

we were looking at John Stuart Mill's  
and his attempt  
to reply  
to the critics  
of Bentham's utilitarianism  
in his book Utilitarianism,  
Mill tries to show  
that critics to the contrary, it is possible  
within utilitarian framework to distinguish between higher and lower  
pleasures, it is possible to make  
qualitative distinctions of worth,  
and we tested of that idea  
with the Simpsons  
in the Shakespeare excerpts  
and the results of our experiment  
seemed to call into question  
Mill's distinctions  
because a great many of you  
reported  
that you prefer the Simpsons  
but that you still consider Shakespeare  
to be the higher for the worthier pleasure  
that's the dilemma  
with which our experiment confronts Mill.  
what about Mill's  
attempt to account  
for especially weighty character  
of individual rights and justice in chapter five of utilitarianism?  
he wants to say that individual rights  
are worthy  
of special respect  
in fact he goes so far as to say that justice is the most sacred part  
and the most incomparably binding part of morality  
but the same challenge  
could be put  
to this part of Mill's defense  
why  
is justice  
the chief part  
and the most binding part of our morality? well he says because in the long run  
if we do justice and if we respect rights,  
society as a whole  
will be better off in the long run.  
well what about that?

what if we have a case where making an exception and violating individual rights actually will make people better off in the long run is it all right then? to use people? and there's a further objection that could be raised against Mill's case for justice and rights suppose the utilitarian calculus in the long run works out as he says it will such that respecting people's rights is a way of making everybody better off in the long run is that the right reason is that the only reason to respect people? if the doctor goes in and yanks the organs from the healthy patient who came in for a checkup to save five lives there would be adverse effects in the long run eventually people would learn about this and would stop going in for checkups is it the right reason is the only reason that you as a doctor won't yanked the organs out of a healthy patient that you think well if I use him in this way in the long run more lives will be lost? or is there another reason having to do with intrinsic respect for the person as an individual and if that reason matters and it's not so clear that even Mill's utilitarianism can take account of it fully to examine these two worries or objections to Mill's defense we need to we need to push further we need to ask in the case of higher or worthier pleasures are there theories of the good life that can provide independent moral standards for the worth of pleasures? if so what do they look like?

that's one question  
in the case of justice and rights  
if we suspected that Mill is implicitly leaning on notions of human dignity or respect for  
persons that are not, strictly speaking,  
utilitarian  
we need to look to see whether there are some stronger theories of rights  
that can explain  
the intuition  
which even Mill shares  
the intuition  
that the reason for respecting individuals and not using them  
goes beyond  
even utility in the long run.  
today we turn  
to one  
of those strong theories of rights  
strong theories of rights say  
individuals matter  
not just as instruments to be used for a larger social purpose  
or for the sake of maximizing utility  
individuals  
are separate beings with  
separate lives  
worthy of respect  
and so it's a mistake  
according to strong theories rights, it's a mistake  
to think about justice or law  
by just getting up preferences  
and values  
the strong rights theory we turn to today  
is libertarianism  
libertarianism  
take individual rights seriously  
it's called libertarianism because it says the fundamental individual right  
is the right to liberty  
precisely because we are separate individual beings  
we're not available  
to any use  
that the society might  
desire or devise. precisely because we're individual  
separate human beings  
we have a fundamental right to liberty  
and that means  
a right  
to choose freely

to live our lives as we please  
provided we respect other people's rights  
to do the same  
that's the fundamental idea  
Robert Nozick  
one of the libertarian philosophers we read  
for this course puts it this way  
individuals have rights  
so strong and far-reaching are these rights  
that they raise the question of what, if anything  
the state may do.  
so what does libertarianism say  
about  
the role of government  
or of the state  
well there are three things that most  
modern states do  
that  
on the libertarian theory of rights  
are illegitimate  
are unjust  
one of them  
is paternalist legislation  
that's passing laws that protect people from themselves  
seat belt laws for example  
or motorcycle helmet laws  
the libertarian says  
it may be a good thing if people wear seat belts,  
but that should be up to them  
and the state  
the government  
has no business coercing them, us  
to wear seat belts  
by law  
its coercion  
so no paternalist legislation  
number one. number two  
no morals legislation  
many laws  
try to promote  
the virtue of citizens  
or try to give expression  
to the moral  
values  
of the society as a whole.

