

**MIDTERM TAKEHOME EXAM      PHILOSOPHY 167      SPRING, 2007**

This exam is due at the start of class on Friday, May 11. Late papers will be subject to grade penalty.

Write an essay in response to one of the topics posed below. Please indicate clearly which of these topics you are addressing. Your exam should be the equivalent of six to eight typed double-spaced pages. Your answers may be hand-written if you prefer, but should be legible.

1. In *Anarchy, State, and Utopia* Robert Nozick defends a version of a Lockean natural moral rights doctrine that holds that apart from contract and other voluntary acts that involve the undertaking of obligations, the only enforceable duty one has to other people is not to harm them in certain specified ways (that violate their rights). On this view, one is never under an enforceable duty to provide positive assistance to others; one is not permitted to help one group of people if that activity would cause harm to others who do not consent to be so treated; and one is never under an enforceable duty not to act toward others in ways that cause them harm provided they give prior consent to such treatment. Defend or attack Nozick's natural rights doctrine in connection with the three implications just noted. Your discussion should include consideration of some significant grounds for opposing these aspects of Nozick's position advanced in course readings by John Rawls, Amartya Sen, or Peter Railton.

2. On p. 213 of *Anarchy, State, and Utopia*, Nozick states that "Rawls comes closest to considering the entitlement system in his discussion of what he terms the system of natural liberty." In that discussion Rawls notes that the initial distribution of assets "is the cumulative effect of prior distributions of natural assets—that is, natural talents and abilities—as these have been developed or left unrealized, and their use favored or disfavored over time by social circumstances and such chance contingencies as accident and good fortune. Intuitively, the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by these factors so arbitrary from a moral point of view." Explain how the impact of chance contingencies would be regulated and constrained in a society that satisfied Rawls's principles of justice. State Nozick's objections to Rawls's thinking on this issue and defend or attack Rawls on this point.

3. Rawls's first principle of justice states, "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." This principle is elaborated in chapters two and four of *A Theory of Justice* and the priority of the basic liberty principle over the other principles of justice in his system is defended in section #82 of the book. Expound Rawls's equal basic liberties principle and its rationale and either defend or attack this position on free speech and civil liberties. (You might contrast Rawls's position on basic liberties with the tradeoffs of basic liberty for other benefits a utilitarian would endorse.)

4. Rawls holds that the "basic structure of society" is the primary subject of justice because it fundamentally shapes people's life prospects but is normally beyond any individual's power to avoid or control. Explain what Rawls means by asserting the primacy of the basic structure. In different ways both Nozick and G. A. Cohen disagree with Rawls on this point. Develop the criticisms one or the other makes, explain what's at stake in this argument, and defend the position of one of these authors or another that you devise. (You might consider Michael Blake's view that Rawls's principles of justice for the basic structure apply to political societies taken one by one and not across the globe.)

5. Let us assume that if each person has full ownership rights over herself as Nozick claims, then under conditions of nonscarcity (there is more easily accessible land of the same good quality than anyone would ever want to use) each person should be free to appropriate and use as much land as she wants and none should interfere with the land others are using. Now assume that land and resources are scarce and the uses we make of them today may degrade their quality for future generations. On this assumption, what should the advocate of natural moral rights (as Nozick characterizes them in chapter 3 of *Anarchy, State, and Utopia*) and self-ownership affirm regarding the claimed right of individuals to appropriate hitherto unowned land as their permanent bequeathable private property? Your discussion should consider and assess Nozick's position on this issue. (You might attack or defend the idea of self-ownership as it figures in this discussion.)

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Your answers will be graded according to the cogency of your arguments, the clarity of your prose, and the soundness of the understanding of course materials that you display. Your answers should avoid lengthy quoting of course texts. To show that a course author holds the view you are attributing to him, provide precise footnote references that support your interpretations. University rules and moral norms of honesty forbidding plagiarism apply to this assignment.