

0001 we were looking at John Stuart Mill's  
0002 and his attempt  
0003 to reply  
0004 to the critics  
0005 of Bentham's utilitarianism  
0006 in his book Utilitarianism,  
0007 Mill tries to show  
0008 that critics to the contrary, it is possible  
0009 within utilitarian framework to distinguish between higher and lower  
0010 pleasures, it is possible to make  
0011 qualitative distinctions of worth,  
0012 and we tested of that idea  
0013 with the Simpsons  
0014 in the Shakespeare excerpts  
0015 and the results of our experiment  
0016 seemed to call into question  
0017 Mill's distinctions  
0018 because a great many of you  
0019 reported  
0020 that you prefer the Simpsons  
0021 but that you still consider Shakespeare  
0022 to be the higher for the worthier pleasure  
0023 that's the dilemma  
0024 with which our experiment confronts Mill.  
0025 what about Mill's  
0026 attempt to account  
0027 for especially weighty character  
0028 of individual rights and justice in chapter five of utilitarianism?  
0029 he wants to say that individual rights  
0030 are worthy  
0031 of special respect  
0032 in fact he goes so far as to say that justice is the most sacred part  
0033 and the most incomparably binding part of morality  
0034 but the same challenge  
0035 could be put

0036 to this part of Mill's defense  
0037 why  
0038 is justice  
0039 the chief part  
0040 and the most binding part of our morality? well he says because in the long run  
0041 if we do justice and if we respect rights,  
0042 society as a whole  
0043 will be better off in the long run.  
0044 well what about that?  
0045 what if we have a case where making an exception and violating individual rights actually will  
0046 make people  
0047 better off in the long run is it all right then?  
0048 to use people?  
0049 and there's a further  
0050 objection  
0051 that could be raised against  
0052 Mill's case for justice and rights  
0053 suppose the utilitarian calculus in the long run works out as he says it will  
0054 such that respecting people's rights  
0055 is a way of making everybody better off in the long run  
0056 is that the right reason  
0057 is that the only reason  
0058 to respect people?  
0059 if the doctor goes in  
0060 and yanks the organs from the healthy patient who came in for a checkup  
0061 to save five lives  
0062 there would be adverse effects in the long run  
0063 eventually people would learn about this  
0064 and would stop going in for checkups  
0065 is it the right reason  
0066 is the only reason  
0067 that you as a doctor  
0068 won't yanked the organs out of a healthy patient  
0069 that you think  
0070 well if I use  
0071 him in this way  
0072 in the long run

0073 more lives will be lost?  
0074 or is there another reason  
0075 having to do with intrinsic respect for the person as an individual  
0076 and if that reason matters  
0077 and it's not so clear  
0078 that even Mill's utilitarianism  
0079 can take account of it  
0080 fully to examine these two  
0081 worries or objections  
0082 to Mill's defense  
0083 we need to we need to push further  
0084 we need to ask  
0085 in the case of higher or worthier pleasures  
0086 are there theories of the good life  
0087 that can provide independent moral standards  
0088 for the worth of pleasures?  
0089 if so what do they look like?  
0090 that's one question  
0091 in the case of justice and rights  
0092 if we suspected that Mill is implicitly leaning on notions of human dignity or respect for  
0093 persons that are not, strictly speaking,  
0094 utilitarian  
0095 we need to look to see whether there are some stronger theories of rights  
0096 that can explain  
0097 the intuition  
0098 which even Mill shares  
0099 the intuition  
0100 that the reason for respecting individuals and not using them  
0101 goes beyond  
0102 even utility in the long run.  
0103 today we turn  
0104 to one  
0105 of those strong theories of rights  
0106 strong theories of rights say  
0107 individuals matter  
0108 not just as instruments to be used for a larger social purpose  
0109 or for the sake of maximizing utility

0110 individuals  
0111 are separate beings with  
0112 separate lives  
0113 worthy of respect  
0114 and so it's a mistake  
0115 according to strong theories rights, it's a mistake  
0116 to think about justice or law  
0117 by just getting up preferences  
0118 and values  
0119 the strong rights theory we turn to today  
0120 is libertarianism  
0121 libertarianism  
0122 take individual rights seriously  
0123 it's called libertarianism because it says the fundamental individual right  
0124 is the right to liberty  
0125 precisely because we are separate individual beings  
0126 we're not available  
0127 to any use  
0128 that the society might  
0129 desire or devise. precisely because we're individual  
0130 separate human beings  
0131 we have a fundamental right to liberty  
0132 and that means  
0133 a right  
0134 to choose freely  
0135 to live our lives as we please  
0136 provided we respect other people's rights  
0137 to do the same  
0138 that's the fundamental idea  
0139 Robert Nozick  
0140 one of the libertarian philosophers we read  
0141 for this course puts it this way  
0142 individuals have rights  
0143 so strong and far-reaching are these rights  
0144 that they raise the question of what, if anything  
0145 the state may do.  
0146 so what does libertarianism say

