

Class 4: Freedom Applied

**PPE Workshop Mumbai
The Politics of Freedom**

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Overview

1. The Inheritance Tax and Basic Income
2. Freedom and Migration
3. The Ethics of Torture

1. Inheritance Tax and Basic Income

Recall the libertarian principles of justice:

1. Principle of justice in acquisition
2. Principle of justice in transfer
3. Principle of justice in rectification

1. Inheritance Tax and Basic Income

1. Principle of justice in acquisition

State of nature argument that does not really seem to be of much practical import.

Alternative views? Bringing the starting point closer too home.

1. Inheritance Tax and Basic Income

LIBERTARIAN PAPERS

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DEATH, TAXES, AND MISINTERPRETATIONS OF ROBERT
NOZICK: WHY NOZICKIANS CAN OPPOSE THE ESTATE
TAX

LAMONT RODGERS*

IN A RECENT DISCUSSION, Jennifer Bird-Pollan attempts to show that “those who argue that the estate tax is an immoral violation of the private property rights of the deceased are mistaken.”¹ Her argument specifically targets Nozickian libertarianism.² Thus, Bird-Pollan promises to “accept Nozick’s libertarian political philosophical viewpoint, and explore the estate tax from within that perspective.”³ Her fundamental conclusion is that “society can, unrestricted by moral constraints regarding the property rights of the deceased, set a default rule for post-death property rights that reflects that society’s values.”⁴ This paper diagnoses two vital lacunas in Bird-

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¹ Jennifer Bird-Pollan, “Death, Taxes, and Property (Rights): Nozick, Libertarianism,

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MAINE LAW REVIEW

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DEATH, TAXES, AND PROPERTY (RIGHTS): NOZICK, LIBERTARIANISM, AND THE ESTATE TAX

*Jennifer Bird-Pollan**

I. INTRODUCTION

Over the last twelve years the estate tax has been eviscerated. Evolving from a tax at 55% on all estates over \$675,000 to a tax at only 35% on estates over \$5.12 million per person (\$10.24 million for a married couple); the estate tax now taxes only about 5,300 estates per year, as opposed to over 58,000 estates in 1999.¹ In an era of language decrying class warfare, why abandon this project of the estate tax?

1. Inheritance Tax and Basic Income

An inheritance or estate tax of 100%.

Arguments:

1. It allows you to create position of equal opportunities (justice in acquisition). (Note: progressive inheritance tax)
2. Dead people do not have rights

1. Inheritance Tax and Basic Income

An inheritance or estate tax of 100%.

Arguments in favour:

1. It allows you to create position of equal opportunities (justice in acquisition).
2. Dead people do not have rights

1. Inheritance Tax and Basic Income

An inheritance or estate tax of 100%.

Argument against:

1. People will transfer their possessions before their death. Either prevent this and create a monitoring monster or acknowledge the non-feasibility of a tax rate of 100%.

1. Inheritance Tax and Basic Income

Universal basic income is an income unconditionally granted to all on an individual basis, without means test or work requirement.

Advantages:

- A proxy of libertarian principle of justice in acquisition (equal opportunities)
- Allows one to remove all of the bureaucracy related to social security
- It does not victimize the needy

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2. Freedom and Migration

- Should we permit the free movement of people? Should we have open borders?
- The “Nay” sayers:
Immigration apparently threatens:
 - the integrity of national cultures
 - Jobs
 - national security

2. Freedom and Migration

- “It’s our country!” or the “statist view”
 - Sovereign states have the moral right and power to admit or exclude migrants at will, even if those migrants are peaceful and needy.
 - Accepting immigrants is a matter of benevolence and not a matter of moral obligation.
 - That is: people do not have an inalienable right of freedom of movement (to live where they please, subject to non-interference in the lives of others).

2. Freedom and Migration

- The freedom ethos:
 - The freedom ethos is about the *individual* and not the state, society, or the collective.
 - The freedom ethos is about protecting individual autonomy and sovereignty
 - The state is only a means to protect this freedom (the implications of which are a matter of much political controversy).

2. Freedom and Migration

- Hence, if citizens of S enter into voluntary exchanges with citizens of T, the state may not interfere in these exchanges as long as the exchange does not violate the freedom of anyone else even if the exchange results in the citizens of S immigrating to T. Integrity of national cultures and protection from competition do not belong to our protected (negative or positive) freedom .

2. Freedom and Migration

- As long as an immigrant of S respects the rights of citizens of T (peaceful, do not steal or trespass, or physically harm others) the state may not interfere with an immigrant of S.

2. Freedom and Migration

- We have two types of freedom:
 - Negative freedom and positive freedom
- What are the difference with respect to the immigration question?
 - The rights of migrants to livelihoods in their new countries: positive freedom & egalitarianism give immigrants rights to presumptive resources, negative freedom does not ensure this right

2. Freedom and Migration

- How to deal with the world migration crisis? (It is not just in the EU.)
 - Regulation only in the case of a violation of rights (terrorism, personal attacks)
 - The problem of absorbing and integrating refugees and migrants is a matter of finding *rights respecting mechanisms* and not *rights denying mechanisms* (the right proceeds the good). One solution is a market for migration in the sending countries.

3. The Ethics of Torture

- The right and the good
 - Constraints versus values
- Both are important.
- Does it really matter?

3. The Ethics of Torture

- Let X be the set of all possible outcomes.
- A is the subset of X containing inadmissible outcomes (e.g. they violate rights)

First approach ('weak priority of the right')

Define a social preference relation R^* over $X-A$ and choose the R^* -best element of $X-A$.

3. The Ethics of Torture

Second approach ('weak priority of the good')

Define a social preference relation R over X . Choose the R -best element of X . If it is in $X-A$, choose it. If it is in A , choose the second R -best element of X . If it is in $X-A$, choose it. If it is in A , choose the third R -best element of X , etc.

3. The Ethics of Torture

Does it matter? If R^* is the restriction of R to $X-A$, then the two approaches always yield the same outcome (assuming R is a linear ordering).

That is, it does not matter whether one endorses the weak priority of the right or the weak priority of the good.

3. The Ethics of Torture

Or does it?



3. The Ethics of Torture

- The deliberation effect
- The habituation effect

