: in Brennan's case because he is not dealing with a zombie apocalypse, in this case because a catastrophe is not necessarily immanent.<sup>8</sup>

So now it may have become clear that the difference between the clear cases of zombie apocalypse on the one hand, and the vaccination and climate change case on the other could have something to do with the knowledge of the consequences available. To elucidate this difference more, Brennan borrows a case from Flannigan, who proposed: *'During the fourth of July celebration, your neighbor shoots his gun into the air indiscriminately. A falling bullet lodges in your shoulder* (Flannigan 2014, 7 - 8).' Now it is not hard to see that, even though your neighbor did not aim at you specifically, your neighbor should be coerced into not firing his gun into the air, since he clearly hurts you. Furthermore, not only is the knowledge of consequences what matters, but also the fact that the risk of the harm has a low probability, their victims are unlikely to identify them and they do not intentionally hurt their victims. All these variables are of relevance to both cases on vaccination as well as combatting climate change. Hence, coercion by the government should be allowed within the libertarian framework when these epistemological conditions are met.

However, there is major difference between vaccinations and climate change on the one hand, and the case of Flannigan on the other. That is, the former cases are collective action problems of which the conditions are extensively discussed in Section 3.1. To sum up: in vaccination and climate change 1) there is not a collective intention to do harm. In the case collective action problems, there is not one agent who decides to pollute or not, in contrast to your neighbor, who is the only one in control of his action. 2) The risk of not participating in the common good is not easily clear to specific individuals. Your neighbor should be capable of understanding, even though chances are really small, that his action could lead to a clearly bad consequence. In contrast with collective action problems, by which a 'one swallow does not make a summer' situation is applicable. 3) There is this prisoner's

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<sup>8</sup> There is a scenario in which a catastrophe would happen, however, this scenario is not included in the starting premises. So for now, this line of reasoning is considered as a dead end.

dilemma, in the sense that for an individual action to be effective, everyone or a vast majority of the individuals should undertake the same action. This is not the case with the Flannigan case. And 4), if most individuals would undertake the preferred action, the remainder of the individuals could harmlessly free ride (Dowding 2013). Again, in the Flannigan case is everybody who shoots in the air committing a wrongful act, period.

So now the position is reached in which it has to be justified that forcing individuals into certain behavior<sup>9</sup> should be allowed, even though there is a lack of sufficient information to blame specific individuals from spreading diseases or damaging the environment. At most, a collective of individuals can be blamed. This situation is what Brennan frames as overdetermination, which entails that *'[...] a group causes harm to another, but the individual input is neglectable* (Brennan 2016, 4).' This situation could be overcome when it is clear which theory of acceptance of risk the liberal in consideration takes for granted. Recall that this is the same situation discussed earlier, with Nozick's principle of cross-and-compensate. Brennan however follows Sven Hansson's theory – rather than Nozick - that emphasizes with an equitable social system of risk-taking that works to the agent's advantages: we have to accept some risk IFF this exposure ensures some relatively comparable advantages. This principle establishes a difference between following the previous example on letting people drive cars for the sake of gaining enormous mobility, on behalf of the possibility of an accident. But people are not allowed to place a bomb in a city with a one in hundred million chance of going off, since it does not benefit anyone. Other theories could suffice also to make this differentiation.

This all then leads to the clean-hands principle, which entails that there is a moral obligation not to participate in collectively harmful activities, and this obligation is sometimes enforceable by the State. Depending on which theory of difference for reasonable risk one endorses, there are situations in which the government is allowed to force someone into certain action. Or at least force someone in not doing a certain action. Brennan adds one more argument worth noting on why every liberal should

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<sup>9</sup>In case of libertarianism, it would probably be forcing people into *not* doing something, articulate social justice in the negative sense. Further, not doing wrong things does not necessarily have to make it right. So, a reformulation is required in which the state may actively force people to stop doing wrong things, instead of helping them do good things. Thus, the case of vaccination, they *stop* the individual from *causing* harm; it is not an instance of forcing an individual to *help* others. Since I think this difference matters mostly when trying to formulate a political policy, rather than looking for an inherent reason, I did not include this in the main text.

have at least a form of a clean hands principle. That is because if not, he argues, someone could do literally anything, even undermining libertarianism itself, under the flag of being part of a collective and thereby not being the one and only individual causing harm. Thus putting everything together, the Clean Hands Principle is a further specification on the right to non-interference that is focused collective action problem.

### **3.3 Free Market Environmentalism**

Practices that damage the environment are commonly seen as market failures in that the market does not include the cost for damaging the environment in its system. It is sometimes attempted to include those costs in the form of transaction costs, but those are almost never sufficiently comparable. In other words, since nobody owns those aspects of the environment that are of crucial importance when regarding combatting climate change, like the air and most of the oceans, no property rights are violated. So some environmental areas are a commercial wild west, where one can do as one pleases.<sup>10</sup> One common reasoning, and what is in most cases the actual situation, is that the government should take care of this situation, by prohibiting such-and-such damaging behavior towards the environment.

