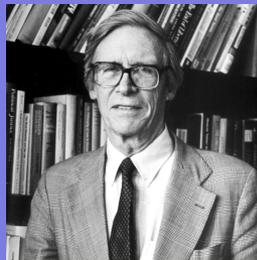


NOZICK'S ENTITLEMENT THEORY OF JUSTICE

Choice, Commerce, and Conflict

CONTENTS:
RAWLS REVIEW
NOZICK'S PROJECT
THE ENTITLEMENT THEORY
WILT CHAMBERLAIN ARGUMENT

REVIEW:
RAWLS' PRINCIPLES OF
JUSTICE (AS FAIRNESS)



JUSTICE AS FAIRNESS

1. **Equal Rights:** Each person is to be granted an equal right to the most extensive basic liberty compatible with a similar liberty for everyone else.
2. **Social Inequality:** Social and economic inequalities are to be arranged so that they are ...
 - (a) ... attached to positions and offices open to all under conditions of fair equality of opportunity (*Equal Opportunity*);
 - (b) ... to the greatest expected benefit of the least advantaged (*The Difference Principle*).

THE RAWLSIAN UTOPIA

- Everyone is guaranteed an **extensive set of basic liberties**.
- **Fair Equality of Opportunity:** people with the same natural talents have comparable life chances.
- What economic inequalities there are obey **The Difference Principle:** they are to the expected benefit of the least advantaged.

ARGUMENT FOR THE DIFFERENCE PRINCIPLE

The natural talents we are born with are a matter of luck. They are **arbitrary** from the **moral point of view**.

Therefore, those who are talented do not **deserve** more of the 'pie' just because they had good luck.

But, the **least-advantaged** benefit from encouraging the development and exercise of some of those talents.

Therefore, it's in the interests of the least-advantaged that there be an **unequal distribution** of resources if it rewards and encourages that pool of talent.

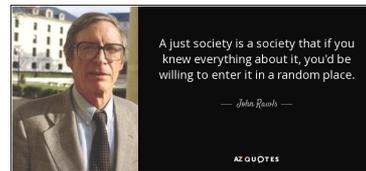
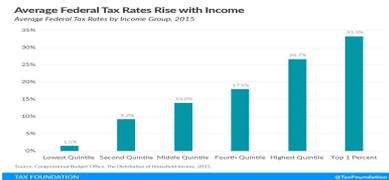
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A Regulated Market

Redistributive Taxation

Social welfare programs (A wide and secure social safety net)

Welfare-state Capitalism



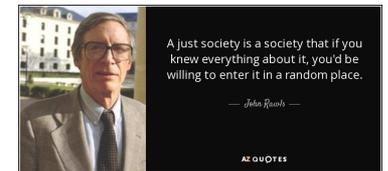
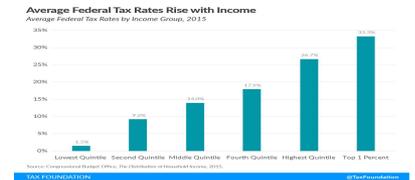
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Social welfare programs (A wide and secure social safety net)

Property-owning Democracy
Liberal Socialism
~~Welfare state Capitalism~~



THE RAWLSIAN UTOPIA

A Regulated Market

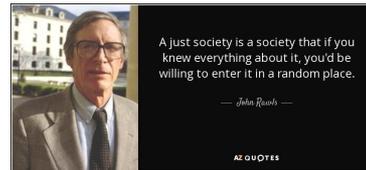
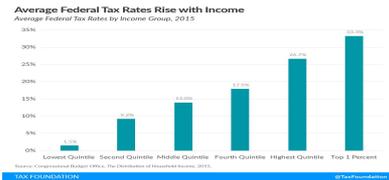
Redistributive Taxation

Social welfare programs (A wide and secure social safety net)

Property-owning Democracy

~~Liberal Socialism~~

~~Welfare-state Capitalism~~



RAWLS' GROUP PROJECT

This is a graded discussion: 10 points possible

due Nov 12

Reading Response #9: Rawls' Group Project
Ryan Doody

Sep 9 at 2:03pm

Suppose that you and three of your classmates have been assigned a group project. The project is somewhat complicated and will involve various tasks.

Eventually, I will assess the quality of the finished product and give your group a letter grade: A+, A, A-, B+, B, ..., etc.

What grade will you get? That depends.

