YOUR NAME

Time allowed: 90 minutes. This section of the exam counts for one-half of your exam grade.

No use of books or notes is permitted during this exam.

Answer FIFTEEN of the NINETEEN questions on these pages. (If you need more space, please use the back sides of these sheets.)

1. In chapter 7 of *Anarchy, State, and Utopia*, Robert Nozick asserts that private appropriation of unowned land and other resources of the earth must satisfy what he calls the "Lockean Proviso" in order to give rise to full private property rights. State the Lockean Proviso and indicate what it requires in two settings: (1) a parcel of unowned land is appropriated as private property in Canada in 1750, when land is very abundant, and (2) the same parcel, now farmland, continues to be held as private property in 2050, when such land is extremely scarce.

2. G. A. Cohen argues that in a society whose members were committed to Rawls's difference principle, inequalities in people’s income and wealth would not develop, because talented people would be willing to work at socially productive economic tasks without demanding above-average pay or profit for fulfilling these roles. Cohen notes that Rawls himself would not agree that his theory of justice has this implication. According to Cohen, why not? What (according to Cohen) is Rawls’s position on this issue?

3. According to David Miller, a primary desert judgment always takes the form of a claim that some person deserves some benefit for a past meritorious performance. Given this, on what basis does Miller also claim that when jobs are given to the most qualified applicant (when there is hiring by merit), jobs are going to the person who most deserves the job?

4. Consider this proposal for reforming current political institutions in the U.S. to make them more democratic: Change the U.S. Constitution so that it is constitutionally required that Supreme Court Justices are chosen in national political elections for four-year terms as the U.S. President now is. Describe how Jeremy Waldron’s position on what he calls “rights instrumentalism” bears on the justifiability of this proposal.

5. In chapter 3 of *Anarchy, State, and Utopia*, Robert Nozick urges that Lockean moral rights should be understood as “side constraints” and opposes what he calls “utilitarianism of rights.” State the distinction between the two ways of understanding moral rights that Nozick develops in these terms. Describe an example in which Nozick’s proposal and the proposal he opposes would issue in conflicting recommendations as to what an individual morally ought to do.

6. Suppose that Western European nations such as Sweden, Austria, Germany, and France are much wealthier than most countries in sub-Saharan Africa. Does Dworkin’s equality of resources ideal imply that these wealthy nations ought to change their foreign aid policies, so that individuals in Africa and individuals in Western Europe become more nearly equal in resources? Why or why not? According to Dworkin, what entities are morally obligated by the equality of resources ideal and what is the content of their moral obligation in this regard?

7. Suppose a Rawlsian Justice Party is formed in the U.S. but has little electoral success. In 2010 frustrated members of the group stage a bloodless political coup and replace American constitutional democracy with an authoritarian regime that (let’s assume) will do better over the long run to bring about the fulfillment (to a greater extent than would have occurred if
constitutional democracy had remained in place) in the U.S. of Rawls’s fair equality of opportunity principle and the difference principle without sacrificing free speech or other civil liberties. There are no other significant differences between the effects of introducing authoritarianism versus the effects of leaving constitutional democracy in place apart from those just mentioned. With these stipulations in place, would Rawl’s principles of justice approve or condemn the RJP political coup or would they be neutral on this issue? Explain the reason(s) for your answer.

8. In chapter 6 of *Sovereign Virtue* Ronald Dworkin develops the “challenge model” of people’s critical interests. He applies this model to the issue of the moral acceptability of what he calls “coercive critical paternalism”—the restriction by the state of a person’s liberty against her will for her own good (the greater satisfaction of her critical interests). Elucidate Dworkin’s challenge model and explain the position on coercive critical paternalism that he believes challenge supports.

9. In chapter 4 of *Anarchy, State, and Utopia*, Robert Nozick considers two opposed positions one might take regarding actions that infringe (act against) any Lockean moral right of an individual. Nozick calls such actions “boundary crossings.” The two positions are: (1) Any boundary crossing is permissible provided that full compensation is paid to any individuals who are harmed by this infringement of their moral rights. (2) No boundary crossing is ever morally permissible unless one obtains the prior consent of any individual whose moral right would be infringed by an action one is contemplating. (Part of the importance of the issue is indicated by noting that if we accept (2), then it could be legitimate to impose a coercive state power on individuals without first obtaining their voluntary consent to be ruled by that state power.) State some of the major considerations that Nozick develops in chapter 4 that bear significantly on the moral acceptability of (1) and (2). Does Nozick himself accept (1) or (2) or neither? What is Nozick’s position concerning the choice between (1) and (2)?

10. John Rawls and David Miller disagree on the question, whether or not desert is best viewed as a pre-institutional notion. Rawls says it is not and Miller says it is. Explain in your own words the substance of this dispute between Miller and Rawls. What exactly is the claim about which they disagree? Indicate the significance of this dispute for the theory of justice.

