Property, Labour and Theft

Lecture 2:
Nozick
The plan for today...

1. Historical principles of justice
2. The Wilt Chamberlain argument
3. The entitlement theory
4. Nozick and Rawls
§1. Historical principles of justice
Robert Nozick thinks that the pursuit of distributional equality cannot be a requirement of justice...

...because it conflicts with our basic property rights...
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)
According to the utilitarian principle of justice...

D2 is the just distribution...
According to the *egalitarian* principle of justice...

D1 is the just distribution...

According to the *maximin* principle of justice...

D1 is the just distribution...

According to a *hybrid* principle of justice...

It depends how equality and utility are weighted...
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)
According to the *divine* principle of justice...

D2 is the just distribution...
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)
§2. The Wilt Chamberlain argument
Suppose that some end-state or patterned principle of justice is true...

...and suppose that this principle is satisfied by the following distribution of goods...

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<tr>
<td>Anne</td>
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<td>Bob</td>
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<td>Carla</td>
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Now suppose that Anne and Bob desperately want to learn how to make toy flutes...

So they happily give some of their goods to Carla in return for flute-making lessons...

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<th>D1</th>
<th>D2</th>
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<td>Anne</td>
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<tr>
<td>Bob</td>
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<td>Carla</td>
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If either an *end-state* or a *patterned* principle of justice is true then D2 is unjust...

So in order to preserve justice we must either prevent Anne and Bob from exchanging their goods with Carla...

....or permit the exchange but then confiscate some goods from Carla and give them back to Anne and Bob.
‘The general point... is that no end-state principle or... patterned principle of justice can be continually realized without continuous interference with people’s lives...

...To maintain a pattern one must either... interfere to stop people from transferring resources as they wish to, or... interfere to take from some person resources others voluntarily transferred to them.’

(Anarchy, State and Utopia, p.163)
Nozick assumes that the level of interference required to preserve the pattern/end-state will be relatively intrusive...

...but what if it just requires a 10% tax on all voluntary exchanges...
Nozick also assumes that anyone committed to an end-state/patterned principle of justice will be committed to satisfying it at all costs...

...but what if they also think that liberty is valuable...?

‘We let justice remain rough, in deference to other values.’ (G.A. Cohen, Robert Nozick and Wilt Chamberlain, p.16)
Nozick actually wants to make a stronger point...

He doesn’t think that the transfer of goods from Anne and Bob to Carla can possibly have introduced any injustice into the situation...
P1  If a distribution X is just, and a distribution Y is the result of people freely exchanging the goods they have in distribution X, then distribution Y is just.

P2  D2 is the result of people freely exchanging the goods they have in distribution D1.

C1 If D1 is just then D2 is just.
P3  If our end-state or patterned principle of justice is true then D1 is just.

P4  If our end-state or patterned principle of justice is true then D2 is unjust.

C2  If our end-state or patterned principle of justice is true then D2 is just.

C3  Our end-state or patterned principle of justice cannot be true.
Nozick assumes that our patterned/end-state principle of justice will be unforgiving...

Cf. A distribution is just if and only if nobody’s well-being/resources exceeds 50...

Both D1 and D2 satisfy this principle (so P2 is false).
Nozick also assumes that people won’t deliberately avoid exchanges that upset the pattern...

Nozick thinks that this would require an implausible degree of moral motivation, information and coordination...
Do we need to consider the broader consequences...?

Economic inequalities generate inequalities of power, and may be incompatible with certain social goods...

Wouldn’t Anne and Bob have worried about this...?
An alternative principle...

**P1** If a distribution $X$ is just, and a distribution $Y$ is the result of people freely exchanging the goods they have in distribution $X$...

...and these people would still freely have exchanged their goods if they knew the consequences of this exchange...

...then distribution $Y$ is just.
Possible responses...

We should still accept P1...

Caveat emptor...!

Even if we accept P1*, there will be possible cases in which we are forced to say that a distribution is both just and unjust...
'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)

Nozick thinks P1 is self-evidently true.
We have to accept that there is a set of conditions under which the exchange of goods is *justice-preserving*...

Any plausible account of these conditions will create the logical space for an exchange of goods that is *justice-preserving* but *pattern-disrupting*...

So preserving justice cannot just be a matter of preserving a pattern.
§3. The entitlement theory
‘A person who acquires a holding in accordance with the principle of *justice in acquisition* is entitled to that holding...

...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.

...No one is entitled to a holding except by (repeated applications of) 1 and 2.’

*Anarchy, State, and Utopia*, p.151
P1 If a distribution X is just, and a distribution Y is the result of people freely exchanging the goods they have in distribution X, then distribution Y is just.

But when is an exchange voluntary...?

‘Whether a person’s actions are voluntary depends on what it is that limits his alternatives.’ (Anarchy, State, and Utopia, p.262)
My actions are *involuntary* if and only if...

...my options were limited...

...by actions of other people...

...which they had no moral right to perform...
Anne and Bob had to choose between gaining flute lessons while losing some of their goods, and keeping all of their goods while failing to gain flute lessons...

...gaining flute lessons while keeping all of their goods wasn’t available to Anne and Bob, because of a choice that Carla was within her rights to make...

So Anne and Bob’s choice to gain flute lessons while losing some of their goods was voluntary.
Suppose you are the sole survivor of a shipwreck, drifting in the sea...

I pass by in my boat and offer to rescue you in exchange for the contents of your wallet...

Suppose you take me up on this...
Your choice was between dying and surviving while losing the contents of your wallet...

...Surviving while keeping the contents of your wallet wasn’t available to you, because of a choice I was within my rights to make...

So you handed over the contents of your wallet voluntarily...

But isn’t this false...?
The obvious response is that I am not within my rights to close off the possibility of your surviving while keeping the contents of your wallet...

...because I have a moral obligation to rescue you...
Rambler A wishes to cross Farmer A’s field, and Rambler B wishes to cross Farmer B’s field.

Farmer A has promised Rambler A access to his field, but Farmer B has made no such promise to Rambler B.

Both Farmer A and Farmer B close off their fields.
Rambler A goes the long way round *involuntarily*...

...because her choice was limited by a choice that Farmer A had no right to make.

Rambler B goes the long way round *voluntarily*...

Because his choice was limited by a choice that Farmer B had every right to make.

But is there really a difference...?
Suppose I tell you that my car is a peach, knowing that it is in fact a lemon...

Suppose you agree to give me £10,000 for my car...

Is this exchange voluntary...?
§4. Nozick and Rawls
Does the Wilt Chamberlain argument work against Rawls...?

Is Rawls’ difference principle an end-state principle of justice...?

As Nozick points out (p.204), this principle is supposed to apply to the *basic structure of society*...

...and this includes *the structure of property rights*...
Suppose we are choosing between...

Basic Structure 1...

We are entitled to any goods acquired in accordance with the principle of justice in transfer.

Basic Structure 2...

We are not entitled to more than an equal share of the total quantity of goods.
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The difference principle tells us that BS1 is just...
Another way to put the point...

Is a particular exchange to the advantage of the least well off...?

Is a particular exchange licensed by the set of rules that is to the advantage of the least well off...?
Next week

The Lockean Proviso