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Philosophizing the Indefensible: Reply to Critics

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Abstract: This essay responds to the central critiques of *Philosophizing the Indefensible* advanced by Nuti, Kapelner, and Garcia-Gibson. Nuti and Kapelner pose general challenges to the strategic method driving the book. Garcia-Gibson focuses on this method's application to green energy policies. I explain why I believe that both the general account of strategic theorizing presented in the book and its specific green-energy arguments withstand the critics' scrutiny.

Keywords: right-wing populism; Donald Trump; abortion; Benjamin Netanyahu; Israeli–Palestinian conflict; strategic political theory

I am very grateful to Francisco Garcia-Gibson, Zsolt Kapelner, and Alasia Nuti for their thoughtful and incisive engagement with *Philosophizing the Indefensible*. As is often the case with such symposia, the three critics raise more subjects than I can coherently pursue in a single essay. I therefore chose to focus on what I take to be their key concerns, explaining, in each case, why I believe their claims leave the book's arguments intact.

In somewhat different ways, both Nuti and Kapelner attempt to destabilize the distinction, central to the book, between repugnant and non-repugnant unreasonable interlocutors. I argue that their attempts do not succeed. I do so mainly by elaborating and further reflecting on the book's analogy between the morality of everyday friendship and the morality of civic friendship. For his part, Garcia-Gibson, focusing on the book's strategic argument for green energy, raises both empirical and normative challenges. I try to show that these challenges can be met.

1 Reply to Nuti and Kapelner

Nuti takes issue with my distinction between repugnant and non-repugnant unreasonable premises. Her main concern is that even "policies supported by non-repugnant premises are bound to have repugnant effects." (Nuti 2024, 260) Nuti's

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view is that interlocutors can qualify as repugnant simply because of the (foreseeable) political effects of the premises they endorse, even if the premises themselves do not contradict the basic moral equality of all human beings, and thus do not meet my definition of 'repugnant.' Nuti's position, however, ignores the fact that repugnance is a function of attitudes rather than outcomes – even, arguably, foreseeable outcomes.

Consider the following comparison. Two of your acquaintances support extremely permissive gun laws which (you rightly believe) play a significant causal role in numerous avoidable deaths. Both are aware of the serious repercussions of the gun laws they favor, yet both persist in endorsing these laws. Suppose further that the death toll from the relevant laws is disproportionately concentrated in minority communities that have long suffered from various forms of discrimination, and that both of your acquaintances, while aware of this differential impact, are not sufficiently moved by it to revise their views on gun policy. This information, I take it, would suffice for Nuti to designate both as repugnant.

But this conclusion is too quick. Surely, we should want to know more before we rush to saddle either of these individuals with the label 'repugnant.' Do both of them, for instance, genuinely believe that there is a sacrosanct individual right to bear arms for the sake of self-defense, and that governments are categorically (morally) prohibited from violating this right? If so, then any negative repercussions of extremely permissive gun laws would be (for them) a regrettable side-effect of the protection of rights that they (presumably) ascribe to all human beings equally, without any form of discrimination playing any role in their view. This universal, egalitarian foundation may not suffice to make the view reasonable (as the book explains in detail). But it does seem to preclude a designation of either of these individuals as repugnant. Conversely, suppose that only one of your acquaintances affirmed this egalitarian commitment, while the other, when pressed about the differential death toll from gun violence befalling structurally disadvantaged minorities, asserted (obviously without any evidence) that this effect is due to the 'culpable laziness' that is supposedly 'characteristic' of the members of the relevant minority, who 'do not bother' to store their guns safely. This sort of bigoted stance *would* qualify this interlocutor as repugnant. But the qualification would have everything to do with the attitudes he conveys, rather than with the effects of the relevant policy *per se*.

We can see this point even more clearly by imagining that your other interlocutor is herself a member of the minority that is disproportionately affected by gun violence. Suppose, for instance, that she is a Black woman in time and place where the evidence shows that members of the Black community are disproportionately affected by gun violence. Suppose further that she still endorses extremely permissive gun laws even when confronted with this evidence. Her rationale is that

gun rights are necessary for ordinary citizens to protect themselves from violent threats – and perhaps that this is especially true for minorities who have ample historical reasons to doubt the government's commitment to their safety. Again, this policy stance might very well be unreasonable. But there is still no basis for accusing this woman of being repugnant, precisely because, unlike her counterpart, her endorsement of the relevant policy does not involve prejudice or bigotry of any sort.

