

Scheffler on Nozick

Capitalism

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Nozick's Argument

Capitalism & the minimal state as the only just arrangements

Libertarian Side-Constraints

The ability to shape one's life, and give it a purpose

Rationality, Free Will, Moral Agency

Scheffler's Alternative Conception

“every person has a natural right to a sufficient share of every distributable good whose enjoyment is a necessary condition of the person's having a reasonable chance of living a decent and fulfilling life [...].

[The only exception is that] [n]o person has a natural right to any good which can only be obtained by preventing someone else from having a reasonable chance of living a decent and fulfilling life.” (p. 64)

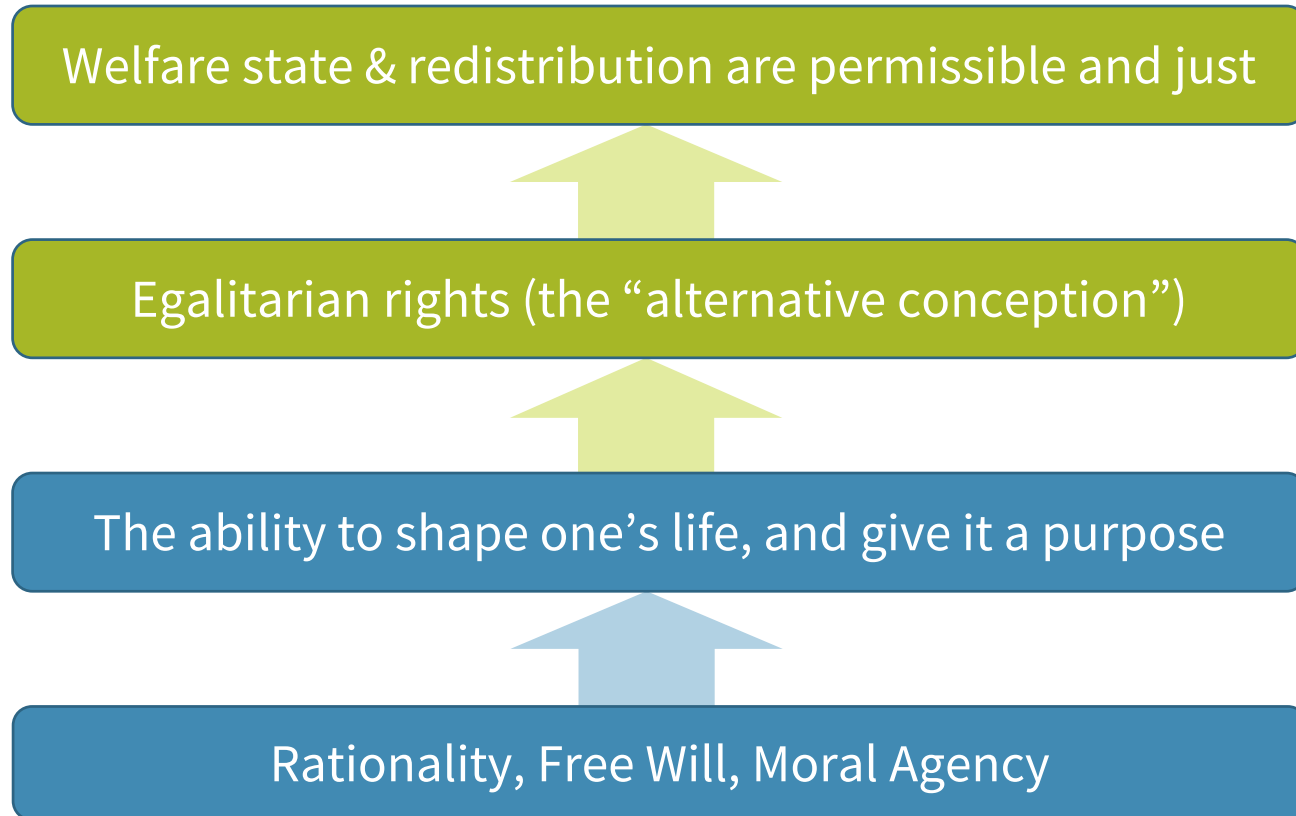
Questions

1. Is Scheffler's view a utilitarianism of rights?
2. Does Scheffler's view still adhere to Nozick's "form" of a moral theory (rights are side-constraints)?

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Scheffler's Alternative Argument



Scheffler's basic strategy: take Nozick's moral foundations, but show that they support the opposite of what Nozick thinks

"If the meaning of life is our concern, then starvation, not taxation, is our worthy foe." (p. 70)

Questions

1. Is Scheffler right that Nozick's foundations actually support the opposite?
2. How could Nozick be defended?
3. What are problems with Scheffler's "alternative conception"?

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A letter to the Editor of the Washington Post

[...] I believe a scheme to tax previously acquired assets, as opposed to taxing high-income earners, would be tantamount to theft.

If one person forcibly takes from another, it's stealing whether the victim is wealthy or poor, and regardless of how the thief uses the stolen assets.