Free Market Environmentalism, or FME, is an alternative policy to that line of reasoning of governmental interference. Polluting behavior should then not be seen as an failure of the market but rather as a lack of a free, competitive market system in the areas of consideration. If the environment would be included in the market system, in the sense that parts of the environment like the air could be owned by people, companies or countries, it would lead the environment being protected on the basis of property rights. Agents would then be able to do with ‘their’ environmental part as they please and, more importantly, other people are not allowed to interfere with their property. And thus FME and the market failure model are two sides of the same coin of solving the Tragedy of the Commons: you either let the resource be controlled by the State or you introduce private property (Adler 2009).

FME is about the extension of property right to ecological resources so far as to facilitate their use and protection in a manner consistent with individual preferences, including any preference for a clean and healthy environment. It is easy to see how this fits the libertarian framework more than her alternative policy: individual liberty and efficiency are safeguarded instead of more power being granted to the state and thus individual freedom being reduced. Most remarkably is the efficiency what makes it so attractive for most liberals as opposed to the governmental solution. Namely, as was

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<sup>10</sup> Ofcourse, this is a bit of an exaggeration because there is exists a lot of policy in prohibiting damaging activities towards the environment. However, in favor of the point I’m trying to make, these policies are way less effective compared to when it would be someone’s property. This then is what the rest of the section in about.

pointed out in the introduction of this section, it is impossibly complex for a centralized institution like the government to oversee such a huge collective action problem like climate change. Putting the environment within the system of property rights grants two functions that cannot be replaced by centralized coordination: 1) fluctuating market prices communicate the circumstantial value of a product to agents and can never be comprehended in their entirety. To respond to the market, individual actors do not need to know all information possible, as the state would when they tried to centralize the resource. And 2) the existence of a scarce good is a product of creative processes (Pennington 2005).

Let's dwell on that last point a bit further. 'The content of the scarce good being dependent on creative processes' refers to what is commonly and mistakenly understood as 'waste', in terms of resources. Waste, as a product of for instance burning fossil fuels, has essentially *not* become an unusable resource. The earth is not an open-system – as is commonly thought – with high-energy containing resources as input and low-energy containing resources as an output. Instead, it is rather closed, in which resources that are used are transformed to low-energy resources. Every form of 'waste' could be transformed to a 'resource' and thus no resource is non-renewable. Think for example of the fact that splitting molecules *as well as* fusing them would produce useable energy. Or the fact that CO<sub>2</sub> is a common output for our factories, whereas it is the input for most flora by means of photosynthesis. So the fact that we nowadays lack the technology to make use of certain resources does not mean there is a limit to economic growth (Heath 2016). It is not that because, say, there is a limit to how much oil we can pump out of the ground there is a limited existence for companies providing us with fuel, in the broad sense of the word. Shell could start investing in solar power, for instance. And thus when property rights are introduced into the realm of the environment, it would stimulate the participants of this market to look for new, efficient ways to gain resources in the already scarce market. So besides not having to understand the whole situation with the environmental system before being able to plan the next step, agents in a free market would also be more incentivized to improve our current technological situation more than a government could be.

Unfortunately, this is not the end of the discussion. Dawson argues, in his article on how to privatize climate policy, that FME as it is formulated above is only shifting the problem. It is offered as a solution to too much governmental interference, as the alternative policy suggested, but seems to ignore the ontological question on who should allocate the property rights. It seems that most probably the State would take the honors and this would strike, again, into the hairs of most liberals. Dawson therefore offers an adjusted version of FME. Proclaiming the environment could be done on individual basis by means of strict liability, he argues. Due to the present scarcity of the directly useable natural

resources the environment offers, there necessarily would arise interpersonal conflicts. These should consequently be solved within the court of law, according to Dawson, and not by the government (Dawson 2011). This view would fit the liberal framework more seemly because the government is not forcing an idea of the good upon its citizens, without losing the incentive to do research on technologies to combat climate change.

This enhanced version of FME has three other advantages when compared to common FME. First, there is the strict liability as mentioned above. This is the advantages where the allocation of property rights could evade the government in granting property rights due to the causal relationship between damage done to my property and your action. Now there has been stated earlier that the science on climate change is too messy to elucidate in exact terms which action causes which reaction. However, this epistemic requirement is of no interest when solely the causality of the harm is considered. When my property is harmed because of your action in one way or another, I can sue you in court for violation of my yet to be defined property rights. Thus, the property rights will be decided after there is established what 'part of the environment' I am depended on to live free of interference. So for example, company X pollutes the water high up in the river. Agent Y lives in a village at the end of the river and drinks the water from that same river and then becomes very ill. Without having the property over the water beforehand, agent Y can sue company X for making him sick by polluting the river.