This contrast can obviously be generalized beyond the particular case of gun control (or welfare policy, which Nuti takes up following the book's discussion). As a general matter, the fact that individuals refuse to reconsider their attachment to an unreasonable policy even when confronted with its effects will only qualify them as repugnant if their dismissal of the normative significance of these effects is driven by discriminatory attitudes. But it is the attitudes themselves, rather than the effects, that underlie the judgement of them as repugnant.

Yet another way of reinforcing the same conclusion goes through a key argument, offered in the book's opening chapter, for why there is moral pressure to refrain from strategic theorizing with the repugnant. Alongside the self-taint argument (which Nuti acknowledges), the first chapter offers a civic friendship argument (which Nuti does not mention). According to the latter argument, we have important reasons to refrain from having as our friends people who we know fundamentally reject the basic moral equality of all human beings. More precisely, we have reason to forswear civic friendship with such individuals, given their rejection of core values that ought to underlie our shared polity. And we also have moral reasons to forswear friendship *simpliciter* with such individuals – after all, we have fairly obvious moral grounds for refusing to associate with bigots. However, is it really the case that we have *obvious* moral grounds for refusing to associate with people on account of the *effects* of their policy views?

I confess that I find this quite hard to believe. Disowning a friend because he relies on prejudice to 'justify' his stance about gun laws (for instance) is one thing. Disowning a friend because she holds firm to her views on gun laws even in the face of evidence about the effects of these views is quite another. And here too, of course, the point generalizes. Refusing to form or sustain a friendship with someone due to their repugnantly discriminatory attitudes makes sense. Refusing to form or sustain a friendship with someone who is clearly free of any prejudice, merely because she fails to reason as she ought about public policy (or about a specific area of public policy) does not.

A somewhat similar observation, I believe, applies to Kapelner's critique. Like Nuti, Kapelner questions my distinction between repugnant and the non-repugnant unreasonable interlocutors. But Kapelner's line of critique focuses directly on the civic friendship argument. More specifically, Kapelner worries that sustaining civic friendship with politically unreasonable interlocutors, and accordingly trying to

empathize with their view of the world, is disrespectful towards those who suffer the consequences of the manifestly unjust policies supported by the unreasonable. Moreover, this is true even when the interlocutors in question are not repugnant.[1]

To draw out this point, Kapelner offers an interesting case of micro-level friendship. Anna and Brett are your friends, but while Anna is a good friend to both of you, Brett routinely mistreats Anna, prioritizing foolish things over her and thus betraying a deep misunderstanding of what their friendship requires. The 'strategic' impulse might be to reason with Brett about his instrumental grounds for treating Anna better and spending more time with her, in the hope that if he were to do so, he will come to appreciate her for the right reasons and be a better friend. Yet, Kapelner notes, it seems that "Anna would rightly take offense if you were to take a stance of respectful understanding towards Brett" (Kapelner 2024, 283). You owe it to Anna not to reason with Brett about how he can most effectively deploy her as mere means to his ends. Moreover, this duty stands even if Brett's mistreatment of Anna is not so extreme so as to render him repugnant.

I agree with Kapelner's conclusion in the case as he describes it. But I think that the description is not fully analogous to how the strategic method is supposed to proceed. As the book's opening chapter emphasizes, honesty is an important perquisite of strategic theorizing. We must be upfront in conveying to our interlocutors that we are reasoning from their premises solely for the sake of discussion and despite our rejection of these premises. But once this requirement is factored in, the strategic exercise does not seem disrespectful in any way. Suppose that I say the following to Brett: "I think that you're badly mistreating Anna, and that, as a friend, you simply ought to do better, because Anna deserves better. However, I also think that, even if you put aside the very real obligations that you have towards Anna and just focus on your own interests, your behavior towards her is self-defeating." Suppose that I then convey everything I said to Anna. Is it still so clear that she would have

1 Kapelner 2024. Whereas Kapelner (like Nuti) worries that my attempt to engage with the unreasonable on their terms goes too far, other critics, such as Julian Culp, worry elsewhere that this attempt does not go far enough. "Arguably," Culp writes, "citizens who are told that they are unreasonable, or that their positions are not reasonably defensible, due to being insufficiently supported by adequate moral reasoning, might worry that they are not fully recognized for who they are and develop a feeling of resentment." (Culp 2024, 21) This is certainly a coherent worry. But so is Kapelner's countervailing view: "… who has the stronger claim to being treated respectfully as a civic friend? Those who are unjustly disadvantaged by indefensible policies or those who, against reason, promote these policies? Don't the unreasonable forfeit at least some claims to respectful engagement by abandoning the realm of reasonable debate?" (Kapelner 2024, 284) My distinction, internal to the category of the unreasonable, between the repugnant and the non-repugnant, can be understood as something of a middle ground between Culp's position and Kapelner 2024.