0147 about  
0148 the role of government  
0149 or of the state  
0150 well there are three things that most  
0151 modern states do  
0152 that  
0153 on the libertarian theory of rights  
0154 are illegitimate  
0155 are unjust  
0156 one of them  
0157 is paternalist legislation  
0158 that's passing laws that protect people from themselves  
0159 seat belt laws for example  
0160 or motorcycle helmet laws  
0161 the libertarian says  
0162 it may be a good thing if people wear seat belts,  
0163 but that should be up to them  
0164 and the state  
0165 the government  
0166 has no business coercing them, us  
0167 to wear seat belts  
0168 by law  
0169 its coercion  
0170 so no paternalist legislation  
0171 number one. number two  
0172 no morals legislation  
0173 many laws  
0174 try to promote  
0175 the virtue of citizens  
0176 or try to give expression  
0177 to the moral  
0178 values  
0179 of the society as a whole.  
0180 libertarians say that's also  
0181 a violation of the right to liberty  
0182 take the example of, well a classic example of legislation offered in the name of promoting  
0183 morality traditionally,

0184 have been laws that prevent  
0185 sexual intimacy  
0186 between  
0187 gays and lesbians  
0188 the libertarian says  
0189 nobody else is harmed  
0190 nobody else's rights are violated  
0191 so the state should get all of the business entirely  
0192 of trying to promote virtue  
0193 or to enact morals legislation.  
0194 and the third kind of law  
0195 or policy  
0196 it is ruled out  
0197 on the libertarian philosophy  
0198 is any taxation  
0199 or other policy  
0200 that serves the purpose  
0201 of redistributing income or wealth  
0202 from the rich to the poor  
0203 redistribution  
0204 is a kind of, if you think about it  
0205 says libertarianists, a kind of coercion  
0206 what it amounts to is theft  
0207 by the state  
0208 or by the majority  
0209 if we're talking about a democracy  
0210 from people who happen to do very well and earn a lot of money  
0211 now Nozick and other libertarians allow that there can be a minimal state  
0212 that taxes people for the sake of  
0213 what everybody needs  
0214 the national defense  
0215 police force  
0216 judicial system to enforce contracts and  
0217 property rights  
0218 but that's it.  
0219 Now I want to get your reactions  
0220 to this third

0221 feature  
0222 of the libertarian view  
0223 I want to see  
0224 who among you  
0225 agree with that idea and who disagree  
0226 and why  
0227 and just to make a concrete and to see what's at stake  
0228 consider the distribution of wealth  
0229 in the united states.  
0230 The united states is among the most  
0231 In-egalitarian societies as far as distribution of wealth,  
0232 of all the advanced democracies  
0233 now is this just  
0234 or unjust  
0235 well what is the libertarian say  
0236 the libertarian says  
0237 you can't know just from the facts  
0238 I just given you  
0239 you can't know whether that distribution  
0240 it's just or unjust.  
0241 you can't know just by looking at a pattern or a distribution or a result  
0242 whether it's just or unjust  
0243 you have to know how it came to be  
0244 you can't just look at the end state or the result  
0245 you have to look at two principles  
0246 the first he calls justice in acquisition  
0247 or in initial holdings  
0248 and what that means simply is  
0249 did people get the things they use  
0250 to make their money  
0251 fairly  
0252 so we need to know  
0253 was there justice in the initial holdings, did they steal the land or the factory or the  
0254 goods that enabled them to make all that money?  
0255 if not,  
0256 if they were entitled to whatever it was that enabled them to  
0257 gather the wealth

0258 the first principle is met.  
0259 the second principle is  
0260 did the distribution arise  
0261 from the operation of free consent  
0262 people buying and trading on the market  
0263 as you can see the libertarian idea of justice  
0264 corresponds to a free market  
0265 conception of justice  
0266 provided  
0267 people  
0268 got what they used  
0269 fairly  
0270 didn't steal it  
0271 and provided  
0272 the distribution results from the free choice of individuals' buying and selling things  
0273 the distribution is just  
0274 and it's not  
0275 it's unjust.  
0276 so let's, in order to fix  
0277 ideas for this discussion, take  
0278 an actual  
0279 example  
0280 who's wealthiest person  
0281 in the united states, wealthiest person in the world  
0282 Bill Gates, it is, you're right. here he is.  
0283 you'd be happy too  
0284 now, what's his net worth?  
0285 anybody have any idea?  
0286 that's a big number  
0287 during the Clinton years remember there was a controversy, donors, big campaign contributors  
0288 were invited to stay overnight in the Lincoln bedroom at the white house  
0289 I think if you contributed twenty five thousand dollars or above  
0290 someone figured out  
0291 at the median contribution  
0292 that got you invited to stay a night in the Lincoln bedroom  
0293 Bill Gates could afford to stay in the Lincoln bedroom every night for the next sixty six  
0294 thousand years