You can now—in advance, before the project has begun—deliberate with your group members about how to allocate the grades you each will eventually individually receive. The only constraint is that the grades you and your group members receive must average out to the grade the group was awarded as a whole. (Example: If I give your group project a B+, the individual grades that each of you receive—which, again, is up to you all to decided in advance—must average out to be a B+. So, for example, one proposal is for everyone to receive a B+; another proposal (so long as the numbers work out) is for the seniors to receive As and the freshmen to receive Cs; etc.)

In order to determine how to allocate the eventual group grade to the group's individual members, Rawls might recommend making the decision "behind a Veil of Ignorance". This would, according to Rawls, be a good way of ensuring that the grades are allocated fairly.

1. Why is that? (That is, why, according to Rawls, is making the decision behind a Veil of Ignorance a good guide to what's fair? Do you agree or disagree?)
2. If you made the decision behind a Veil of Ignorance, what plan do you think you'd adopt? What plan do you think Rawls would think you'd adopt?
3. Veil of Ignorance aside, which way of allocating the grades do you think is most fair?

Search entries or author

Unread



✓ Subscribed

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NOZICK'S PROJECT

"Our main conclusions about the state are that a **minimal state**, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified" (ix)

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NOZICK'S PROJECT

"The minimal state is the most extensive state that can be justified. Any state more extensive violates people's rights." (149)

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NOZICK'S PROJECT

"The **minimal state** is the most extensive state that can be justified. Any state more extensive **violates people's rights.**" (149)

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NOZICK'S PROJECT

Nozick's Moral View:

People have *rights* against interference.

Part I:

Nevertheless, a minimal state can be justified.

Part II:

Nothing more extensive than a minimal state can be justified.

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RIGHTS AS SIDE CONSTRAINTS

NOZICK'S MORAL VIEW

Nozick (like Rawls) rejects
Utilitarianism.

Why?

We have **rights.**

What are they like?

Rights are **side constraints.**

They exist independently of the state
(they are grounded in an idea from

Kant: people are ends in themselves).

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RIGHTS AS SIDE CONSTRAINTS

Isn't it **irrational** to accept a **side constraint C**, rather than a view that directs **minimizing violations** of C?...
If non-violation of C is so important, shouldn't that be the **goal**? How can a concern for the nonviolation of C lead to the refusal to violate C even when this would prevent other more extensive violations of C?

What is the rationale for placing the nonviolation of rights as a **side constraint upon action** instead of including it solely as a **goal** of one's actions?

Nozick's Answer:

Side constraints upon action reflect the underlying **Kantian principle** that individuals are **ends** and **not merely means**; they may not be sacrificed or used for the achieving of other ends without their **consent**.
Individuals are inviolable.
(30-31)

THE MINIMAL STATE

NOZICK'S MINIMAL STATE

A "night-watchman" state:
Its only function is to protect the rights of its citizens, enforce contracts, provide protection, etc.



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NOZICK'S PROJECT

"The **minimal state** is the most extensive state that can be justified. Any state more extensive **violates people's rights.**" (149)

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NOZICK'S MINIMAL STATE

What about justice?

Can't a more extensive state be justified on the grounds that it is necessary to ensure distributive justice?

Nozick argues: **Nope.**

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NOZICK ON DISTRIBUTIVE
JUSTICE: LIBERTARIANISM

NOZICK ON DISTRIBUTIVE JUSTICE

Nozick offers a theory of economic justice that is historical and non-patterned.

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HISTORICAL VS END-STATE PRINCIPLES

Historical Principles:

Whether a distribution of holdings is just or not depends on how that distribution came about.

End-State Principles:

Whether a distribution of holdings is just or not depends on the structure of the distribution itself.

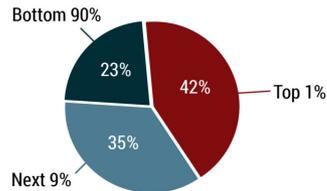
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HISTORICAL VS END-STATE PRINCIPLES

Share of Wealth

Figures are estimates for 2012.



