

Nozick's Entitlement Theory of Justice

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The Entitlement Theory of Distributive Justice

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

- **Historical vs End-State Principles:** a principle of justice is *historical* if, according to that principle, whether or not a distribution of holdings is just depends on how that distribution came about; a principle of justice is an *end-state* principle if, according to that principle, whether or not a distribution is just depends on the structure of the distribution itself.
- **Patterned vs Non-Patterned Principles:** a principle of justice is *patterned* if it specifies that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographic ordering of natural dimensions; a principle of justice is *non-patterned* so long as there is no (non-gimmicky) natural dimension(s) that yields the distributions generated in accordance with the principle.

Nozick's view is that the following inductive definition exhaustively covers the subject of justice in holdings:*

THE ENTITLEMENT THEORY OF JUSTICE IN HOLDINGS

- (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 the above.

Justice in Acquisition & the Lockean Proviso

How do we come to own previously unowned things? *Lockean Answer:* By "mixing one's labor with it." But why? (1) I own myself; and so I own my labor; and if I mix something I own without something unowned, I come to own it. (2) Laboring on something makes it more

Examples of Just Principles, Classified

	Historical	End-Result
Patterned	Moral Merit	I.Q.
Non-Patterned	Entitlement Theory	?

You can think of a principle as *patterned* if it can be naturally put into the following form:

"to each according to his/her _____."

(**Examples:** 'height', 'I.Q.', 'usefulness to society', 'moral merit', 'need', 'effort', etc.)

* This is bracketing the concern about righting past injustices. Nozick thinks that when holdings have been acquired unjustly, we must appeal to a *Principle of Rectification of Injustice*. This might involve redistribution.

valuable; and you are entitled to own a previously unowned thing whose value you created.

Lockean Proviso: One can come to acquire a permanent bequeathable property right in some previously unowned thing *X* only if the acquisition of *X* will not worsen the position of those others who are no longer at liberty to use it.

How can the appropriation of unowned property make someone worse off? (And worse off than they would be as compared to what?)

Compare and contrast Nozick's three examples: (I) *Acquiring All the Water*, (II) *Hoarding the Synthesized (From Easily Available Chemicals) Medicine*, (III) *Acquiring All the Naturally Occurring Medicine*.

The Wilt Chamberlain Argument

Nozick's uses an example to argue that *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." (pg. 164)

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.

This is a valid argument, but is it sound? How could someone object to Nozick's argument?

Nozick distinguishes two ways someone may be made worse off by another's appropriation:

1. "by losing the opportunity to improve his situation by a particular appropriation or any one;"
2. "by no longer being able to use freely (without appropriation) what he previously could."

It's probably best to interpret the proviso as pertaining to the latter, but not the former.

"The general point illustrated by the Wilt Chamberlain example . . . is that **no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people's lives**. Any favored pattern would be transformed into one unfavored by the principle, by people choosing to act in various ways; for example, by people exchanging goods and services with other people, or giving things to other people, things the transferrers are entitled to under the favored distributional pattern. **To maintain a pattern one must either continually interfere to stop people from transferring resources as they wish to, or continually (or periodically) interfere to take from some persons resources that others for some reason chose to transfer them.**" (pg. 163)

In particular, think carefully about the conjunction of **P2** & **P3**:

- o If *X* is just and *Y* arises from *X* solely via fully voluntary transactions on the part of all legitimately concerned persons, then *Y* is also just.

Also, think about the relationship between money & power.

And, finally, consider the ways in which economic *power* can undermine the *liberty* of others.