

This assignment is due on Wednesday, May 28, at class. Late papers will be subject to grade penalty.

Construct an essay of about six to eight pages on one of the topics below. Please indicate clearly which topic you have selected.

1. Call an action that does what a moral right rules out an *infringement* of that right. An infringement of a moral right that is morally wrong, all things considered, is a *violation* of that right. In chapter 4 Robert Nozick discusses to what extent Lockean moral rights should be understood as permitting infringements provided full compensation is paid to their victims. He also considers how Lockean moral rights theory should treat actions that involve risk of infringing people's rights. Peter Railton considers closely related issues in his essay "Locke, Stock, and Peril: Natural Property Rights, Pollution, and Risk." He argues that Lockean rights doctrines "may be incapable of striking an appropriate balance between restrictiveness and permissiveness in matters involving pollution and risk." Either defend Lockean moral rights theory against Railton's criticism or defend Railton's criticism against Lockean moral rights theory. (My essay "The Shape of Lockean Rights: Pareto, Fairness, and Consent" [an optional reading] suggests moderating Lockean views in response to the issues Nozick raises in chapter 4; you might argue for or against this suggestion.)

2. In chapter 3 of *Anarchy, State, and Utopia* Robert Nozick elaborates and defends a conception of individual moral rights as side constraints to be respected rather than as goals to be promoted. According to Nozick these moral rights are rights not to be harmed in certain ways rather than rights to be positively assisted by others. He also answers the question, "in virtue of precisely what characteristics of persons are there moral constraints on how they may treat each other or be treated?". In "Rights and Agency" Amartya Sen argues that moral rights should sometimes be interpreted as goals to be promoted and that these rights as goals should sometimes be interpreted as rights to capabilities. Compare Nozick's and Sen's views on these issues and defend one or the other of their opposed positions (or some third view of your own).

3. Under what circumstances, if any, is it morally desirable or morally required that the state take resources from some and transfer the resources to others who are worse off in order to improve their condition? Consider some of these possible aims that transfer of resources might serve: equalization or maximization of utility or well-being, priority (Parfit), equality of basic capabilities (sufficiency), undoing harms or losses that people generally would have purchased insurance against from a starting point of equality (Dworkin), or maximizing the resource holdings of the worst off (Rawls). Do the most morally appealing of these goals outweigh Nozick's reasons for holding that it is morally impermissible for the state "to use its coercive apparatus for the purpose of getting some citizens to aid others"? Why or why not?

Your essays will be graded according to the clarity of your prose, the cogency of the arguments you advance, and the soundness of the understanding of course materials you exhibit. Avoid long quotations from course texts. University rules and common morality forbid plagiarism.