grounds for resenting my engaging Brett on his own terms? I do not see why, given that I made clear to him my principled rejection of these terms.[2]

To be clear, I do agree with Kapelner that strategic theorizing can go too far, even when directed at non-repugnant individuals. At least in principle, it is indeed possible, for example, for me to devote too much of my energy to reasoning from within Brett's view of the world, not leaving enough of my attention span available to see things from Anna's perspective. This 'economy of attention,' as Kapelner calls it, is indeed important, and failing it to structure it in the right way can indeed be morally wrong. But this wrong is not in any way an automatic corollary of strategic theorizing – even if, as Kapelner says, it represents a danger to which the strategic theorist must always be attuned.

Yet another worry about the distinction between repugnant and non-repugnant views is offered by Nuti. "Even philosophers," she writes, "will in practice reasonably disagree over whether premises supporting indefensible policies should be seen as repugnant or not." (Nuti 2024, 262) In support of this claim, Nuti invokes the fraught case of abortion policy, which drives the book's third chapter. According to Nuti, contrary to the assumption of Chapter 3, it is "very plausible for a philosopher who is assessing the premises of single-issue [anti-]abortion voters to conclude that they are repugnant because the ideal of universal human equality is inconsistent with denying women basic reproductive rights, like the right to safely terminate a pregnancy." (Nuti 2024, 262)

I suspect that abortion is a sui-generis political issue, at least in some important respects. Certainly, it is very hard to think of another issue in public life where extremely philosophical disputes, such as those concerning when human life commences, have even presumptive significance for concrete law and policy. So I am less sure than Nuti that the meta-disagreement she claims to find in the case of abortion can be so easily generalized to other policy areas.[3] But, independently, I also

2 Notwithstanding this response to Kapelner, I actually share his implicit suggestion that our thinking about bad friendship – and about having bad people as friends – is underdeveloped. For some progress on this understudied subject, see Isserow 2019.

3 Kapelner, for his part, also invokes the case of abortion, though with a different dialectic in mind. For Kapelner, abortion illustrates how my invocation of the 'burdens of politics' sometimes misfires. Unreasonable political views, he claims, are sometimes (re)produced not by pernicious political dynamics, but rather by social developments that should be celebrated. Abortion – per Kapelner – illustrates this point insofar as anti-abortion views are part and parcel of "a reactionary *backlash* against progressive social change." Kapelner (2024, 285, italics in the original) For the record, my own reading of the case of abortion is quite different. At least in the United States – the Western country where abortion has had by far the most political salience – abortion has been deliberately and continuously activated as a policy issue by certain economic elites, who have long wished to push the focus of political attention from economic issues to 'culture wars' that are

think that there might be a way to defuse the meta-disagreement about abortion (or show this meta-disagreement to be more circumscribed).

The key here is to distinguish among three questions. The first is under what conditions (if any) abortion is morally wrong. The second is what the law should say about abortion in various circumstances. The third is whether, even for those who believe that abortion is morally wrong *and* that the law should prohibit it (at least in most circumstances), abortion should ever be conceived as (remotely akin to) murder.

My own view, like Nuti's, is that women's reproductive rights have priority over fetuses' (alleged) moral rights, and that this priority bears on all three questions just noted. And I also agree with Nuti that treating women who have undergone an abortion as *literal* murderers is repugnant – certainly (but not only) when this treatment is supposed to be reflected in the law. It is indeed repugnant to insist that any women – or any medical provider – who has sought or performed an abortion ought to be prosecuted for murder, as if they committed 'standard' homicide, of the sort that routinely leads to criminal indictments and the harshest penalties meted by the criminal justice system. Yet only a tiny fraction of abortion's opponents adopt this repugnant stance. The vast majority of 'pro-life' advocates thus avoid a repugnant answer to the third question about abortion. Instead, they offer a non-repugnant, and indeed a reasonable answer to this question, even if their views on the other two are indeed unreasonable in many cases (incidentally, I suspect that if the view of abortion as literal murder truly pervaded the ranks of 'pro-life' advocates, these ranks would not feature nearly as many women as they currently do). However, once we put the third, 'murder' question aside, it is far harder to accept Nuti's classification of (virtually) any form of opposition to abortion as repugnant. So, it is not clear that the abortion case actually carries the meta-theoretical implications that Nuti ascribes to it.