So, if the government were to raise revenue by simply confiscating assets, how would that be any different?

And while relatively few Americans own more than the proposed \$50 million threshold, that threshold could lie on a slippery slope if that revenue still turned out to be insufficient.

The argument is question-begging. Theft is the violation of private property rights. But someone like Cohen or Scheffler denies that redistribution violates property rights (because they do not think there are such rights)!

Force ≠ Injustice. Note that defending your property rights will also often involve force. But presumably the author will not think this impermissible!

Here, the author switches to a consequentialist argument (intentionally?)

Rothbard's Definition of Libertarianism

The libertarian creed rests upon one central axiom: that no man or group of men may aggress against the person or property of anyone else. This may be called the “nonaggression **axiom**.” “Aggression” is defined as the initiation of the use or threat of physical violence against the person or property of anyone else. Aggression is therefore **synonymous with invasion**.

[...] [S]ince the libertarian **also opposes invasion of the rights of private property**, this also means that he just as emphatically opposes government interference with property rights or with the freemarket economy through controls, regulations, subsidies, or prohibitions. **The libertarian favors the right to unrestricted private property and free exchange**; hence, a system of “laissez-faire capitalism.”

The crucial question: is this a moralized or non-moralized definition of freedom?

This, and talk about “nonaggression” suggests a non-moralized definition.

This suggests a non-consequentialist argument. If something is an axiom, then it is a moral commitment that is fundamental.

If morality is non-moralized, this argument does not follow. Note that the aggression used by non-owners against owners would be forbidden by the non-aggression principle!

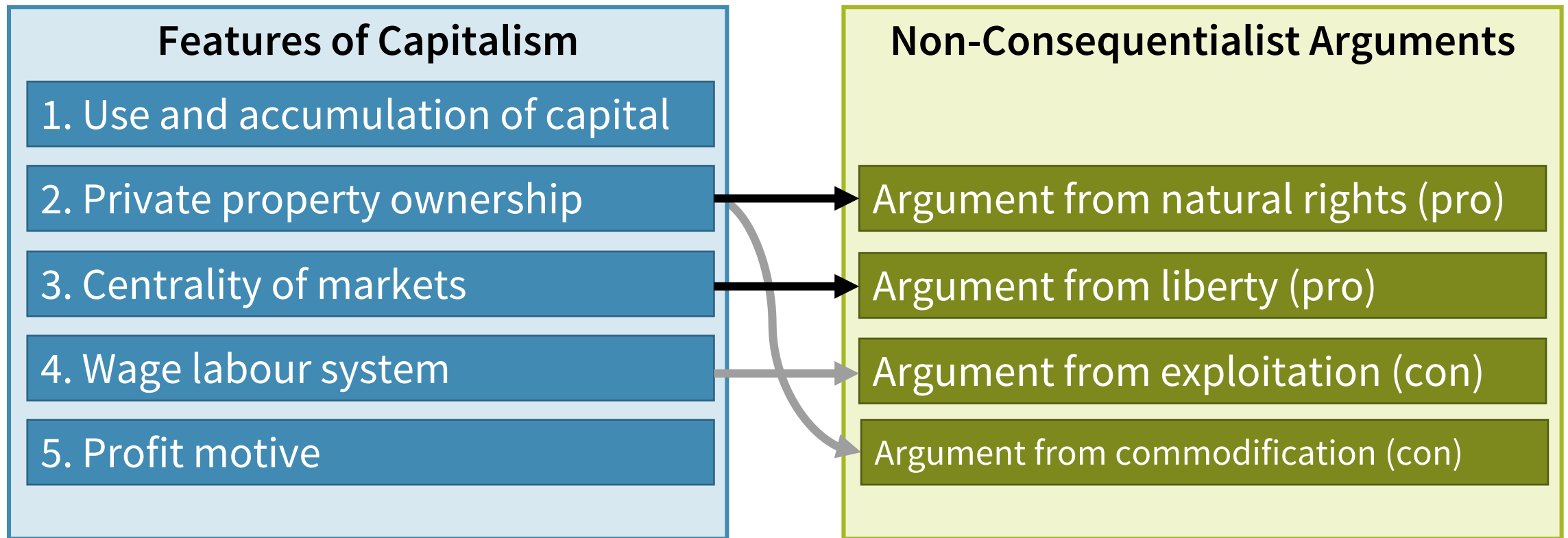
Think back to Cohen's objection that workers are unfree under a capitalist system. Does Rothbard have non-question-begging response?

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How would a non-consequentialist argument work?

A non-consequentialist argument for/against capitalism would need to show how it is just/unjust merely on the basis of looking at the features of capitalism





Summary

- ❖ Scheffler offers an alternative theory of natural rights, on which people have welfare (“positive”) rights
- ❖ Positive rights are often contrasted with negative rights
- ❖ He argues that these rights are actually better supported on the basis of Nozick’s own foundations
- ❖ Other non-consequentialist arguments than the ones we have discussed can be constructed
- ❖ In general: the failure of an argument does not show that the conclusion is false!