



# Nozick's Theory of Justice

Capitalism

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1. **Outlines of Nozick's entitlement theory**
2. The Wilt Chamberlain argument
3. Details of Nozick's principles of justice
4. Discussion topic for next tuesday

# Nozick's Principles of Justice



- There are two principles of justice for a **perfectly just world**:
  - ❑ **A principle of justice in acquisition**: which unowned objects can be acquired, and how? (How does property get started?)
  - ❑ **A principle of justice in transfer**: how are owned objects transferred from one person to another? (How does property get traded?)
- A third principle for an **unjust world** (i.e., our world):
  - ❑ **A principle for the rectification of injustice**: if the first two principles of justice are violated, how should this be done?

# Two Distinctions

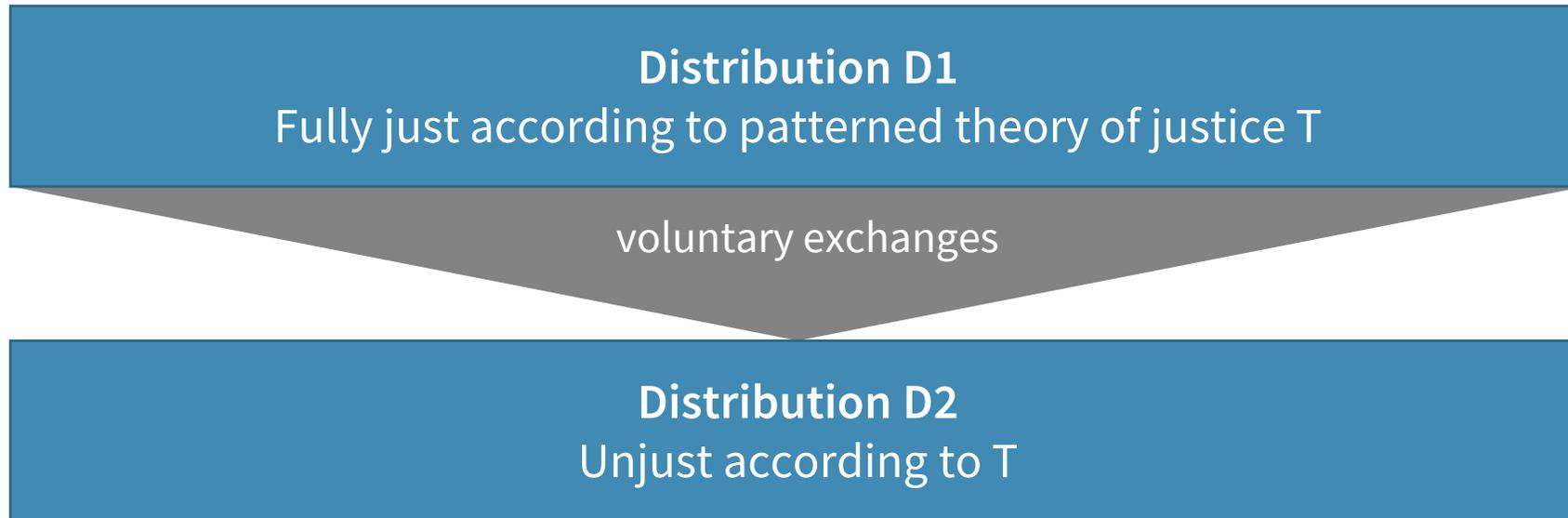
- Historical versus non-historical principles of justice
  - ❑ **A historical principle of justice:** to determine what justice requires, we need to have historical information
  - ❑ **A time-slice principle of justice** (utilitarianism, welfare economics, Rawls): we only need to know how things are distributed now
- Patterned versus unpatterned principles of justice
  - ❑ **Patterned theory of justice:** whether a distribution is just depends on “some natural dimension”, or set of natural dimensions. Examples:
    - Distribute according to moral merit/desert (this is a historical pattern)
    - Distribute according to IQ/need (this is a non-historical pattern)
  - ❑ **Unpatterned theory of justice:** no pattern, formula, or dimension can be formulated to which distribution should adhere
    - Nozick’s entitlement theory

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# “Liberty upsets patterns”



**Nozick:** a patterned theory of justice says that D2 is unjust.

A patterned theory must thus endorse “continuous interference with people’s lives” (p. 163)

# The Argument Reconstructed (after Cohen)

1. According to a patterned theory of justice, D1 is just and D2 is unjust.
2. If D2 results from D1 via just steps, then D2 is also just.
3. A step from one distribution to another is just if and only if all the transfers within it are voluntary.
4. In the given example, all transfers are voluntary.
5. D2 is just.