In addition, and the second advantage, is the combined effect rule. The combined effect rule states that even though it is not entirely known to what degree a participant of a wrongful act has contributed to that act, it remains the case that all participants are wrong to at least some degree. As discussed in the previous option on the Clean Hands Principle, this rule requires a theory that establishes a form of risk taking. Nozick's Cross-and-Compensate might not be the best option, but Hanson's seems to suffice. As was demonstrated with Brennan's case, even neglectable action towards the collective harm could be judged as a very wrongful act.

Third and finally, litigation is a public good; it is non-exclusive and non-rival. This is an important note to demonstrate why it would not only be rich countries that are capable of paying for expansive prosecution that would profit from this form of FME. Everybody, for very different motivations, can sue unjustly acts by agents in the court of law. What this means then is that when company X pollutes the river but the villagers downstream are too poor to go to court themselves, any NGO or maybe even rival company or whomever has the reason and resources could sue company X for their wrongdoings. Besides that, climate change has effect on a global scale, meaning that companies that pollute the air could probably be sued by every other company around the world (Dawson 2011).





## **Section 4: Evaluation of the Options**

### *Why All Options Do Not Suffice*

In this section, all potential options for motivating a right wing libertarian that are presented so far will be evaluated. The evaluation consists of two categories of arguments.

Firstly, all arguments that are based on grounds of practicality will be discussed. Practical in this sense means not looking at abstract, principled arguments but rather looking at the world as it is. This category focusses at the fact that damage done to the environment is irreversible. This then shows that most arguments given lack a sense of urgency and are too reactive, for example by stimulating a witch hunt rather than motivate individual agents internally.

Secondly, the arguments of a more theoretical nature will be discussed. This category consists of two parts. Part one argues that due to the fact that the climatological science is unclear in some but important respects, the magnitude of the human involvement as well as the specification of the right type of action for the individual are and will be too vague to understand. The second part is a theoretical critique on the free market within liberalism in principle.

#### **4.1** Practical Objections: *Damaging the Environment is Irreversible*

The options discussed in the previous section do not put enough moral weight to the fact that the humanity does not yet have the technological capacity to artificially replace environmental features needed in order to survive. Damaging the climate is currently an irreversible action. To understand this more clearly, Heath's (Heath 2016) argues for the view Neumayer's articulated when he made the distinction between weak versus strong sustainability (Neumayer 2005). The weakest version claims that every valuable resource could be traded for any other valuable resource of equal value. The stronger the sustainability becomes, the more resources are intrinsically valuable and thus not tradeable for different resources. Hence there should be, at least for now, a 'list of stuff' which are untradeable (Heath 2016). A well-known example is the damage done to coral reefs. As long as there is nothing artificial that we can produce that could take the coral reefs place, it should be considered as untradeable for any other resource

##### **4.1.1** *Urgency*

This is mainly a problem for the enhanced version of FME, rooted in the fact that the environment is not a clear political value as others are. It seems to be that making juridical cases would take much

time and effort to make a strong case for fighting the polluters. Especially since damaging the environment is far from as clear as for example hurting another person. Now the timely aspect is already addressed by Dawson, when he points out that usually only one case needs to be won which could be used as an exemplary case for other cases (Dawson 2011, 12). If for example Shell is defeated in court for polluting activities, arguments and science that is used there is probably to a certain extent re-useable when suing Gazprom. Also, as discussed earlier, the epistemic condition is mitigated by not being required to know exactly what pollution causes what harm.

Nevertheless, it remains doubtful whether this solution would meet the time requirement that climate change enforces from making a case to changing one's behavior. The science is everything but close in providing such answers. Even with the injection of a lot of money in the future of science remains speculative. This route would need a lot of bureaucratic procedures on a global scale, that in considering the lack of clear, effective climatological science would probably take too long and the evil already happened. This democratic inefficiency is well-known and less of a problem for other political values, but not for climate change.<sup>11</sup> I do not wish to go into full detail on this point; it would require a lot more empirical research to see exactly how long it would take.

#### **4.1.2 *Witch Hunt***

Following on the previous, practical argument is that there would probably come into existence a witch-hunt on the big players. Granted, it is of the utmost importance that those big players change their behavior towards damaging the climate, but this would be more effective when a policy is formulated that demands from every agent to change their individual behavior for the better. It seems to be more of a top-down approach: big, strong players suing other big strong players in that they should pollute less.