SOURCE: Wealth Inequality in the United States since 1913, E. Saez, G. Zucman, August 2015

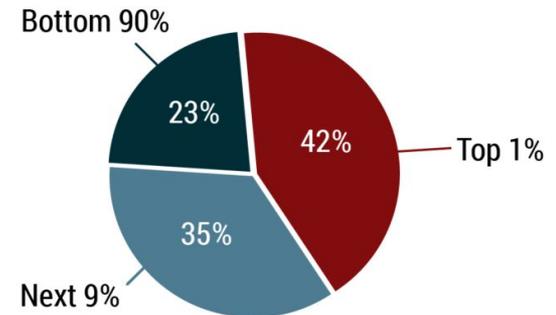
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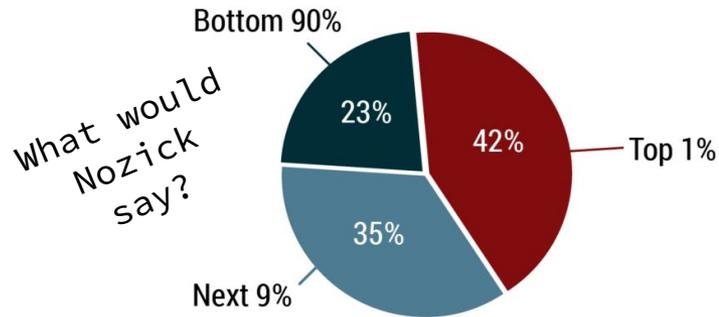


SOURCE: Wealth Inequality in the United States since 1913, E. Saez, G. Zucman, August 2015

ITEP.org

Share of Wealth

Figures are estimates for 2012.



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PATTERNED VS NON-PATTERNED

Patterned Principles:

It specifies that a distribution is to vary along with some natural dimension.

Example:

"To each according to their_____."
(‘need’, ‘effort’, ‘height’, ‘merit’, etc.)

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NOZICK ON DISTRIBUTIVE JUSTICE

Nozick offers a theory of economic justice that is historical and non-patterned:

The Entitlement Theory of Justice

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THE ENTITLEMENT THEORY
OF JUSTICE

ENTITLEMENT THEORY OF JUSTICE

- (1) A person who acquires X in accordance with the **Principle of Justice in Acquisition** is entitled to X.
- (2) A person who acquires X in accordance with the **Principle of Justice in Transfer** from someone who is entitled to X is entitled to X.
- (3) No one is entitled to X except by repeated applications of above.

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ENTITLEMENT THEORY OF JUSTICE

There's an additional principle:

The Principle of Rectification of Injustice

When an injustice occurs, it should be rectified. This might involve redistribution.

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ENTITLEMENT THEORY OF JUSTICE

The Principle of Justice in Acquisition.

Nozick thinks that Locke has the roughly the right idea here.



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ENTITLEMENT THEORY OF JUSTICE

The Principle of Justice in Transfer.

Transactions should be *fully voluntary* on the part of all legitimately concerned persons.

Stealing, fraud, etc. aren't okay.

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ENTITLEMENT THEORY OF JUSTICE

Only Repeated Applications

No one is entitled to X except by repeated applications of above.

Compulsory **redistributive taxation**, for example, is not okay.

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THE WILT CHAMBERLAIN ARGUMENT

LIBERTY UPSETS PATTERNS

Nozick argues against Patterned Principles of justice with the **Wilt Chamberlain Argument**.



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LIBERTY UPSETS PATTERNS

"Any distributional pattern with any egalitarian component is overturnable by the voluntary actions of individual persons over time; as is every patterned condition with sufficient content so as actually to have been proposed as presenting the central core of distributive justice." (164)

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WILT CHAMBERLAIN ARGUMENT

Suppose that **Wilt Chamberlain** is greatly in demand by basketball teams...

He signs the following sort of contract with a team: In each home game, **twenty-five cents** from the price of each ticket of admission goes to him...The season starts, and people cheerfully attend his team's games; they buy their tickets, each time dropping a separate twenty-five cents of their admission price into a special box with Chamberlain's name on it.

Let us suppose that in one season **one million persons** attend home games, and **Wilt Chamberlain** winds up with **\$250,000**, a much larger sum than average income...

Is he **entitled** to this income? Is this new distribution, D2, **unjust**? If so, why?

WILT CHAMBERLAIN ARGUMENT

There is *no* question about whether each of the people was **entitled** to the control of the resources they held in D1; because that was the distribution...that (for the purposes argument) we assumed was acceptable.

Each of these persons **chose** to give **twenty-five cents** of their money to Chamberlain. They could have spent it on going to the movies, or candy bars, or on copies of *Dissent* magazine, or of *Monthly Review*.

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But they all, at least million of them, converged on giving it to Wilt Chamberlain in exchange for watching him play basketball. **If D1 was a just distribution, and people voluntarily moved from it to D2**, transferring parts of their shares they were given under D1 (what was it for if not to do something with?), **isn't D2 also just?** If the people were entitled to dispose of the resources to which they were entitled (under D1), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain?