Nuti mentions, more briefly, one more issue on which I would like to comment. When engaging the unreasonable, Nuti claims, "the problem does not mainly lie in [them] endorsing an indefensible policy." Rather, "the troubling issue, which needs to be confronted, has to do with the [unreasonable] views themselves as they are directly or indirectly violating rudimentary standards of universal human equality." (Nuti 2024, 263) However, "transforming value-laden assumptions [or views] is … profoundly different than persuading someone to stop backing a policy. It involves engaging with a person's deep beliefs and it is not clear that rational and philosophical arguments are particularly helpful in achieving that." (Nuti 2024, 263)

much easier for the American right to win. This is, in fact, a long-standing claim. See, e.g., Roemer 2010.

I grant, at least for the sake of discussion, pessimism as to how much "rational and philosophical" arguments can push interlocutors to revise their deep beliefs. Even so, there is ample reason to reject Nuti's suggestion that 'merely' swaying people to revise their policy views is of such limited practical value so long as their problematic deep beliefs endure. This is perhaps clearest in the case of anti-abortion Trump voters, to which Nuti returns. As I write this, an extremely elaborate mobilization effort is ongoing in every single 'battleground' state that will decide who wins the US Electoral College, and thus the 2024 US presidential election that might send Trump back to the White House. Would I like to be able to convince every single anti-abortion Trump voter that they should become an ardent 'pro-choice' voter? In an ideal world, certainly. But would I think it an important achievement if arguments such as the ones presented in the book 'merely' convinced even the tiniest fraction of such voters to rethink their policy choice of voting for Trump, despite their enduring attachment to the 'pro-life' cause? Of course.

I recognize that opinions vary as to the full scope and degree of the danger posed by Trump.[4] Yet my own view is that it would be a monumental moral and practical error for voters to return to power a fundamentally unfit insurrectionist and convicted felon, who has brazenly disregarded virtually every conceivable norm of constitutional democracy and is clearly incapable of any form of remorse or introspection. Elevating such a singularly dangerous person – for the second time – to the presidency of the United States (this time backed by a literal 'get out of jail' card courtesy of a shockingly complicit Supreme Court) could well be a catastrophe whose repercussions, domestic and global, might last for generations. And if part of the price that must be paid to avert this catastrophe is to form an intellectual and/or electoral alliance of sorts with pro-life voters, then so be it. In fact, in line with my discussion of 'Republican fronts' in the book, I would go so far as to suggest (and Nuti might even agree) that any purist *refusal* to form such an alliance would itself be morally indefensible. Naturally, I have no confidence that philosophizing ('strategically,' or in any other way) with any segment of the US electorate could change the actual voting behavior of real Americans.[5] But this lack of confidence is a separate issue than the one that Nuti raises in the relevant passage. And, as the book points out, even if there are weighty reasons to be skeptical about the practical

4 Compare, e.g., Sidney Blumenthal, "Donald Trump's Hitlerian logic is no mistake," *The Guardian*, Oct. 7, 2024, to Bret Stephens, "Republicans will regret a second Trump term," *The New York Times*, July 13, 2024.

5 As Culp (2024, 21) notes, "sometimes there is simply no point in further engaging with certain persons in moral reasoning." I am not sure that this pessimism aligns with Culp's own emphasis on the need to respect even the most unreasonable interlocutors. But I put this question aside here.

value of strategic theorizing, it does not follow that the strategic effort ought to be avoided to begin with.

