

Forum Digest for Lectures 17 and 18 (lecture release date was May 7th)

Libertarianism and Discrimination

It is important to pay attention to the difference between norms of political justice and individual morality. Libertarians defend the *right* of owners of businesses, schools, etc. to discriminate but it does not *logically follow* that they think that these owners should discriminate (although they might also think this). All they are logically committed to claiming is that the government has no right to intervene to prevent an owner from discriminating if this would violate the owner's property rights.

To take a real world example, the Senator from Kentucky, Rand Paul, argues that owners of restaurants/buses, etc. should freely choose not to discriminate against black customers but that the government should grant them the right to act in a racist way if they want to. This takes us back to the issue of the libertarian understanding of freedom. When Rosa Parks refused to move to the back of the bus, she was claiming that she should be free to sit there. Nozick, Rand Paul, Milton Friedman, etc. say that the government should not enforce her freedom to sit there because it should enforce the bus company's property right to refuse to let her sit there. This highlights the fact that libertarian freedom is restricted to the freedom to do what you like with your own property. This means that libertarians deny that black people who are denied access to all white restaurants are thereby subjected to a loss of freedom.

Affirmative Action and Past Wrongs

If one wants to defend affirmative action on this basis, one needs to explain the relationship between the identity of the victim of the past wrong and the identity of the person who benefits from affirmative action. For example, take the past wrong of American slavery. If John is to benefit from affirmative action, does it require that he has relatives who were enslaved, or is it sufficient that he shares the race/ethnicity of those who were enslaved? In the latter case, an immigrant to the US from Africa might also be entitled to affirmative action on the basis of past wrongs even though his relatives weren't subjected to slavery.

In the discussion about merit, it is important separate these three questions:

- (1) What attributes give one merit? (intelligence, effort, etc.)
- (2) What is the best way to measure whether someone possesses the relevant attribute?
- (3) Is merit an appropriate basis for the distribution of certain goods or offices?

Of course, how one answers (1) and (2) may inform one's answer to (3). For example, you might believe that it is impossible to provide an answer to the first question (what counts as merit) on which everyone will agree because people value a diverse set of qualities of character. This worry might lead you to reject the idea that the distribution of certain goods or offices should be distributed on the basis of merit.

Similarly, you might reject the idea that the distribution of certain goods or offices should be distributed on the basis of merit because it is impossible to accurately assess whether someone possesses the relevant attributes. For example, several

commentators have argued that the SAT is a poor tool for measuring intelligence. If you reject distribution on the basis of merit for this reason, it is important to recognize that *should more accurate assessments become available*, you would support distribution according to merit. Similarly, if you believe that distribution should proceed on the basis of merit, and that our current tools of assessment are poor, this gives you a reason to promote the development of better tools.

However, you might believe that it is possible to provide compelling answers to (1) and (2), yet still deny the claim that certain goods or offices should be distributed on the basis of merit (3). For example, most people think that medical care should be distributed on the basis of need, rather than on the basis of (any kind of) merit.

Two different ways to think about the distribution of flutes

Several people have posted thoughts about defining the purpose of music and of the flutes that are being distributed. It is important to keep in mind that there are two different ways to think about this problem. One is the question of how the currently existing supply of flutes of varying quality is to be distributed. Should we hold an auction? Should we give the best flutes to the worst players in order to equalize the resulting quality of performance as much as possible, even if it is lower? Or should we, like Aristotle suggests, give the best flutes to the best flute players?

Note that there is a second question about whether more flutes ought to be provided for individuals such that everyone can have one. Several commenters have suggested, based on Rawls, that it is unfair to give the best flutes to the best flute players because that will disadvantage those trying to learn to play the flute, or that it will reduce the benefits of learning to play music independent of the quality of the resulting performance. While this may be true, it doesn't answer the question of how a currently existing supply of flutes ought to be distributed, or answer how we

ought to distribute flutes of varying quality in a situation where we have enough flutes for everyone.