

## (Some of) Nozick's Objections to Rawls

Nozick disagrees with Rawls' account of justice — as well as Rawls' way of conceiving of the problem — for several reasons, some more serious than others.

### 1. Social Cooperation.

Rawls says that the problem of distributive justice is to determine how the benefits of social cooperation are to be allocated. Let  $S_i$  be the payoff (income, wealth, etc.) that person  $i$  would receive were she to live solely by her own efforts.

$$S = \sum_{i=1}^n S_i$$

Suppose that by cooperating together, we can generate a sum total  $T > S$ . Nozick asks the following question:

- Is the problem of distributive justice *how is the total  $T$  to be allocated?*
- Or, is the problem of distributive justice *how are the benefits of social cooperation  $T - S$  to be allocated?*

Nozick accuses Rawls of answering the former question when, according to Nozick, he should be addressing the latter question.

### 2. Terms of Cooperation and the Difference Principle.

Rawls argues that his principles...

... seem to be a fair agreement on the basis of which those better endowed or more fortunate in their social position ... could expect the willing cooperation of others when some workable scheme is a necessary condition of the welfare of all.

That's all well & good, thinks Nozick, "... But is this a fair agreement on the basis of which those *worse* endowed could expect the *willing* cooperation of others?"

Nozick thinks this question is particularly pressing because he thinks it's plausible to assume that **the less well endowed gain more than the better endowed do from the scheme of general cooperation**. And so he is suspicious "of imposing, in the name of fairness, constraints upon voluntary social cooperation (and the set of holdings that arises from it) so that those already benefiting most from this general cooperation benefit even more!" [195]

Here's what Nozick has in mind.

Let  $b$  be the better endowed individual and let  $l$  be the less well endowed individual. Let  $S_i$  be the payoff that person  $i$  would receive were  $i$  to live solely by her own efforts. Suppose by cooperating together, person  $b$  and  $l$  can generate a sum total of  $T$ . Because  $b$  is better endowed relative to  $l$ , we can assume that  $S_b > S_l$ . And so ...

$$T - S_l > T - S_b$$

Which is to say: person  $l$  is benefiting *more* from social cooperation with person  $b$  than person  $b$  is benefiting from the cooperation with person  $l$ .

So a society in which the benefits of social cooperation are distributed in accordance with the Difference Principle is one that "rewards" person  $l$  twice over.

And so person  $b$  would have ground for complaint.

### 3. The Original Position & End-Result Principles.

Nozick argues that Rawls' Original Position — by imposing a Veil of Ignorance that deletes any and all information about one's identity and personal history — *guarantees that end-state principles of justice will be taken as fundamental.*

[N]o historical principle, it seems, could be agreed to in the first instance by the participants in Rawls' original position. For people meeting together behind a veil of ignorance to decide who gets what, knowing nothing about any special entitlements people may have, will treat anything to be distributed as manna from heaven. [199]

Because the Original Position is set up to guarantee that only an end-state principle will be chosen, we should be suspicious that what would be agreed to in such a situation is thereby just.

### 4. Natural Assets and Arbitrariness.

Nozick disagrees with Rawls about the "natural lottery": the distribution of natural abilities might be morally arbitrary, but people are entitled to their natural assets nonetheless.

#### NOZICK'S "ACCEPTABLE" ARGUMENT G

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| <p><b>P1</b> People are entitled to their natural assets.</p> <p><b>P2</b> If people are entitled to something, they are entitled to whatever flows from it (via specified types of processes).</p> <p><b>P3</b> People's holdings flow from their natural assets.</p> <hr/> <p><b>C</b> People are entitled to their holdings.</p> |
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Nozick thinks that "*morally arbitrary*" is ambiguous:

- (a) There is no moral reason why the fact ought to be that way.
- (b) The fact's being that way is of no moral significance and has no moral consequences.

Nozick *agrees* that natural assets are morally arbitrary in this first sense. But he disagrees that one's natural assets are morally arbitrary in the second sense: one's natural assets *do* have moral significance because they play a role in justifying why one is entitled to one's holdings.

"Whether or not people's natural assets are arbitrary from a moral point of view, they are entitled to them, and to what flows from them." [226]

#### *What is the Fundamental Disagreement Between Rawls & Nozick?*

Consider **P2**: Nozick thinks that, if you're entitled to something, then you are entitled to whatever "flows" from it (via processes that obey Justice in Acquisition and Justice in Transfer).

**(Possible) Rawlsian Rejoinder:** Yes, one's holdings are determined *in part* by natural talents & voluntary exchanges. But! One's holdings are also partly determined by the *social and economic institutions*.

Rawls' theory is about how we should organize *the basic structure of society*: the institutions and rules from within which we can acquire and transfer property.

Here's one important disagreement: although both place an importance on *individual rights*,...

- o Nozick takes property rights to be (i) inviolable & (ii) (in some sense) "natural" — we all have property rights in virtue of the kinds of creatures we are.
- o Rawls' support for our basic liberties comes from the *social contract* in the Original Position: we would all agree to a scheme that grants everyone an equal set of extensive basic liberties.

Can this difference explain the fundamental disagreement between the two?