11. In chapter 2 of *Sovereign Virtue* Ronald Dworkin distinguishes outcomes of brute luck and outcomes of option luck. State the distinction between option luck and brute luck as Dworkin formulates it and indicate how the distinction plays a role in the equality of resources doctrine that he asserts.

12. Consider this argument, which develops and expands on a line of thought that is present in Bertolt Brecht’s play *The Measures Taken*.

(1.) There are political truths.
(2.) The members of a small political intelligentsia have much better knowledge of the centrally important political truths than anyone else.
(3.) If someone has knowledge of the centrally important political truths, and is not otherwise disqualified (e.g. by being selfish or corrupt), then she has a claim to a share in the ruling of society, and no one who lacks such knowledge has any such claim.
Therefore
(4.) The qualified members of the intelligentsia, and they alone, have a claim to a share in the ruling of society.

Assume that anyone who believes that under modern conditions justice and morality require political democracy must reject (4.).
A. Present an argument that you find in either Jeremy Waldron’s essay or Joshua Cohen’s essay that can be an objection against the argument to (4).
B. Describe an objection against the argument to (4) that would be consistent with a “best results” approach to the question, what sort of political process is morally justified.
13. In chapter 1 of *Sovereign Virtue*, Ronald Dworkin explores and criticizes the position he calls “equality of welfare.” One important possible construal of equality of welfare takes welfare to be desire satisfaction. Dworkin after exploring some possibilities asserts that the most plausible interpretation of equality of welfare as desire satisfaction interprets welfare as “overall personal success.” He then develops two criticisms against the position that social justice requires equality of welfare in this sense. One is developed by way of an example involving two characters Jack and Jill and the other appeals to an idea Dworkin calls “reasonable regret.” **A. Explain what Dworkin means by “overall personal success.” How does overall personal success differ from relative personal success?** **B. State one of the two criticisms Dworkin develops against equality of welfare as overall personal success—either the Jack and Jill objection or the “reasonable regret” objection.**

14. David Miller asserts that there are three spheres of justice or modes of human relationship or social contexts and that a different norm of justice governs each sphere. What are the three modes he singles out and what is the norm or principle of justice that he pairs with each mode? Describe the problem of allocating places for students in schools, colleges, and universities as one concerning which one might hold that Miller’s spheres (modes) of justice overlap and a balance among the three mode principles must be found.

15. Robert Nozick and John Rawls disagree about many normative issues but they agree on at least one point: they both reject utilitarianism as the standard that determines the boundary between those acts and government policies that are morally right and those that are morally wrong. According to Rawls and Nozick, a society that enforces correct utilitarian judgments of right and wrong either might be unjust or would definitely be unjust. **State the doctrine of utilitarianism.** A course handout suggests the idea of prioritarianism, which might take the form of a qualified version of utilitarianism. **State the prioritarian variant of utilitarianism.**

16. Robert Nozick holds that each person’s basic Lockean moral rights include extensive rights over herself (including rights of control over her own body). These are rights of self-ownership. State these basic Lockean moral rights that each person has over herself. According to Nozick, can these rights be (a) waived (that is, abandoned) by the individual, (b) transferred to others, or (c) forfeited by actions the individual might do?

17. Elizabeth Anderson opposes a doctrine she calls “luck egalitarianism” and proposes that a doctrine she calls “democratic equality” is a superior understanding of the ideal of social justice. **State the main tenets of Anderson’s democratic equality ideal.** Consider the example of Bert, a young man who drives a motorcycle negligently fast on a deserted desert road, just for fun, endangering himself but no one except himself. He happens to crash and suffers injuries. The question arises whether social justice requires that individuals in Bert’s situation be provided compensation in the form of an offer of aid that mitigates their injuries. To determine whether a government committed to Elizabeth Anderson’s democratic equality ideal would be required by this commitment to offer medical assistance to Bert, **what information beyond what has been here stated (if any) would we need to know?**

18. Thomas Christiano starts with the premise that “justice requires that people be treated equally with regard to their interests.” He adds that “equal consideration of interests means that advancing the interests of one person is as important as advancing the interests of any other person.” He develops an argument from this premise to a conclusion about democracy. State the conclusion about democracy he reaches and summarize his overall argument to that conclusion.

19. In “Justice as Fairness: Political not Metaphysical,” John Rawls urges that the conception of justice he espouses, justice as fairness, should be interpreted as a political rather than as a metaphysical doctrine. In elaborating this contrast he distinguishes between a political conception of justice and a comprehensive moral doctrine. What does Rawls mean when he
describes justice as fairness as political not metaphysical? Explain the contrast he draws between a “political conception of justice” and a “comprehensive moral doctrine.” According to Rawls, why would it be morally unacceptable to use a comprehensive moral doctrine as a conception of justice for a modern democracy?