In turn, this point about the overriding practical imperative of thwarting an extremely dangerous demagogue is equally applicable to Trump's partner in crime and the subject of another book chapter, Benjamin Netanyahu. Would I prefer it if, a-la Nuti, hawkish Jewish Israelis who have enabled Netanyahu's malign rule – in parliament, on election day, or even through quotidian, ongoing indifference to politics – revised not just their voting behavior but their deep beliefs about the essence of the Israeli–Palestinian conflict? *Of course* I would. I have repeatedly argued (not just in academic fora, but in multiple TV, newspaper, and radio interviews[6]) that the real conflict does not pit, and has never pitted, Israelis against Palestinians; rather, the real conflict has been between the sane people, Israelis and Palestinians alike, who simply want to lead a normal life, and the fanatics on both sides, who believe that the land is more sacred than the people who walk on it.[7] And I would obviously prefer it if the vast majority of Israelis changed their deep beliefs about the conflict so as to endorse a similar view. Nonetheless, it would make a tremendous moral and practical difference if even Israeli voters who persist in holding much more hawkish (and to my mind indefensible) views changed 'merely' their voting behavior, so as to retire a repellent Prime Minister who bears a unique, decades-long responsibility for corrupting the country's institutions and its political culture.

Removing Benjamin Netanyahu from political life is hardly a sufficient condition for removing the core causes of the Israeli–Palestinian conflict. But this removal might well be a necessary condition. If there is anything *at all* that political philosophers can offer to the vigorous public debate about this long-standing and difficult removal effort, they ought to do so.[8] And much the same, I would further suggest, applies regarding urgent efforts to stop the most malign political actors elsewhere in the world. If philosophers in Germany, for instance, can make any distinctive contribution to thwarting the terrifying rise of the AfD, they clearly ought to do so even if they would not be changing the deep beliefs of every 'AfD-curious' voter. If philosophers in France can aid in any way the Republican effort to thwart Marine Le Pen's march to the Elysses Palace, they plainly ought to do so. The same

6 In line with Culp's (2024, 22) warranted emphasis on 'activist philosophy' moving beyond the exclusive confines of purely academic outlets.

7 For deeper background, see (alongside chapter 2 of *Philosophizing the Indefensible*) Nili 2019b, ch. 5.

8 To be sure, in Israel too, philosophers are hardly in a prime position to initiate necessary political change. But in a country plagued by increasingly tragic moral questions, such as what concessions ought to be made to murderous terrorists to secure the release of scores of entirely innocent hostages, it is especially clear that philosophers who turn their gaze entirely away from actual public life are abdicating their social responsibilities.

applies to philosophers in Orban's Hungary, in Maduro's Venezuela, and anywhere else – at least until guns, prison, and/or other forms of political repression await them.[9]

Before moving on, I wish to make a final point about Nuti's distinction between changing interlocutors' deep beliefs and changing their 'mere' policy views. Nuti's practical worry seems to be that even if a targeted electoral danger, for example, is averted, so long as the prevalent beliefs that create this danger endure, the danger itself will eventually recur as well. So even if the world's Trumps, Netanyahus, and Le Pens are comprehensively defeated at the polls, so long as the deep beliefs of the relevant electorates do not change, they will have successors that are no less dangerous.

I obviously cannot rule out this risk. But, however real, we should not overstate its weight. This is not only because of the intrinsic moral and practical significance of any period in which such leaders are not in power. It is also, relatedly, because of the path-dependent nature of politics in general, and electoral politics in particular. For one thing, just because certain prevalent attitudes – however problematic – drive popular currents in one election, it does not follow that the same currents will have nearly the same public salience in a subsequent election. Moreover, once the most dangerous candidates lose elections, the winners are often able not only to alter the contours of public conversation through the manner in which they govern and the public issues they make most salient. The winners also get to reshape – sometimes in quite dramatic ways – the composition of the electorate itself.

The United States is again a prime example. At the time of writing, it really is anyone's guess who will be the next president of the United States following the upcoming presidential election. And it is also anyone's guess whether, even if Trump is thwarted, the emerging coalition that has come together to resist him will be sufficiently unified and powerful so as to push through long-overdue reform of election laws, enabling many more Americans who have long been disenfranchised to exercise their right to vote. But if that *were* to happen, trenchantly unreasonable views may (radically) diminish in public salience. At first, not because they are held by a smaller number of voters, but because the voters who hold them comprise a smaller portion of the electorate. And could at least dream about a second, future stage at which the political power of such citizens diminishes to such an extent that their ability to shape the hearts and minds of their fellow citizens – for instance, through the public education system and other facets of everyday life regulated by political institutions – will significantly diminish as well. From the point of view of the reasonable, this sort of process would manifest precisely the kind of undoing of 'the

9 Elsewhere (Nili 2024, ch. 1), I discuss in detail the unique and still under-appreciated threat that political violence poses to democratic discourse and collective action.

burdens of politics' that the book emphasizes. This social-change hypothesis might well be too indirect, gradual and uncertain to appeal to Nuti. But, in the *real* world, as Nuti likes to say, it might well be the most we can reasonably hope for.

