

Property, Labour, and Theft

Lecture 2: Nozick

§1. Recap

T1 ‘Individuals have rights, and there are things no person or group may do to them (without violating their rights).’

(Robert Nozick, *Anarchy, State and Utopia*, p.ix)

§2. Principles of Justice

Is massive inequality in the distribution of wealth unjust? According to Nozick, it may well be unjust, but it may also be just. We need to know how this inequality came about.

End-state/end-result principles of justice

T2 ‘...all that needs to be looked at, in judging the justice of a distribution, is who ends up with what; in comparing any two distributions one need look only at the matrix presenting the distributions.’

(*Anarchy, State, and Utopia*, p.154)

Patterned principles of justice

T3 ‘Let us call a principle of distributive justice *patterned* if it specifies that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographical ordering of natural dimensions.’

(*Anarchy, State, and Utopia*, p.156)

Historical principles of justice

T4 ‘...hold that past circumstances or actions of people can create differential entitlements or differential deserts to things. An injustice can be worked by moving from one distribution to another structurally identical one.’

(*Anarchy, State, and Utopia*, p.155)

The entitlement theory of justice

T5 'If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holdings.

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated applications of) 1 and 2.'

(*Anarchy, State, and Utopia*, p.151)

§3. *The Master Argument*

Suppose that goods are distributed among a population according to whatever end-state or patterned theory of justice you find most appealing. Call this distribution *D1*.

Now suppose that Kanye West is a member of this population, and that he goes on tour, selling tickets at a very high price. Suppose that all of the other members of the population, being huge fans of Kanye West, happily buy tickets. At the end of the tour, Kanye West's pile of goods is vast compared to the piles of anybody else. Call this new distribution *D2*.

The problem with *D2* is that goods are no longer distributed according to whatever end-state or patterned theory of justice you used to distribute goods in *D1*.

So if you want to avoid a distribution of goods that is unjust according to your end-state or patterned theory of justice, you must either forbid people from buying tickets for Kanye West's tour, or allow people to buy tickets for Kanye West's tour, but then confiscate Kanye West's earnings and redistribute them among the other members of the population.

T6 'The general point illustrated by [this] example is that no end-state principle or distributional patterned principle of justice can be continually realized without continuous interference with people's lives... 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 person resources others voluntarily transferred to them.'

(*Anarchy, State and Utopia*, p.163)

There's another problem.

P1 If a distribution *X* is just, and a distribution *Y* is reached from *X* simply by people voluntarily exchanging their goods, then *Y* is also just.

P2 *D1* is just.

P3 *D2* is reached from *D1* simply by people voluntarily exchanging their goods.

C1 *D2* is just (by P1, P2 and P3).

- P4 *D2* is not just.
C2 *D2* is both just and not just.

Disaster!

A puzzling remark...

- T7 ‘It is not clear how those holding alternative conceptions of distributive justice can reject the entitlement conception of justice in holdings.’

(Anarchy, State, and Utopia, p.160)

§4. *Objections*

Objection 1

I accept that no end-state principle or distributional patterned principle of justice can be continually realized without continuous interference with people’s lives. I also accept that continuous interference with people’s lives is morally undesirable. But I don’t accept that this conflicts with my commitment to an end-state principle or distributional patterned principle of justice.

Objection 2

I accept that no end-state principle or distributional patterned principle of justice can be continually realized without continuous interference with people’s lives. But what’s so bad, so morally undesirable, about continuous interference with people’s lives?

Objection 3

The argument that no end-state principle or distributional patterned principle of justice can be continually realized without continuous interference with people’s lives turns on the assumption that, left to their own devices, people will make decisions that result in distributions that don’t satisfy the preferred end-state or patterned principles of justice. But why assume that this is true?

- T8 ‘This presupposes unrealistically (1) that all will most want to maintain the pattern (are those who don’t, to be “reeducated” or forced to undergo “self-criticism”?), (2) that each can gather enough information about his own actions and the ongoing activities of others to discover which of his actions will upset the pattern, and (3) that diverse and far-flung persons can coordinate their actions to dovetail into the pattern.’

(Anarchy, State, and Utopia, p.163)

Objection 4

Either Nozick is assuming that the people have full property rights over their goods or he isn't. If he is making this assumption, then a defender of an end-state/patterned theory of justice can deny that the people have these rights. If he isn't making this assumption, then a defender of an end-state/patterned theory of justice can deny that it is morally undesirable to interfere with people's lives to preserve the pattern/achieve the end-state.

Cf. Ryan (1977)

§5. Justice in transfer

Objection 5

Reject P.

T9 'Whatever arises from a just situation by just steps is itself just... As correct rules of inference are truth-preserving... so the means of transition from one situation to another specified by the principle of justice in transfer are justice-preserving...'

(*Anarchy, State and Utopia*, p.151)

What exactly does Nozick mean by voluntary exchange?

T10 'Whether a person's actions are voluntary depends on what it is that limits his alternatives. If facts of nature do so, the actions are voluntary... Other people's actions place limits on one's available opportunities. Whether this makes one's resulting action non-voluntary depends upon whether these others had the right to act as they did.'

(*Anarchy, State, and Utopia*, p.262)

Bibliography

- Nozick, R. (1974) *Anarchy, State, and Utopia*, Blackwell Publishing Inc., Oxford.
- Ryan, C.C. (1977) 'Yours, Mine, and Ours: Property Rights and Individual Liberty', *Ethics* 87:2 (pp.126-141).