

# Property, Labour, and Theft

Lecture 2: Nozick

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# Introduction

## Plan

1. Recap: Self-ownership
2. Principles of justice (end-state/patterned/historical)
3. The Master Argument
4. Objections
5. Justice in transfer

# Recap: Self-ownership

‘According to the thesis of self-ownership, each person possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave as a matter of legal right...’

(G.A. Cohen, *Self-Ownership, Freedom and Equality*, p.68)

‘The core idea of full self-ownership is that agents own themselves in just the same way that they can fully own inanimate objects.’

(Peter Vallentyne, *Left-Libertarianism: A Primer*, p.2)

# Recap: Self-ownership

Anne fully owns the tree only if

(a) Anne can do what she likes to or with the tree.

(b) Other people cannot do anything to or with the tree unless Anne permits them.

(c) Anne (and only Anne) can permit people to do things to or with the tree.

(d) Anne (and only Anne) can prohibit people from doing things to or with the tree.

Anne's tree; Anne's rules!

# Recap: Self-ownership

(e) If the tree produces anything, e.g. fruit, then Anne owns this as well.

(f) Anne can transfer any of these rights to other people, either temporarily or permanently, either in exchange for other rights or in exchange for nothing.

(g) Anne is due compensation from other people who violate these rights.

But there are limits on these rights...

# Recap: Self-ownership

Bob is a full self-owner only if

- (a) Bob can do what he likes to or with himself.
- (b) Other people cannot do anything to or with Bob unless he permits them.
- (c) Bob (and only Bob) can permit people to do, or prohibit people from doing, things to or with himself.
- (d) Bob (and only Bob) can prohibit people from doing things to or with himself.

## Recap: Self-ownership

- (e) If Bob produces anything, then he owns this as well.
- (f) Bob can transfer any of these rights to other people, either temporarily or permanently, either in exchange for other rights or in exchange for nothing.
- (g) Bob is due compensation from other people who violate these rights.

What exactly follows from the claim that Bob is a full self-owner?

# Recap: Self-ownership

‘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)

# Principles of justice

Nozick, R. (1974) *Anarchy, State, and Utopia*, Blackwell Publishing Inc., Oxford.

# Principles of justice

In 2013, the poorest half of the world population possessed 1% of the total wealth.

The richest 10% possessed 86%.

The richest 1% possessed 46%.

(Source: Oxfam's 2013 Global Wealth Report)

In the same period, the poorest half of the UK population possessed 8% of the total wealth.

The richest 10% possessed 45%.

(Source: ONS)

# Principles of justice

Is this massive inequality in the distribution of wealth unjust?

Why?

According to Nozick, it may well be unjust, but it may also be just. We simply cannot tell on the basis of facts such as these.

We need to know how this inequality came about.

# Principles of justice

## *End-state/end-result principles of justice*

‘...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)*

|       | State 1 | State 2 | State 3 |
|-------|---------|---------|---------|
| Anne  | 5       | 1       | 10      |
| Bob   | 10      | 2       | 5       |
| Carla | 20      | 100     | 20      |

# Principles of justice

## *Patterned principles of justice*

‘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)

|       | State 1      | State 2       | State 3       |
|-------|--------------|---------------|---------------|
| Anne  | 5 (virtuous) | 1 (evil)      | 10 (virtuous) |
| Bob   | 10 (evil)    | 2 (virtuous)  | 5 (evil)      |
| Carla | 20 (saintly) | 100 (saintly) | 20 (saintly)  |

# Principles of justice

## *Historical principles of justice*

‘...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)*

|       | State 1 | State 2 | State 3 |
|-------|---------|---------|---------|
| Anne  | 5       | 1       | 10      |
| Bob   | 10      | 2       | 5       |
| Carla | 20      | 100     | 20      |

# Principles of justice

‘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)*

# The Master Argument

Nozick thinks he has a really strong argument against end-state and patterned theories of justice, and in favour of his historical, entitlement theory.

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

Perhaps goods are distributed so as to maximize happiness.

Perhaps goods are distributed in proportion to virtue.

Perhaps goods are distributed equally.

Call this distribution *D1*.

# The Master Argument

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  $D_2$ .

# The Master Argument

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.

...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.

# The Master Argument

‘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)*

As Nozick also puts it, *liberty upsets patterns*.

# The Master Argument

There's another problem.

Surely,

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.

Now,

P2       $D1$  is just.

# The Master Argument

And

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

So

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

But

P4 *D2* is not just.

C2 *D2* is both just and not just.

# The Master Argument

A puzzling remark...

‘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)

Doesn't Nozick's argument beg the question?

Nozick doesn't see how anyone could reasonably reject P1, which is a part of his theory of justice. He then argues that you can't pick and choose. You can't square an acceptance of this part of his theory with acceptance of any end-state or patterned theory of justice.

# Objections

## Objection 1

Fine. 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. I just think that the moral undesirability of injustice has to be traded off against the moral undesirability of continuous interference with people's lives.

# Objections

## Objection 2

Fine. 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?

After all, we shouldn't assume that the interference will be intrusive. Perhaps it could be achieved by means of taxation.

# Objections

## 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?

Perhaps people will make decisions informed by the likely consequences of their decisions for the distribution of goods.

# Objections

‘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)*

Two questions...

Are these really presuppositions of the objection?

Are the presuppositions really unrealistic?

# Objections

## 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)

# Justice in transfer

## Objection 5

P1 is false.

‘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)*

Notice that this isn't P1!

P1 is the claim that voluntary exchange is justice-preserving.

# Justice in transfer

What exactly does Nozick mean by voluntary exchange?

‘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)*

An exchange is voluntary only if there is no force.

According to Nozick, I am not forced into an exchange by other people’s actions if those actions didn’t violate any rights.

# Justice in transfer

## Objection 1

Suppose I have been correctly convicted of a crime and am locked up in prison.

Am I forced by my gaolers to stay in prison?

I am prevented from leaving prison by the actions of my gaolers that they have every right to perform.

So it seems that I am not forced by my gaolers to stay in prison.

Isn't this implausible?

# Justice in transfer

## Objection 2

Suppose you are drowning in the sea. Suppose I offer to save you only if you give me your house in return.

Am I forcing you to give me your house?

You have no option, but that is only because of natural circumstances and an action that Nozick thinks I have every right to perform, viz. to save you only if you give me your house.

Again, isn't this implausible?

# Justice in transfer

An exchange is voluntary only if there is no fraud.

Suppose I tell you that my car is a peach, and that you then happily agree to exchange it for £10,000.

I know that my car is a lemon.

Then the exchange is not voluntary.

But what if I know that you believe my car to be a peach, not through any misrepresentation on my part, when I know that my car is a lemon.

Is this exchange voluntary?