2 Reply to Garcia-Gibson

Chapter 6 of *Philosophizing the Indefensible* offers a strategic argument linking reform of natural resource imports from dictatorships (the subject of Chapter 5) to green energy. Garcia-Gibson challenges this link in multiple ways.

Garcia-Gibson's first challenge concerns a key public-property premise of the argument. This is the premise that a state's natural resources are the property of its people. Without this premise, my proposed connection between green-energy development and reform of customary trade does not get off the ground. This connection depends on the idea that dictatorships steal their peoples' natural resource wealth – it is this theft which renders customary natural resource trade with dictatorships illegitimate. But without a robust notion of public ownership of state resources, it is unclear what grounds this allegation of regime theft.[10]

At one level, I actually agree with Garcia-Gibson. In fact, in previous work, I too have suggested that the morality of public property has been (heavily) undertheorized (see Nili 2019a, 2019b, ch. 2). It is indeed problematic that the voluminous philosophical literature on private property has not been matched by an extensive body of philosophical work on public ownership, despite the manifest relevance of such ownership to so many areas of public life.

And yet, it seems to me that Garcia-Gibson's critique here misfires. That is primarily because the idea that a state's property belongs to its people rather than to its rulers is arguably a moral axiom, at least in the modern era (see, e.g., Wenar 2016). This is not to say that the idea is completely devoid of any theoretical complexity. For example, there are thorny questions as to the precise normative relationship between public property and democracy, as well as between public and private ownership. But, as I have argued at length elsewhere, one key desideratum that any compelling approach to such questions must meet is precisely that it be compatible with the core conviction that a state's property belongs to its people. If we know of a given theory of state property that it cannot account for obvious moral

10 Garcia-Gibson does not deny that public or state property belongs to a country's people rather than its rulers. He only points out that I do not offer an independent defense of this premise.

claims to this property vested in the public, that is sufficient grounds for rejecting the theory.[11]

Another critique proposed by Garcia-Gibson has to do with possible rights conflicts (Garcia-Gibson 2024, 270–1). Even if we operate within the terms of the (property) rights-based argument for the development of green energy, what are we to make of situations where these rights conflict with other rights?

As a general matter, it is incumbent upon any theory of rights to show how the rights it lays out are compossible. Where rights are not compossible – where two or more rights actually cannot co-exist – the theory has gone astray. Or so, at any rate, goes the conventional view. This does not mean that there cannot arise tragic circumstances in which there is a genuine conflict among real (moral and perhaps even legal) rights. But such circumstances are clearly the exceptions to the rule, and indeed, the fact that they feature genuine rights conflicts is arguably (at least partly) constitutive of their tragic nature.

Now, it is at least conceptually possible that the circumstances surrounding customary fossil-fuel purchases from dictators are of this tragic sort. However, the burden is on Garcia-Gibson to show that is the case. To my mind, his two specific examples of relevant rights conflicts do not meet this burden.

Garcia-Gibson's first example is children's rights vis-à-vis their parents. "Parents that bear the costs of investing in renewable energy," Garcia-Gibson observes, "will have less available resources for investing in their children's welfare. Parents therefore face a conflict between respecting the rights of [foreign peoples who are] oil and gas owners, and respecting their children's rights to special concern." (Garcia-Gibson 2024, 271)

Here too, I find myself in the somewhat unusual position of simultaneously agreeing and disagreeing. I strongly agree that philosophers have not thought hard enough about how actions that would be clearly unacceptable if performed for one's own selfish gain should be viewed, both by morality and by the law, if performed for the sake of one's children. Still, as stated, Garcia-Gibson's invocation of children's rights is far too broad. It seems to undercut virtually any policy – on any subject – that imposes meaningful economic costs on parents. To take only one example among many, funding the basic apparatus of government – law-enforcement agencies, the administrative state, and so on – also imposes costs on parents as taxpayers. But this hardly means that parents normally face a real moral conflict between opposing rights here. At least barring truly extraordinary circumstances, no one has a moral permission to evade taxes simply on the grounds

11 More specifically, I have argued that we should reject any account of public property which fails to explain why even a procedural autocrat who gets his puppet parliament to formally approve his larceny is still guilty of theft. See Nili 2019a.

that their children would be better off as a result. Indeed, morally (not to mention legally) any such tax-evader can plausibly be accused of stealing from public coffers, and the fact that he is a parent will not serve to excuse (let alone to justify) this theft. Why, then, should the matter be any different when it is the public property of foreign peoples that is being stolen?

