

DOCTORAL THESIS

The Idea of Persons as Equals and Property Rights: In Between Nozick and Rawls

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Abstract

Dworkin claims that equality is at the heart of plausible political theories and even can be found in Nozick's, which is always regarded as a defense of freedoms and leaves little room for equality. According to Dworkin's claim, then, different political camps hold similar stances on taxation, social provision, and property rights, wherein the issues (or policies) stem from the idea of treating persons as equals. However, philosophers are divided over such issues, in particular, over theories of property. High liberals such as Rawls relegate the right to productive property such as the right to natural resources and productive means to a secondary position and restrict them for reasons other than to protect basic liberties. In this approach, large wealth inequalities can be reduced, and more people have resources to exercise their property rights. By contrast, Nozickian libertarians argue for absolute property rights, rights that are incompatible with taxation for provisions to the worst-off. In Nozick's view, redistribution from the well-off to the worst-off through taxation is functionally equivalent to forced labor and violation of the freedoms of the well-off to their possessions. Between Nozick's and Rawls's stances on theories of property is classical liberals'. Like Nozick, they view property rights as basic as political liberties, freedom of religion, and freedom of speech. Unlike Nozick, however, classic liberals support taxation and restrictions on property rights in order to build social safety nets. Taxation is neither the enemy of people's right to property nor a form of forced labor. Rather, it is compatible with property rights, which are basic but not absolute.

In light of the differences between the theories of property of Nozick and Rawls, the following question arises: is the idea of equality held by philosophers across political camps? Going further, we shall find that their differences are not empirical—that is, in the specifics of institutions that can better achieve the idea of equality. Rather, such differences are derivative from differences in the specification of contents of the idea of equality. Equality can be interpreted from two perspectives. First, the question of whether people share anything in common arises. The shared features or characteristics would be the basis for equal

treatment. The second question relates to how the idea of equality responds to differences in personal attributes and the effect they have on life prospects. This thesis represents a search for answers in Rawls's and Nozick's distributive theories.

I delineate two perspectives from which we understand the idea of equality and its relation to property rights. From the first perspective, people have moral powers in common—the capacity for the sense of justice and the capacity for a conception of the good. These shared capacities serve as grounds for demanding political equality and some degree of economic equality. More specifically, institutions should be designed to ensure that people from all sections of society have an equal influence in policy making and access to resources that are adequate for them to exercise and develop their moral powers.

From the second perspective, differences in personal attributes are an institutional fact, and they are produced not merely from personal attributes but through social cooperation. Only the cooperative system makes it possible for people to fulfill and amplify the worth of their attributes. Differences in personal attributes presuppose the existence of a cooperative system. The distribution of differences and the extent to which people are allowed to benefit from their attributes concern the operation of a cooperative system. Along this line, differences accrued from personal attributes should be distributed in an approach that not only rewards people for the effort they expend fulfilling the worth of their attributes but also allows the cooperative system to operate efficiently and continuously. In other words, people are allowed to benefit from their attributes on the condition that the share they receive does not damage the operation of the social system or obstruct others, such as those with institutionally disfavored attributes, from shaping the capacities that enable them to become active participants in social cooperation.

In accordance with this idea of equality, property rights have two features. First, property rights are essential to forming and developing moral powers; therefore, they should be included in the list of basic liberties and protected by the principle of priority. If people are respected as equals (i.e., they have Rawls's two

moral powers), institutions should be designed to secure people's right to property, protecting them against arbitrary interference. Second, property rights—the right to benefits earned through attributes and the appropriation of resources—accept restrictions. The restriction on property rights is necessary and justifiable when such a restriction ensures that all people have the resources to grow into equals with moral powers. Wealth accumulation, to the extent that it stifles the vigor of social cooperation or reduces social mobility, is morally questionable. Wealth stems from society and should be distributed in a way that enables society to prosper and benefits all social actors.

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