

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.