0295 somebody else figured out  
0296 how much does he get paid on an hourly basis  
0297 and  
0298 so they figured out since he began Microsoft  
0299 suppose the worked about fourteen hours per day  
0300 a reasonable guess  
0301 and you calculate  
0302 this is net wealth  
0303 it turns out  
0304 that his rate of  
0305 pay  
0306 is  
0307 over  
0308 a hundred and fifty dollars not  
0309 per hour,  
0310 not per minute  
0311 a hundred and fifty dollars, more than a hundred and fifty dollars per second  
0312 which means  
0313 which means  
0314 that if on his way to the office  
0315 Gates noticed a hundred-dollar bill on the street  
0316 it wouldn't be worth his time to stop and pick it up  
0317 now most of you would say  
0318 someone that wealthy  
0319 surely we can tax them  
0320 to meet  
0321 the pressing needs  
0322 of people who lack of education or lack enough to eat  
0323 or lack decent housing  
0324 they need it more than he does  
0325 and if you were a utilitarian  
0326 what would you do? What tax policy would you have  
0327 you'd redistribute in a flash wouldn't you  
0328 because you would know  
0329 being a good utilitarian  
0330 that taking some, a small amount, he's scarcely going  
0331 to notice it, but it will make a

0332 huge improvement in the lives and in the welfare of those at the bottom  
0333 but remember  
0334 the libertarian theory says  
0335 we can't just add up  
0336 and aggregate preferences and satisfactions  
0337 that way  
0338 we have to respect  
0339 persons  
0340 and if he earned that money fairly  
0341 without violating anybody else's rights  
0342 in accordance with the two principles of justice in acquisition and justice in transfer, then  
0343 it would be wrong  
0344 it would be a form of coercion  
0345 to take it away  
0346 Michael Jordan is not as wealthy Bill Gates  
0347 but he did pretty well for himself  
0348 you want to see Michael Jordan?  
0349 there he is  
0350 his income alone  
0351 in one year was thirty one million dollars  
0352 and then he made another forty seven million dollars in endorsements for Nike and other  
0353 companies  
0354 so his income  
0355 was  
0356 in one year seventy eight million  
0357 the require him to pay  
0358 say a third of his earnings  
0359 to the government  
0360 to support good causes  
0361 like food and health care and housing and education for the poor  
0362 that's coercion  
0363 that's unjust  
0364 that violates his  
0365 rights  
0366 and that's why  
0367 redistribution is wrong.  
0368 Now, how many agree with that argument

0369 agree with the libertarian argument that  
0370 redistribution for the sake of  
0371 trying to help the poor is wrong?  
0372 and how many disagree with that argument?  
0373 all right let's begin with those who disagree?  
0374 what's wrong with the libertarian case against  
0375 redistribution?  
0376 I think these people like Michael Jordan have received,  
0377 we're talking about working within the society  
0378 they received a larger  
0379 gift from the society and they have a larger obligation  
0380 in return to give that through distribution  
0381 you know you can say that Michael Jordan may work just as hard as someone who works  
0382 you know  
0383 doing laundry twelve hours, fourteen hours a day  
0384 but he's receiving more  
0385 I don't think it's fair to say that you know  
0386 it's all on his  
0387 inherent hard work. All right  
0388 let's hear from defenders of libertarianism  
0389 why would it be wrong in principle  
0390 to tax the rich to help the poor.  
0391 My name is Joe and I collect skateboards.  
0392 I've since bought a hundred skate boards and live in a society the hundred people  
0393 I'm the only one with skateboards suddenly everyone decides they want skateboard they  
0394 come into the house to take my, they take ninety nine of my skateboards. I think that is unjust  
0395 now I think in certain circumstances, it  
0396 becomes necessary to overlook injustice and perhaps condone that injustice  
0397 as in the case of the cabin boy being killed  
0398 for food if people are on the verge of dying  
0399 perhaps it is necessary  
0400 to overlook that injustice but I think it's important to keep in mind  
0401 they were still committing injustice  
0402 by taking people's belonging or assets. Are you saying that taxing Michael Jordan say at thirty  
0403 three percent tax rate  
0404 for good causes  
0405 to feed the hungry

0406 is theft

0407 I think it's unjust, yes I do believe it's theft, but perhaps it is necessary

0408 to condone that theft.

0409 But it's theft. Yes.

0410 why is it theft, Joe?

0411 because

0412 why is it like your collection of skateboards?

0413 it's theft because

0414 or at least

0415 in my opinion and by the libertarian opinion

0416 he earned that money fairly

0417 and

0418 it belongs to him and so take it from him

0419 is by definition theft.