WILT CHAMBERLAIN ARGUMENT

Can anyone else complain on grounds of justice? Each other person already has his legitimate share under D1. Under D1, there is nothing that anyone has that anyone else has a claim of justice against. After someone transfers something to Wilt Chamberlain, **third parties still have their legitimate shares**; *their* shares are not changed. By what process could such a transfer among two persons give rise to a legitimate claim of distributive justice on a portion of what was transferred, by a **third party** who had no claim of justice on any holding of the others *before* transfer?

But they all, at least million of them, converged on giving it to Wilt Chamberlain in exchange for watching him play basketball. **If D1 was a just distribution, and people voluntarily moved from it to D2**, transferring parts of their shares they were given under D1 (what was it for if not to do something with?), **isn't D2 also just?** If the people were entitled to dispose of the resources to which they were entitled (under D1), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain?

WILT CHAMBERLAIN ARGUMENT

Start with a just distribution, meeting the pattern.

Fans agree to pay Wilt Chamberlain \$.25 to watch him play.

These transfers are wholly voluntary.

The resulting distribution no longer fits the pattern.



THE WILT CHAMBERLAIN ARGUMENT

- P1** If the The Patterned Principle Account of Justice is correct, then a distribution **D** is *just* if and only if **D** accords with patterned principle *P*.
- P2** If *X* is a just distribution and *Y* arises from *X* solely via *just steps*, then *Y* is also just.
- P3** A step from one distribution to another is *just* if it results from *fully voluntary transactions* on the part of all legitimately concerned persons.
- P4** The transactions between the basketball fans and Wilt Chamberlain are wholly voluntary on the part of all legitimately concerned persons.
- P5** By hypothesis, (1) **D1** is just; and (2) **D2** arises from **D1** via the transactions between the basketball fans and Wilt Chamberlain; and (3) **D2** needn't accord with patterned principle *P*.

C The Patterned Principle Account of Justice is incorrect.

WILT CHAMBERLAIN ARGUMENT

If justice involves maintaining a pattern of distribution, it looks like we must either:

- (1) Continuously interfere to stop people from transferring resources as they wish to, or
- (2) Continually interfere to take from some persons resources that others for some reason chose to transfer them.



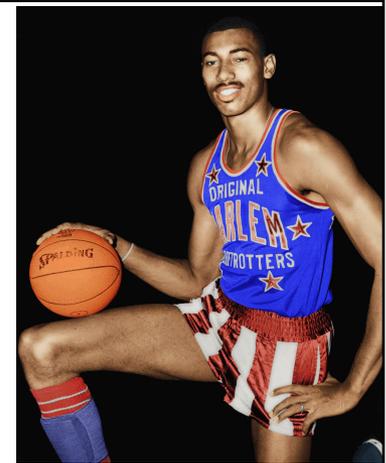
WILT CHAMBERLAIN ARGUMENT

But that doesn't seem right!

Nozick's Claims:

Liberty will upset patterns.

When liberty upsets patterns, no injustice occurs.



WILT CHAMBERLAIN ARGUMENT

Is Nozick right?

THE WILT CHAMBERLAIN ARGUMENT

- P1 If the Patterned Principle Account of Justice is correct, then a distribution D is *just* if and only if D accords with patterned principle P.
- P2 If X is a just distribution and Y arises from X solely via *just steps*, then Y is also just.
- P3 A step from one distribution to another is *just* if it results from *fully voluntary transactions* on the part of all legitimately concerned persons.
- P4 The transactions between the basketball fans and Wilt Chamberlain are wholly voluntary on the part of all legitimately concerned persons.
- P5 By hypothesis, (1) D1 is just; and (2) D2 arises from D1 via the transactions between the basketball fans and Wilt Chamberlain; and (3) D2 needn't accord with patterned principle P.

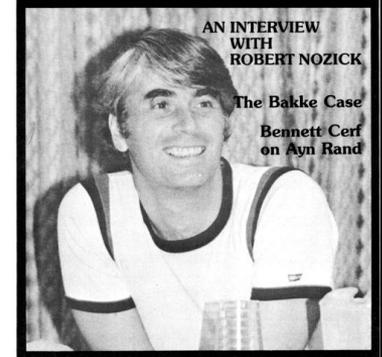
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QUESTIONS?

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ROBERT NOZICK

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Bennett Cerf
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