There are however two ways in forcing companies into certain behavior: you either force it by law once those laws are won in court, as Dawson suggests, or force it by the invisible hand (Smith 1776, 456). What this means is that the collective of individual consumers moves the supplies of goods by means of their demand. Hence, individual consumers do have forcing power over the big companies and do not necessarily need the law to coerce certain productional behavior. Therefore, if arguments are found to persuade the individual libertarian in polluting less, he would change his behavior towards a better environment. This entails driving less polluting cars, reducing meat consumption and action

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<sup>11</sup> Here, I do not mean to downplay other social problems within society. However, climate change does fundamentally differ from other problems in society in that the democratic inefficiency does lead to irreversible consequences, whereas this does not necessarily has to be the case with more human involving affairs.

alike. Since all those products come from companies that, as a consequence from that change in consumer behavior, see their income on those products decreasing, are either eliminated from the market or forced to find new, and better-for-the-environment ways to supply.

Hence ideally there would be arguments that would motivate a right wing libertarian inherently and thus directly to pollute less. In this way, there is more convergence with the liberal idea in which individual freedom is key and rationality is leading. In other words, and articulated a little bluntly, everybody should do as he or she pleases and, in doing so, understands on rational grounds that not harming others increases everyone's freedom to a maximum and equal degree. Hence, policy that prohibits harm follows from free, equal and rational individuals, not the other way around. Dawson's version of FME, however, does not persuade an individual liberal into polluting less. Dawson's solution seems to motivate agents more in going to the courts suing people who have violated his or her rights environmentally. The same goes for not granting the environment inherent worth and thereby leaving the content of eco-friendly behavior open for disagreement to be debated within the public sphere. It is not self-evident, as it is with other forms of non-interference for right wing liberals, that and in what way pollution is a moral wrong. However, these options are of course helpful and could co-exist with changing one's behavior. Nevertheless, there seems to be remaining a problem with prioritizing.

#### 4.2 Theoretical Objections: *The Science is Unclear*

This paragraph looks at the more theoretical problems of the options presented. First, there will be argued that climate change should be considered as a collective action problem that is unprecedented compared to all known, other collective action problems. It is a problem with so many dimensions that Gardiner even called it a 'Perfect Moral Storm' (Gardiner 2016).

As previously discussed, self-determination is the core value in right winged libertarian political philosophy. In order for an individual to determine herself, she at least needs a right not to be harmed. However, climate change harms<sup>12</sup> and will continue to harm people. Meanwhile, the enforcement of the rights that ensures non-interference the minimal duty of the state according to every liberal, otherwise we would no longer speak of a liberal state but rather of anarchy (R. Nozick 1974). The problem, however, is that in most situations, it is quite clear what the state has to do to protect individuals from being harmed. Yet, not in the case of climate change.

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<sup>12</sup> One example are the flood in India. (Gupta 2009) There are certainly more examples, but for the purpose of overview one, striking example would I think suffice.

The causality of the harm done is usually clear as is the responsibility in the violation of rights respectively. But with climate change, the causality of the harm inflicted is done by a huge collective, and within that collective, responsibility is distributed, if not diluted (Banks 2013, 44). Basically every human being, beside the marginal cases of those living as an environmental neutral hermit, has done something in some way to damage the climate. And to make things worse, it is not only the current generation that damaged the climate. For centuries, people have been polluting the air, knowingly and unknowingly. On top of that, it is hard to determine which effects of climate change would have happened anyway and which are the product of human action. And these complications are only the beginning. Most relevant complications with climate change have been touched upon throughout this research. For now, it is important to note that it is extremely hard, possibly even impossible, to determine precisely and/or individually those who can be held responsible and to what extent. As a consequence, it is extremely unclear what the state or an individual should do according to liberalism to make sure people pollute less.

Thus the situation is bluntly as follows: people pollute, which causes climate change, which causes further harms, which violate the rights of people. As can be seen, the problem is that it is people *causing* the harm done in some way, but it is not clear at all in *what* way exactly. Now it is unjustifiable for a reasonable right wing libertarian to violate people's right to non-interference. In contrast with other political philosophical theories, wherein the state could be called to action more easily for some greater good, this is not the case with political right wing libertarianism. Hence the following note is of great importance: for our research, the science on climate change does not imply policy. There exists no greater good on which the individual preference should be adjusted or even overruled.<sup>13</sup> So when there is assumed that the search for reasons to motivate a right wing libertarian agent, it will be reasons that will motivate him specifically as a rational being. Hence it is not a search for reasons that will motivate the state to create certain policy.