0420 alright let's see if there is

0421 who wants to reply to Joe?

0422 yes go ahead

0423 I don't think this necessarily a case in which you have ninety nine skateboards and

0424 the government, or you have a hundreds skateboards and the government is taking ninety nine of them

0425 it's like the

0426 it's like you have more skateboards than there are

0427 days in the year, you have more skateboards than you're going to be able to use your entire lifetime

0428 and the government is taking

0429 part of those. And

0430 I think that if you're operating in society

0431 in which the government

0432 in which the government doesn't redistribute wealth

0433 that that allows for people to amass so much wealth

0434 that people who haven't started from

0435 the equal footing in our hypothetical situation,

0436 that doesn't exist in our real society,

0437 get undercut for the rest of their lives.

0438 so you're worried that if there isn't some degree of redistribution if some are left at

0439 the bottom

0440 there will be no genuine equality of opportunity

0441 alright. the idea that taxation is theft,

0442 Nozick takes that point one step further

0443 he agrees that it's theft  
0444 he's more demanding than Joe, Joe says it is theft,  
0445 maybe in an extreme case it's justified  
0446 maybe a parent  
0447 is justified in stealing a loaf of bread  
0448 to feed his or her hungry family  
0449 so Joe is a what? What would you call yourself a compassionate quasi libertarian?  
0450 Nozick says, if you think about it  
0451 taxation  
0452 amounts  
0453 to the taking of earnings  
0454 in other words it means  
0455 taking  
0456 the fruits  
0457 of my labor  
0458 but if the state has the right  
0459 to take my earnings or the fruits of my labor,  
0460 isn't that morally the same  
0461 as according to the state  
0462 the right  
0463 to claim  
0464 a portion of my labor?  
0465 So taxation actually  
0466 is morally equivalent  
0467 to forced labor  
0468 because forced labor  
0469 involves the taking  
0470 of my leisure, my time, my efforts  
0471 just as taxation  
0472 takes the earnings  
0473 that I make  
0474 with my labor.  
0475 And so for Nozick  
0476 and for the libertarians  
0477 taxation for redistribution  
0478 is theft as Joe says,  
0479 but not only thing left

0480 it is morally equivalent  
0481 to laying claim  
0482 to certain hours  
0483 of a person's life  
0484 and labor  
0485 so it's morally equivalent to forced  
0486 labor  
0487 if the state has a right to claim the fruits of my labor  
0488 that implies that it really  
0489 has an entitlement  
0490 to my labor itself  
0491 and what is forced labor?  
0492 forced labor  
0493 Nozick points out  
0494 it's what? it's slavery  
0495 because  
0496 if I don't have the right, the sole right  
0497 to my own labor  
0498 then  
0499 that's really to say that the government or the  
0500 political community  
0501 is a part owner in me  
0502 and what does it mean for the state to be a part owner in me?  
0503 if you think about it  
0504 it means  
0505 that I am a slave  
0506 that I don't own myself  
0507 so what this line of reasoning brings us to  
0508 is the fundamental  
0509 principle  
0510 that underlies the libertarian case for rights  
0511 what is that principle?  
0512 it's the idea  
0513 that I own myself  
0514 it's the idea  
0515 of self-possession  
0516 if you want to take rights seriously

0517 if you don't want to just regard people as collections of preferences  
0518 the fundamental moral idea  
0519 to which you will be lead  
0520 is the idea  
0521 that we are the owners or the proprietors of our own person  
0522 and that's why  
0523 utilitarian goes wrong  
0524 and that's why it's wrong to yank the organs from that healthy patient  
0525 you're acting as if  
0526 that patient belongs to you or to the community  
0527 but we belong to ourselves  
0528 and that's the same reason  
0529 that it's wrong to make laws to protect us from ourselves  
0530 or to tell us how to live  
0531 to tell us what virtues  
0532 we should be governed by  
0533 and that's also why it's wrong  
0534 to tax  
0535 the rich to help the poor even for good causes even to help those who are displaced by the  
0536 hurricane  
0537 Katrina  
0538 ask them to give charity  
0539 but if you tax them  
0540 it's like forcing them to labor  
0541 could you tell Michael Jordan he has to skip next  
0542 week's games and go down to help the people  
0543 displaced by hurricane Katrina?  
0544 morally it's the same  
0545 so the stakes are very high  
0546 so far we've heard some objections  
0547 to the libertarian argument  
0548 but if you want to reject it  
0549 you have to break into this chain of reasoning which goes  
0550 taking my earnings  
0551 is like  
0552 taking my labor  
0553 but taking my labor

0554 is making me a slave  
0555 and if you  
0556 disagree with that  
0557 you must believe in the principle of self-possession  
0558 those who  
0559 disagree  
0560 gather your objections  
0561 and we'll begin with them next time.

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