libertarians say that's also  
a violation of the right to liberty  
take the example of, well a classic example of legislation offered in the name of promoting  
morality traditionally,  
have been laws that prevent  
sexual intimacy  
between  
gays and lesbians  
the libertarian says  
nobody else is harmed  
nobody else's rights are violated  
so the state should get all of the business entirely  
of trying to promote virtue  
or to enact morals legislation.  
and the third kind of law  
or policy  
it is ruled out  
on the libertarian philosophy  
is any taxation  
or other policy  
that serves the purpose  
of redistributing income or wealth  
from the rich to the poor  
redistribution  
is a kind of, if you think about it  
says libertarians, a kind of coercion  
what it amounts to is theft  
by the state  
or by the majority  
if we're talking about a democracy  
from people who happen to do very well and earn a lot of money  
now Nozick and other libertarians allow that there can be a minimal state  
that taxes people for the sake of  
what everybody needs  
the national defense  
police force  
judicial system to enforce contracts and  
property rights  
but that's it.  
Now I want to get your reactions  
to this third  
feature  
of the libertarian view  
I want to see  
who among you

agree with that idea and who disagree  
and why  
and just to make a concrete and to see what's at stake  
consider the distribution of wealth  
in the united states.  
The united states is among the most  
In-egalitarian societies as far as distribution of wealth,  
of all the advanced democracies  
now is this just  
or unjust  
well what is the libertarian say  
the libertarian says  
you can't know just from the facts  
I just given you  
you can't know whether that distribution  
it's just or unjust.  
you can't know just by looking at a pattern or a distribution or a result  
whether it's just or unjust  
you have to know how it came to be  
you can't just look at the end state or the result  
you have to look at two principles  
the first he calls justice in acquisition  
or in initial holdings  
and what that means simply is  
did people get the things they use  
to make their money  
fairly  
so we need to know  
was there justice in the initial holdings, did they steal the land or the factory or the  
goods that enabled them to make all that money?  
if not,  
if they were entitled to whatever it was that enabled them to  
gather the wealth  
the first principle is met.  
the second principle is  
did the distribution arise  
from the operation of free consent  
people buying and trading on the market  
as you can see the libertarian idea of justice  
corresponds to a free market  
conception of justice  
provided  
people  
got what they used  
fairly

didn't steal it  
and provided  
the distribution results from the free choice of individuals' buying and selling things  
the distribution is just  
and it's not  
it's unjust.  
so let's, in order to fix  
ideas for this discussion, take  
an actual  
example  
who's wealthiest person  
in the united states, wealthiest person in the world  
Bill Gates, it is, you're right. here he is.  
you'd be happy too  
now, what's his net worth?  
anybody have any idea?  
that's a big number  
during the Clinton years remember there was a controversy, donors, big campaign contributors  
were invited to stay overnight in the Lincoln bedroom at the white house  
I think if you contributed twenty five thousand dollars or above  
someone figured out  
at the median contribution  
that got you invited to stay a night in the Lincoln bedroom  
Bill Gates could afford to stay in the Lincoln bedroom every night for the next sixty six  
thousand years  
somebody else figured out  
how much does he get paid on an hourly basis  
and  
so they figured out since he began Microsoft  
suppose the worked about fourteen hours per day  
a reasonable guess  
and you calculate  
this is net wealth  
it turns out  
that his rate of  
pay  
is  
over  
a hundred and fifty dollars not  
per hour,  
not per minute  
a hundred and fifty dollars, more than a hundred and fifty dollars per second  
which means  
which means  
that if on his way to the office

Gates noticed a hundred-dollar bill on the street  
it wouldn't be worth his time to stop and pick it up  
now most of you would say  
someone that wealthy  
surely we can tax them  
to meet  
the pressing needs  
of people who lack of education or lack enough to eat  
or lack decent housing  
they need it more than he does  
and if you were a utilitarian  
what would you do? What tax policy would you have  
you'd redistribute in a flash wouldn't you  
because you would know  
being a good utilitarian  
that taking some, a small amount, he's scarcely going  
to notice it, but it will make a  
huge improvement in the lives and in the welfare of those at the bottom  
but remember  
the libertarian theory says  
we can't just add up  
and aggregate preferences and satisfactions  
that way  
we have to respect  
persons  
and if he earned that money fairly  
without violating anybody else's rights  
in accordance with the two principles of justice in acquisition and justice in transfer, then  
it would be wrong  
it would be a form of coercion  
to take it away  
Michael Jordan is not as wealthy Bill Gates  
but he did pretty well for himself  
you want to see Michael Jordan?  
there he is  
his income alone  
in one year was thirty one million dollars  
and then he made another forty seven million dollars in endorsements for Nike and other  
companies  
so his income  
was  
in one year seventy eight million  
the require him to pay  
say a third of his earnings  
to the government



to support good causes  
like food and health care and housing and education for the poor  
that's coercion  
that's unjust  
that violates his  
rights  
and that's why  
redistribution is wrong.

Now, how many agree with that argument  
agree with the libertarian argument that  
redistribution for the sake of  
trying to help the poor is wrong?  
and how many disagree with that argument?  
all right let's begin with those who disagree?  
what's wrong with the libertarian case against  
redistribution?

I think these people like Michael Jordan have received,  
we're talking about working within the society  
they received a larger  
gift from the society and they have a larger obligation  
in return to give that through distribution  
you know you can say that Michael Jordan may work just as hard as someone who works  
you know  
doing laundry twelve hours, fourteen hours a day  
but he's receiving more  
I don't think it's fair to say that you know  
it's all on his  
inherent hard work. All right  
let's hear from defenders of libertarianism  
why would it be wrong in principle  
to tax the rich to help the poor.