#### **4.2.1 Magnitude**

This problem is mostly relevant for the comparison between climate change and mandatory vaccination discussed in section 3.2. The science is unclear in the sense that the purely human inflicted climatological harms are underdetermined. By this the direct links between wrong individual action and its consequences is not aimed for, because there the analogy between vaccination and climate

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<sup>13</sup> Of course, there are those side constrains needed to establish the minimal state. But these are not considered as a greater good, but more of a rational equilibrium for every individual who desires freedom.

change holds. In both cases one individual could harmlessly freeride, as long as the collective has reached a certain threshold of vaccinated or non-polluting people. Also, climate change is not necessarily catastrophic. As discussed in the introduction, for this research only two premises from the IPCC rapport are used, namely that climate change is happening and that it is at least partly human inflicted. This then means that changing climate would not necessarily lead to a catastrophe. However, in accordance with the case on vaccination, low probability of risk including the magnitude of the risk does not change the moral wrong in participating in a collective action within the libertarian thought. In what sense the uncertainty of the science then does change this case of climate change with vaccination is that with climate change, it is currently nearly impossible to understand the magnitude of the human contribution. That is, floods, droughts, hurricanes and the like would have happened anyway, even if we lived completely carbon neutral for over the past thousands of years. It is primarily the frequency and intensity of the natural disasters that differs due to human action, and the human influence is yet too complex to understand. As opposed to the vaccination case, wherein it is possible to (almost) entirely eradicate certain diseases by means of collective action. Think of polio, measles and smallpox. (Unicef 1996) When known and defeasible epidemics like this happen in countries with a strong health care system, it is almost certainly due to the fact that too many people did not vaccinate. Hence, not only are the direct benefits of polluting less as clear with climate change as they are with vaccination, the intensity of the benefits aren't clear as well.

#### **4.2.2 Epistemological Condition**

Following 1.2.1 in considering vaccination, it seems to be categorical what you can do as individual. You either do or do not vaccinate yourself. Now of course there remains a pallet of different diseases one can vaccinate himself for, but after doing some simple research he could easily come to understand which vaccines are of importance for his specific situation. This happens all the time when people are planning to go to different, far-away parts in the world that contain high probability areas of exotic illnesses. The information is around, as well the available opportunities to get the vaccinations. With combatting climate change this is way more ambiguous. Driving a hybrid car is better than driving a car on gasoline, but driving an electric car is better than driving a hybrid car. Not only that, it also depends on what kind of energy one uses for his electric or hybrid car: driving a hybrid car but fueling it with green electricity could be, depending on how much you actually drive, better for the

environment than driving an full electric car fueled by grey energy.<sup>14</sup> And that is only for driving cars. There are similar, complex comparisons with eating less specific sorts of meat (Andersen 2014), travel by public transport (Banks 2013, 44) and doing certain jobs.<sup>15</sup>

There is an important aspect that requires more attention in order to not become misunderstood. Namely, the point is *not* that only being actively aware of certain consequences of an action ought to constitute a specific action. So, in the case of vaccination Brennan argued that, due to the fact that not vaccinating oneself could potentially harm people, one is under these specific conditions morally obligated to vaccinate oneself. This however does not mean that if an agent is unaware of the dangers of her action, she is necessarily morally excused. The argument on ‘knowing what to do’ presented above does therefore not mean that, due to the unknown individual specific details within the climate change debate, one does not have to act at all. It only means that doing something wrong unknowingly is easier with the case on climate change than with the case on vaccination, and thus those wrong actions towards the climate should be morally mitigated.

To elaborate on this point somewhat more, there will be looked at one common articulation of this epistemic condition that is formulated by Sher. He calls it the ‘*Full Epistemic Condition* (Sher 2009)’. Therein he argues that there ultimately are three exclusive epistemic options for an agent when acting, one of which entails two forms: 1) he is aware that his action has morally negative consequences, 2) he is not aware, due to *a)* being cognitively limited or *b)* living as some kind of social hermit or, 3) he is not aware, because he is self-deceived. From these three options, it should only be the second category that is excluded from the moral responsibility, no matter what moral theory one engages him- or herself in. If you simply do not know the effects of your actions and you could not be capable of knowing them, be it due to being cognitively or physically limited, it has to be a very demanding theory that loses a lot of moral power if it still wants to blame you for it.

However, things are different with the third category. This category namely only constitutes a difference between *understanding* rather than morally *excusing*. It could be, for example, that you have very good grounds from which you reason when you claim that you really need a very polluting SUV because you drive so much, but that does not morally justify your poor choice of environmental damaging car. A comparable reasoning goes for not being a vegetarian: it is very understandable that

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<sup>14</sup> This is of course just a random example to get the idea of the ambiguity of the climate change case more elucidated. I’m not a climatologist, or a natural scientist for that matter, so I do not know the details of this kind of statement.