A similar point applies to Garcia-Gibson's other example, of partiality towards compatriots. "Public officials," Garcia-Gibson says, "face a conflict between respecting the rights of [foreign] oil and gas owners, and respecting their citizens' right to promote the national interest." (Garcia-Gibson 2024, 271) Yet, as Garcia-Gibson himself recognizes, the analogous claim in the case of other blatant international wrongs clearly fails. The Putins of the world cannot plausible argue – neither as a matter of morality nor as a matter of international law – that they should be allowed to conquer other nations since the opportunity costs (economic and otherwise) of restraint would be too great. A sovereign people's rights against military aggression clearly constrain the way in which other societies can pursue their "national interest." Then why not say the same thing about a sovereign people's rights over their natural resources?[12]

2.1 Shifting to Renewable Energy?

Another key claim of the book's final chapter is that a boycott of dictators' natural resource exports would cause a spike in the price of legitimate oil and gas, and consequently amplify the price-based incentives for the comparatively cheaper development of green energy. Garcia-Gibson raises several empirical worries about this claim (Garcia-Gibson 2024, 272–3). First, Garcia-Gibson points out that the oil and gas imports of many western democracies already come largely from fellow democracies, and this is especially true for the United States, on which the argument focuses. So even if a boycott of dictators' natural resource exports would push up the price of legitimate oil and gas, the price increase would not necessarily be that dramatic.

One obvious reply to this worry is that so long as petrocrats still supply a non-trivial portion of Western energy, one could still expect a boycott of their energy exports to have a non-trivial impact on prices. Less obviously and more fundamentally, fracking has been a crucial factor in the decline of the share of

12 Garcia-Gibson seemingly acknowledges this possible dialectic, yet claims (2024, 271) that I "need a separate argument" for this dialectic to work, "because we are dealing with a conflict between two rights." But this statement is question-begging. That there is an actual conflict between rights here is precisely what I am disputing.

Western oil and gas that is imported from dictatorships. However, Chapter 6 explicitly argues that fracking is a far more transient phenomenon than is commonly realized. I also note the direct nature of the health and safety threats posed by fracking,[13] which make it much easier for environmentalists to stress fracking's risks, as compared to the more general and indirect risks of global warming.[14] Neither of these significant points is mentioned by Garcia-Gibson.

Garcia-Gibson's second key empirical worry is that even if the price of legitimate oil and gas spikes due to reform of customary trade with dictators, the spike may not endure due to collective action problems. If the United States for example boycotts dictators' oil and gas exports, other countries might well seize on the opportunity to buy more of these (now-discounted) exports, reducing their demand for, and thus pushing down the price of, legitimate oil and gas. In reply, it is worth noting that with the environment as with so many other political issues, collective action problems are often rooted in the inability to identify a credible 'first mover.' As I have argued elsewhere (Nili 2014), far too many actors are prone to shirk their responsibilities in collective action situations by pointing to others and saying, "we will be the second to do something about this issue, right after *them*." An endemic collective-action challenge is to nip this sort of buck-passing in the bud.[15] The public-property argument against customary trade with dictators is extremely well-suited to this task (as Chapter 5 discusses in detail).[16]

Finally, Garcia-Gibson observes that the Chinese dictatorship, the principal source of various green-energy-related supplies, is guilty of its own property rights violations, for instance against the forced Uyghur laborers it so badly mistreats

13 Incidentally, the specific risks of fracking include adverse health effects for newborns from *in-utero* exposure to fracking sites. See, e.g., Hill and Ma 2022. This fact further undermines Garcia-Gibson's invocation of children's rights as a possible obstacle for the chapter's argument.

14 Even if, with fracking as with global warming, environmentalist success is hardly inevitable. In the US, this is currently most evident in the electoral battleground state of Pennsylvania. See, e.g., Jon Delano, "Harris says she won't ban fracking," *CBS News*, Oct. 2, 2024, at https://www.cbsnews.com/pittsburgh/news/kamala-harris-fracking-ban/.

15 This point is also related to another of my arguments for the relative dialectical ease of environmentalist arguments against fracking – namely, that these arguments reduce environmentalists' vulnerability to collective action excuses. See *Philosophizing the Indefensible*, 187–8.