My name is Joe and I collect skateboards.

I've since bought a hundred skate boards and live in a society the hundred people  
I'm the only one with skateboards suddenly everyone decides they want skateboard they  
come into the house to take my, they take ninety nine of my skateboards. I think that is unjust  
now I think in certain circumstances, it  
becomes necessary to overlook injustice and perhaps condone that injustice  
as in the case of the cabin boy being killed  
for food if people are on the verge of dying  
perhaps it is necessary  
to overlook that injustice but I think it's important to keep in mind  
they were still committing injustice  
by taking people's belonging or assets. Are you saying that taxing Michael Jordan say at thirty  
three percent tax rate  
for good causes

to feed the hungry  
is theft  
I think it's unjust, yes I do believe it's theft, but perhaps it is necessary  
to condone that theft.  
But it's theft. Yes.  
why is it theft, Joe?  
because  
why is it like your collection of skateboards?  
it's theft because  
or at least  
in my opinion and by the libertarian opinion  
he earned that money fairly  
and  
it belongs to him and so take it from him  
is by definition theft.  
alright let's see if there is  
who wants to reply to Joe?  
yes go ahead  
I don't think this necessarily a case in which you have ninety nine skateboards and  
the government, or you have a hundreds skateboards and the government is taking ninety nine of  
them  
it's like the  
it's like you have more skateboards than there are  
days in the year, you have more skateboards than you're going to be able to use your entire  
lifetime  
and the government is taking  
part of those. And  
I think that if you're operating in society  
in which the government  
in which the government doesn't redistribute wealth  
that that allows for people to amass so much wealth  
that people who haven't started from  
the equal footing in our hypothetical situation,  
that doesn't exist in our real society,  
get undercut for the rest of their lives.  
so you're worried that if there isn't some degree of redistribution if some are left at  
the bottom  
there will be no genuine equality of opportunity  
alright. the idea that taxation is theft,  
Nozick takes that point one step further  
he agrees that it's theft  
he's more demanding than Joe, Joe says it is theft,  
maybe in an extreme case it's justified  
maybe a parent  
is justified in stealing a loaf of bread

to feed his or her hungry family  
so Joe is a what? What would you call yourself a compassionate quasi libertarian?  
Nozick says, if you think about it  
taxation  
amounts  
to the taking of earnings  
in other words it means  
taking  
the fruits  
of my labor  
but if the state has the right  
to take my earnings or the fruits of my labor,  
isn't that morally the same  
as according to the state  
the right  
to claim  
a portion of my labor?  
So taxation actually  
is morally equivalent  
to forced labor  
because forced labor  
involves the taking  
of my leisure, my time, my efforts  
just as taxation  
takes the earnings  
that I make  
with my labor.  
And so for Nozick  
and for the libertarians  
taxation for redistribution  
is theft as Joe says,  
but not only thing left  
it is morally equivalent  
to laying claim  
to certain hours  
of a person's life  
and labor  
so it's morally equivalent to forced  
labor  
if the state has a right to claim the fruits of my labor  
that implies that it really  
has an entitlement  
to my labor itself  
and what is forced labor?  
forced labor

Nozick points out  
it's what? it's slavery  
because  
if I don't have the right, the sole right  
to my own labor  
then  
that's really to say that the government or the  
political community  
is a part owner in me  
and what does it mean for the state to be a part owner in me?  
if you think about it  
it means  
that I am a slave  
that I don't own myself  
so what this line of reasoning brings us to  
is the fundamental  
principle  
that underlies the libertarian case for rights  
what is that principle?  
it's the idea  
that I own myself  
it's the idea  
of self-possession  
if you want to take rights seriously  
if you don't want to just regard people as collections of preferences  
the fundamental moral idea  
to which you will be lead  
is the idea  
that we are the owners or the proprietors of our own person  
and that's why  
utilitarian goes wrong  
and that's why it's wrong to yank the organs from that healthy patient  
you're acting as if  
that patient belongs to you or to the community  
but we belong to ourselves  
and that's the same reason  
that it's wrong to make laws to protect us from ourselves  
or to tell us how to live  
to tell us what virtues  
we should be governed by  
and that's also why it's wrong  
to tax  
the rich to help the poor even for good causes even to help those who are displaced by the  
hurricane  
Katrina

ask them to give charity  
but if you tax them  
it's like forcing them to labor  
could you tell Michael Jordan he has to skip next  
week's games and go down to help the people  
displaced by hurricane Katrina?  
morally it's the same  
so the stakes are very high  
so far we've heard some objections  
to the libertarian argument  
but if you want to reject it  
you have to break into this chain of reasoning which goes  
taking my earnings  
is like  
taking my labor  
but taking my labor  
is making me a slave  
and if you  
disagree with that  
you must believe in the principle of self-possession  
those who  
disagree  
gather your objections  
and we'll begin with them next time.