<sup>15</sup> Consider of the discussion surrounding Leonardo di Caprio movie *Before the Flood*, in which he shows the world the negative effects of climate change in a documentary style. In order to make this movie, he had to fly around the globe a lot which is, ofcourse, a very polluting activity. Now I do not intent to go into detail on this discussion, but is a nice example of the complexities of doing certain jobs in the light of being good or bad for the environment.

it is hard to change one's diet, be it because eating vegetarian is more expensive, you are a stubborn person who doesn't like change or you are just really fond of meat eating, or even all those reasons together, that doesn't make it right. As long as you are not capable of correctly explaining why humans are morally superior to certain human-like animals<sup>16</sup>, like bonobo's or pigs, you act morally objectionable. Now it of course differs depending on which ethical framework one chooses to what extent these details mitigate the situation. The context specific details could mitigate the seriousness of the moral consequences of your actions, but it cannot change the fact that you act wrong. This is why there actually is a difference between category 1 and 3. So returning to the case on climate change, the fact that one does not believe that climate change is human inflicted or that his individual actions do not contribute to the effects on the climate, maybe because of his political views, does in fact not exclude him from his moral responsibility. Granted, it is easier to see why and how to vaccinate oneself than it is to live eco-friendly, but that doesn't make not living eco-friendly right.

### **4.3** *Liberalism, Climate Change and a Competitive, Free Market*

After understanding the different reasons why the unclarity of the science on climate change matters better, there is one other reason why climate change is a very difficult collective action problem to get a grip on for a right wing libertarian. This is that the reliance of right wing libertarianism on the concept of a free, competitive market, does not fare well when trying to fight climate change. First of all because polluting behavior, as opposed to for example not vaccinating, could be beneficial for the agent. The other problem is that FME only fits right libertarians when they are capable of sufficiently answering a critique on their blind marriage with a free, competitive market they so far are not capable of answering.

#### **4.3.1** *The Benefits of Polluting*

When like Brennan the quite common choice for the theory of Hansson on differentiation on risk taking is followed, it turns out that polluting behavior actually is beneficial to the polluter. It simply lowers the production cost if you can dump your residual output without worrying about the environmental consequences. Using coal is cheaper than using oil, whereas oil is cheaper than solar energy (at least within the set timeframe of urgency). This list could go on, but the point is clear: there is a very good

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<sup>16</sup> I based this comparison on the Argument on Marginal cases from the animal ethics discourse. For more information on this discussion, you could look at: (Wilson sd).

reason, at least financially and in the short run, to pollute. Now it is possible to argue that, in the long run, it would be more beneficial to change one's behavior to more sustainable and eco-friendly behavior. Oil in this case is a good example: you would be completely independent from your energy-provider if you put enough on solar panels on your roof. But this transition takes time and money in mostly the short-run, and not everybody has that. Hence, without going into a full discussion on pinpointing the exact equilibrium when the negative consequences outweigh the positive ones in financial terms, the 'being beneficial' when considering polluting less requirement is at least debatable and not attainable in the short term.

#### **4.3.2 Free Markets and their Losers**

The final problem is that striving for a free, competitive market doesn't seem to fit strict deontological libertarianism as much as they often suggest. This critique then is aimed at the most promising libertarian solution, namely FME. The intention of Adler and other libertarians to commodify the environment by enlarging the system of property rights rest on the assumption that, once property rights are in place, a free and competitive market would rise. This then has many advantages, some of which already have been discussed in the previous sections. However, the desire for a free, competitive market isn't the most reasonable form of allocation of resources as one would think. Namely, a competitive market brings along certain harms that requires a response from a deontological liberal in order to be the most reasonable form of economy.

In his paper 'Libertarianism, Utility and Economic Competition', Wolff argues that the preference towards a free market as a system to allocate resources that is common to libertarians, should not be as natural as it might *prima facie* seem to be. The greatest advantage a free market has to offer, as opposed to other known economic systems, is its aim for efficiency. Efficiency in this sense is usually understood in terms of the analogy to the biological principle of 'survival of the fittest'. The strongest companies, i.e. the ones that produce the most and best product for the lowest costs, will defeat, or push out of the market, the weakest. However, the analogy ends when taking the consequences for the losers in consideration. In nature the weakest literally die out, which obviously (and luckily) is not the case with human agents (Wolff 2006, 1609).

The problem then between liberalism and a free market, Wolff argues, is when the losers of the competition are taken in consideration. By losers everybody, company or individual, who is for



whatever reason<sup>17</sup> beaten by the market is meant. The losers are harmed - at least financially but probably also in other fields of their lives – and a strong moral theory should always take account in some way for harms done. Now the most common response to this is the use of an utilitarian argument of overall gain in utility, namely that the overall economic surplus is positive after the cost-benefit analysis when the losers are included. But as one might recall, in this research a strict, absolutist libertarian position is challenged that therefore does not care for the consequences of certain policies, let alone overall utility. What matters to him is the individual right to self-determination as well as the right to non-interference. How then does the strict libertarian respond to the harms done by competition?

Wolff discusses a few possible, deontological, libertarian responses, three of which are most relevant. Firstly, he looks at Locke's principle of harm towards competition within the libertarian framework. Harm through competition is justified, Locke argues, because it ensures the freedom of the individual consumers to buy and not buy however they see fit (Locke 2000). This claim might be easier to understand *a contrario*, namely: if harm caused by competition would indeed count as moral harm, the only way to prevent that harm from happening is by forcing people to buy from certain agents. Some companies should then be kept alive artificially. As a result, the individual freedom would be reduced and therefore harm by competition is not considered a moral harm within the libertarian framework.