16 Garcia-Gibson does mention another, adjacent concern: whether reform of customary natural resource trade would suffice to make investments in renewable energy profitable enough. But this concern hinges in part on Garcia-Gibson's preceding claims (as he acknowledges). Moreover, while Garcia-Gibson recognizes the possibility of governmental subsidies that would incentivize green energy investments, he seems to regard the likely right-wing opposition to the attendant necessary taxation as something of a 'conversation stopper' as far as strategic theorizing goes. This is a mistake, because the real comparison here is not between taxing to subsidize green energy and no taxation, but rather between taxing to subsidize green energy and taxing to subsidize the fossil fuel industry.

(Garcia-Gibson 2024, 273). Therefore, it is incoherent to invoke property rights to justify the prioritization of green energy: turning to such energy will merely mean accepting complicity in one sort of regime theft instead of another.

It seems to me, however, that this worry is undercut by chapter 6's emphasis on transition costs. The chapter argues that a significant obstacle towards convincing moderate environmental skeptics to support green energy policies is the difficulty of convincing such skeptics that there is an urgent moral imperative to absorb the transition costs involved in moving away from fossil fuels. Once these costs are already accepted, however, and governments are accordingly investing, or at least are set to invest on a (much) grander scale in new energy infrastructure, why not design that infrastructure in such a way so as to minimize any sort of dependence on notorious foreign regimes – including by prioritizing those forms of green energy whose requisite raw materials, if not all available domestically, abound in fellow democracies?

2.2 Damage to Property?

A final set of issues raised by Garcia-Gibson has to do with another property-based argument for green energy that he worries I am too quick to reject. The argument is simply that climate change itself destroys property – "such as when the resulting sea level rise destroys coastal land, or when more frequent and intense extreme weather events destroy buildings, crops, and many other kinds of physical property." (Garcia-Gibson 2024, 274) Chapter 6 puts aside arguments of this sort insofar as they relate to future people. But, Garcia-Gibson sensibly asks, why not emphasize analogous climate threats to the property of existing people – if not immediate threats (given the skeptical dismissal of climate change's relationship to current extreme weather events), then at least threats that would materialize later in existing people's likely lifetime?

Garcia-Gibson is obviously correct that this sort of argument need not come at the expense of my own green argument. Indeed, as Chapter 6 repeatedly emphasizes, my strategic argument is meant to accompany rather than replace more mainstream green energy arguments. And, following Garcia-Gibson's generous endorsement of empirical testing of my strategic argument, there would certainly be value to testing whether this argument fares any better with moderate climate skeptics than the property destruction argument. Still, on a more purely philosophical level, it does seem to me that the strategic argument carries a certain advantage.

This is so for several reasons. First, not all infringements of property rights are of equal severity. Damage to another's property – including even severe damage – is rarely the equivalent of theft, neither as a matter of morality nor as a matter of law. Second, virtually all of us legitimately pose real risk of damage to

others' property (if not actual damage) all the time. If a group of friends, all of whom are young parents, decides to move together into a small residential building, for instance, they likely damage the property value by making the building less desirable for older (and, on average) wealthier prospective residents who would rather enjoy adult quiet. This obviously does not mean that there are no distinctions to be drawn among different kinds of property damages, or among different kinds of risks of such damages. The broker who self-servingly convinces you to take enormous risks with your investment portfolio is clearly not morally akin (and depending on the details may not even be legally akin) to the person who risks your car simply by driving behind it. Still, there are obviously many grey cases when it comes to risking damage to property – a complication which the strategic argument seems to avoid.

Finally, and very much relatedly, both policy makers and ordinary citizens regularly recognize that the exact distribution of damages to property is subject to continuous social and political adjudication. To take the residential example once more, well-off citizens in multiple western countries who have owned detached homes have long resisted the construction of large residential buildings in their neighborhoods, despite this resistance coming at the expense of the less affluent who have been facing (increasing) housing shortages. Such 'NIMBY-ism' ('Not in My Back Yard') has been grounded in multiple arguments (some of which have been environmental in character). Whether any of these arguments succeed, or whether 'YIMBY-ism' ('Yes in My Back Yard') ought to prevail, is a subject of reasonable political disagreement, which can and should be left for the democratic process to resolve. But basing any part (let alone any major part) of a democracy's economy on grand-scale theft does not qualify as reasonable in nearly the same way. It is rather, per the book's title, simply indefensible.

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