Thus,

No patterned theory of justice can be true.

# The Argument Reconstructed, cont.

1. According to a patterned theory of justice, D1 is just and D2 is unjust.
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4. In the given example, all transfers are voluntary.

Thus,

D2 is just.

No patterned theory of justice can be true.

## What is the best way to escape the argument?

**Premise (1)** is just how we designed the thought experiment—we should accept it.

**Deny Premise (2)**. (i) We might be able to think of cases where this is wrong. (ii) There could also be other ingredients in justice.

**Deny Premise (3)**. (i) What about third parties which are affected? (ii) Think also about Cohen's claim that the proletariat is forced to sell its labour.

**Deny Premise (4)**. While money was given voluntarily, the distribution D2 was not brought about voluntarily (Cohen).

# Other Responses (Vallentyne)

- Consider Scheffler's theory: everyone should have the resources to live a minimally decent life
- First move: bite the bullet
  - ❑ Providing everyone with a minimally decent life requires interference, but it is not constant, and not morally bad (if you're not a libertarian)
  - ❑ [Note: Nozick's theory also requires interference (principle of rectification!)]
- Second move: rights are not absolute
  - ❑ In the WC example, rights are transferred
  - ❑ But rights are not absolute to start with—Wilt Chamberlain does not gain an absolute right to the money he earns

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# Just Acquisition

- What are the principles of just acquisition?
  - ❑ Basic idea: “Mixing your labour” makes unowned things yours
  - ❑ Some difficult cases: does spilling your tomato juice in the sea make it yours? Does putting up some boundary markers on a piece of forest make it yours? etc.
- A proviso for acquisition
  - ❑ You can acquire unowned things only under some condition (“proviso”)
  - ❑ Locke’s proviso: leave “enough and as good in common for others”
  - ❑ Egalitarian/left-libertarian proviso: leave resources bundles of the same value for everyone else
- Is a private property system (in general) compatible with the proviso?
  - ❑ We must compare: the situation of the worst-off under such a system with their situation under an alternative system
  - ❑ Difficulties with fixing the baseline (p. 177)

# The Oasis Example



[https://commons.wikimedia.org/wiki/Oasis#/media/File:Oasis\\_in\\_Libya.jpg](https://commons.wikimedia.org/wiki/Oasis#/media/File:Oasis_in_Libya.jpg)

- Imagine someone controls access to all water in an oasis (p. 180)
- Nozick: this would violate the proviso
  - It violates the proviso even if the water in the oasis is acquired through just steps!
- Q. Does this compromise Nozick's position?

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# Possible Subjects for Discussion (next Tuesday)

- Reparative Justice
  - ❑ Question: what would appropriate rectification of past injustices look like, within Nozick's theory of justice?
  - ❑ Reading: Ta-Nehisi Coates, "The Case for Reparations"
- The proviso in libertarianism
  - ❑ Question: Should the proviso in Nozick's theory be more egalitarian? Or should there be no proviso at all?
  - ❑ Reading: Vallentyne, "Left-libertarianism: a primer"; Feser, "There is no such thing as an unjust initial acquisition"
- Positive and Negative Freedom
  - ❑ Question: do attempts to realise positive freedom bear intrinsic dangers?
  - ❑ Reading: Isaiah Berlin, "Two Concepts of Freedom"



# Summary

- ❖ Nozick advocated the entitlement theory of justice, which consists of three principles: just acquisition, just transfer, and rectification
- ❖ It is a historical, non-patterned theory: there is no formula, principle, or pattern to which a just distribution adheres
- ❖ Nozick argued against patterned theories of justice through the Wilt Chamberlain example, which shows how “liberty upsets patterns”
- ❖ Next Tuesday, we will have a debate. **No reflections due**, but prepare for it