Wolff then argues that this is no satisfying response to the question on the essential difference between harm by competition and harm by fraud. He does so by the following example:

‘Consider the employee who absconds with the year's profits. It is hardly a good defense to point out that exactly similar damage would have been caused had all consumers legitimately withdrawn their business this year. So it remains unclear how this argument shows that hurts caused by fair economic competition are not harms (Wolff 2006, 1613 - 1614).’

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<sup>17</sup> Wolff is aware of the chance versus choice distinction that is commonly used as the reason to differentiate between fraud, theft and actions alike on the one hand, and voluntarily entering a certain market on the other. He admits that there might be some plausibility to this, but nevertheless claims that a closer examination of this distinction does not fully explain the difference between being harmed by a competition or harmed by fraud. I think the example he uses is persuasive, namely: ‘*A person who knowingly moves to a high-crime area to take advantage of the lower property prices still has rights against theft, the businessman who, perhaps reasonably under the circumstances, fails to anticipate shifting technologies does not thereby gain rights of protection.*’ (Wolff 2006, 1610) For more on this argument, see (Lippert-Rasmussen 2001) and (Otuska 2004).

Again, there are many reasons why the former situation sketched is morally much worse than the latter, like for instance a disruption of the market through the lack of trust, but these are mostly consequentialist arguments that are not available to the deontological liberal.

Thus the second libertarian response to the ‘harms of the market’ problem is stipulated in terms of self-ownership. Self-ownership consists of a bundle of certain rights, usually formulated in their negative version. Which in the case of an economic system could be something as *it is a right not to be stopped participating in economic activity*. But, as discussed earlier, harm could be done to others by this economic activity. This however does not move the deontological libertarian, since there never was a right to be protected from economic harm in the first place. And what happens here is a very strange move: the only reason imaginable to invite the free market to your political philosophy on the one hand, while not count the harms done by that same market to individual as moral is because of, again, its consequences. Yes, it improves efficiency, individual freedom and so forth, but there remains no principled reason to differentiate between economic and other harm in moral terms (Wolff 2006, 1615).

The third response is on competitive grounds. Capitalism might not be perfect, even for libertarians, but it suits definitely better - for reasons I do not think require explanation here - in their theoretical framework than it’s one alternative, which is a form of central planning beyond the minimal state. This however is not the full story, as Wolff argues, since feudalism is also a way to allocate resources. Again, feudalism<sup>18</sup> is commonly rejected on consequentialist grounds, namely being inefficient and/or an overall decrease in utility. Two arguments not moving the strict, deontological libertarian.

Another, more deontological reason why feudalism is usually rejected is because it is a very unfair system of allocation of resources. Namely, it consists entirely of monopolies. Only one company has the right to the production of certain products and thus, even though some other company might be more efficient, other companies are not allowed to produce them. But this is not so different from capitalism as we now know it; think of intellectual property patents. And thus, the primary reason for liberals to favor capitalism is more present in feudalism, namely on the right to non-interference; whatever you or your company produces, is yours (Wolff 2006). And this is only one among other reasons to favor feudalism over capitalism as liberal.

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<sup>18</sup> Wolff understands feudalism as an economic theory, which is not necessarily the form it used to have in the past. He ‘[...] does not mean the serfdom, but rather the system of monopoly, by which the rights to produce a certain type of good is protected (Wolff 2006, 1617).’

When applied to the case on establishing a free market of the environmental resources, it remains doubtful whether a right wing libertarian would agree to those plans. The argument previously formulated that a free market incentivizes agents to look for new ways to combat climate change as a result of the present scarcity of resources in the energy business, is again a consequentialist argument. It would help the case in combatting climate change, but does not move a strict, deontological liberal.

Besides that, the argument on the communication of the value of a product by the market in terms of a price is indeed still an advantageous of the free market over central planning. However, this is not lost when there would be a system of feudalism. Monopolies are also very clear in establishing their price. They are the ones deciding what the price is, and that's that. This discussion between feudalism and free market as a preferable system for liberalism is not yet over, and I do invite deontological libertarians to respond to the critique of Wolff. For one, feudalism could fit the case on climate change maybe even better. Imagine, *ex hypothesi*, that there indeed is a system of feudalism. The same step could be taken Adler argues for, namely articulating the environment in the system of property rights. The whole environment could then be owned by one, big, strong company which sets a very high price for making use of the air, for example. He will do this, since he is also aware of the fact that the climate is fragile and so is his only resource. For now, this example will be put to rest since it is for the liberals to make the first move and explain why the free market is preferred over feudalism. Without this answer, FME is at grave risk.

Hence, it remains doubtful whether a right wing libertarian would be moved to pollute less by a FME approach. To commodify the environment is an efficient way to combat climate change, since people do take care of their own property and - due to the limits of upfront resources - agents are incentivized to look for new and better ways to make use of the environment. However, the goal of this research was to motivate a right wing libertarian intrinsically. Being a radical libertarian, he would very much dislike the idea that the government would have to expand its power to allocate the property rights over the environment. This problem could indeed be overcome by means of taking the allocation to the courts, but as pointed out earlier, this brings forth new problems. The first is one for our current research purposes, namely that the aim is to motivate a right wing libertarian as soon and as much as possible. Allocating the property rights in the courts would take a lot of time, and besides that, the right wing libertarian would probably be busier fighting cases than reducing his personal emissions. On top of that, a free, competitive market doesn't suit libertarianism as much as it would like. A lot of people are harmed by the free market and libertarianism doesn't take account of them as much as they make it seem. Feudalism, with all its deficiencies, seems to fit deontological libertarianism also, possibly even more. This comparison would require answers that are not yet formulated to my

knowledge, before the property rights over the environment should be allocated on the basis of a free market.

## Conclusion

In this research the aim was to look for arguments that inherently motivate an extremely right wing libertarian to combat climate change. Extremely, because if the goal was reached, other less extreme versions would probably also be persuaded by the same argument. The central premises on which this research is built is that climate change is happening and that it is human inflicted. Due to the fact that people, among other things, will get hurt by the changing of the climate, it is worthwhile to investigate how ethical theories address the question on responsibility on this hurting. Since libertarians in general do not prefer governmental interference in any sense other than absolute necessity, inherently motivating reasons to combat climate change should be more effective and have a higher chance of succeeding in reaching the main goal.

The most common arguments, like the principles Ability-to-Pay and Polluter-Pays started already on the wrong foot because these are highly rooted in consequentialist grounds. A right wing libertarian will not be moved by arguments like these. Surprisingly enough, this turned out to be the same problem for Free Market Environmentalism. The idea of broadening the system of property rights to include the environment in order to establish a free market is founded on the general idea that a free, competitive market suits liberalism best. Especially when compared to other solutions offered to climate change that involve governmental interference in people's lives. Their preference to FME is mostly because of the individualistic, free tone of capitalism. However, the primary advantage of a free market, namely that of being efficient, is a consequentialist argument and therefore not available to libertarians. It then leaves open the question on why preferring a free market, because a free market brings forth a lot of economic 'losers' and, as every strong moral theory should, they need to be accounted for. As long as liberalism is not capable of doing so sufficiently, a blind choice for FME does not hold either.

Also, comparing climate change to other solutions to collective action problems presented by libertarians did not satisfy the goal of this research either. There are ways to deal with collective responsibility within liberalism, like the Brennanian 'Clean Hands Principle' or the Nozickian principle of Cross-and-Compensate, but none of them are compatible with climate change. What seems to be the main problem with climate change understood as a collective action problem is that it is too complex for a theory like libertarianism. I intuitively think libertarianism is an excellent theory in approaching problems of a smaller scope, up to a maximum somewhere around a domestic level. It is perfectly capable of respecting all kind of different views, desires and ideologies under one, effective political philosophy. And in a country where poverty, illnesses and educational opportunities are all every day's business, a political theory that propagates *justice as fairness* is in my opinion fairly

reasonable. Not one comprehensive doctrine is worth more than other, except the one that establishes this form of equality. However, when faced with problems on a global scale with the potential magnitude of being absolutely catastrophic, I do not think there is time nor reason to extensively discuss the right course of action.

Hence, it seems to me that there really are two options remaining: on the one hand, right wing libertarianism is an approvable political philosophy in the face of climate change. Since it turns out that there are no really motivating reasons for an individual to stop polluting, humanity keeps on acting like we always did and climate change happens, with all its consequences. Respecting individual freedom is of greater importance than avoiding climate change and remains that way, no matter what. Or, on the other hand, right wing libertarianism is mitigated, at least in the face of climate change. For now, I lean towards the latter option. This option needs of course some working out. A start could be by building on the idea of granting inherent worth to the environment. This could take the same shape as the current rule of law on physical violence against other persons is, for example. Then, not only physical violence towards persons is a side-constrain, but also every form of behavior towards the environment that damages her. Also, this includes the move made by Adler to avoid the epistemological condition from the climatological science: we can sue agents on the basis of the knowledge we already have, like eating meat, polluting industries etc. I think we then arrive at a win-win situation: First, agents are inherently motivated, be it solely for themselves or in the pursuit of financial gain, to stop damaging the environment. Second, we can start directly with the knowledge we already have while stimulating the science to continue to develop more knowledge on the causality by financial means. I gladly invite the scientific community to deliberate on this idea further.

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