

Robert Nozick

Alessandra Pelloni

Univ. of Tor Vergata

December 2024

Robert Nozick (1938– 2002)

Nozick points out that after Rawls' Theory, political philosophers must either work within the framework established by Rawls or justify their choice not to do so. N.'s reaction to Rawls is inspired by libertarianism, according to which individuals have full self-ownership as well as the ability to achieve property rights over things. Friedrich Hayek and Milton Friedman are sometimes also counted as right-libertarians.

Locke is an important inspiration for libertarian views. He writes in his Second Treatise of Government that “every man has a property in his own person; this nobody has any right to but himself. The labour of his body and the work of his hands we may say is properly his”

Anarchy, State and Utopia (1974) I

AUS is Nozick's main work of political philosophy. The nature of the state, its legitimate functions and its justifications, if any, is the central concern of this book. This is divided into three parts one for each noun in the title. In the first part, N. tries to show, against anarchists, that the minimal state can be legitimate. In the second part, he tries to show that more than minimal states cannot be legitimate because they infringe upon the rights of individuals.

In the third part, he tries to show that the minimal state is just and an inspiring ideal.

Anarchy, State and Utopia II

He summarizes his views as follows: "Our main conclusion about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right. Two noteworthy implications are that the state may not use its coercive apparatus for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their own good or protection."

Anarchy, State and Utopia III

Most important for this course is part 2 where he exposes his theory of just distribution. Nozick can be said to belong to the natural law tradition because he maintains that Individuals have rights before the state is created, in particular rights to life, freedom, property and self-defence, as well as the right to punish and demand restitution from those who infringe upon these rights. What, if anything, can the state do without violating rights?

An Invisible Hand Explanation of the Minimal State

N. purports to offer an "invisible hand-explanation" of how a state can be established without infringing on the rights of individuals. He argues that in the state of nature individuals create protective associations to defend their rights. These associations enjoy obvious economies of scale, so will become fewer and larger overtime. A minimal state is then born, i.e. an entity emerges that provides all citizens of a limited territory protection for their rights.

Taxes as Slavery

In the second part, Nozick argues against the legitimacy of any state larger than the minimal state. In particular, the state cannot collect taxes for redistributive purposes. He argues that taxing one individual to benefit another is forced labour or slavery. Laws on sexual practices between consulting adults or obliging individuals to protect themselves is also ruled out.

Entitlement Theory I

Nozick calls his an entitlement theory. Having an entitlement to something means to have a rightful claim to that something. Nozick says that the difference principle in Rawls demands a particular pattern of distribution, namely a pattern that benefits the worst off. However, to Nozick, what matters is how a given distribution has come about, not its particular pattern. Nozick stresses that what someone gets as a result of redistribution must have been produced by someone else: if we are to have any goods to redistribute, we must take these goods from people who have rights to them.

Entitlement Theory II

The entitlement theory is based on three principles:

- The principle of justice in acquisition
- The principle of justice in transfer
- The principle of rectification

Entitlement Theory

The principle of just acquisition concerns goods not owned by anyone. Following Locke N. argues that individuals may acquire property rights over natural resources not already owned by anyone, e.g. a wild piece of land, subject to the constraint that others must not be worse off as a result of the acquisition. This is known as Locke's proviso.

According to Nozick's second principle a transfer is just if it is voluntary. If I exchange my justly acquired potatoes with your justly acquired apples, the end result is I justly own apples and you justly own potatoes.

Wilt Chamberlain

Nozick illustrates his criticism against any pattern in distribution with a famous example. Chamberlain was a basketball star in the 1960s and 1970s. Suppose we start with a supposedly just, for example perfectly egalitarian, distribution (D1). Suppose Chamberlain signs a contract that gives him 25 cents for each spectator who pays to see him. One million people do so and he ends up with \$ 250,000 more than everybody else. Is this new distribution (D2) just? Nozick claims that if D1 was just, since the transfers to Chamberlain were voluntary actions, D2 is also just.

Patterned Distributions

In this way, Nozick argues that the pattern of a distribution can never determine whether that distribution is just. Moreover, as shown by the previous example, any patterned distribution requires a continuous unjust redistribution of resources to reestablish it after it has been perturbed by voluntary exchanges and must therefore be rejected.

Principle of Rectification of Injustice

If someone has acquired goods unjustly, e.g. by fraud, there will be a need for rectification. Nozick's is a historical theory because whether a given distribution is just depends on how the distribution has come about, while its pattern is beside the point. To use Nozick's terms, a person's holdings are just if they do not violate any of the three principles: if each person's holdings are just, then the total set of holdings (distribution) is just. The entitlement theory thus shows that the state cannot legitimately redistribute resources. This does not mean that we should not help the poor, but this must be done voluntarily by individuals. Nozick thinks private charity can be an efficient remedy to poverty.

An (un) Modest Proposal by R. Nozick

This is an extreme position. Contemporary states perform a wide array of tasks. They 1) ensure the security of citizens through the police and the legal system 2) protect national security through the defence system 3) provide infrastructure (roads, bridges etc) 4) provide safety nets (paid sick leave, social security, unemployment benefits etc.) 5) Provide at least basic educational services 6) enforce regulations to protect individuals from themselves(e.g. laws on seatbelts, against some drugs etc.) or 7) buyers from sellers (beyond fraud). eg regulations on products and on work conditions, regulations aiming at markets efficiency (e.g. supervision of the financial sector, anti trust activities) 8) finance scientific research, the arts and other merit goods.... and much more. Only 1 and 2 are legitimate according to N. N. states that the minimal State is also needed for contract enforcement and to punish fraud but it could be argued that this not coherent with the idea of free markets. Remember: Caveat emptor (Let the buyer beware).

Self-Ownership

Nozick subscribes to Locke's view of humans as self-owners and explains what owning oneself means with the help of a principle already encountered in Rawls against utilitarianism: it can never be right to sacrifice one person for another, or for the community as a whole. Suppose one can transplant eyes from one person to another without any risk of complication. Should we equalise well functioning eyes across people, even if people do not volunteer to donate eyes? Few would say yes. As Nozick extends the idea of self-ownership to the fruits of labour, if the state forces me to work to pay taxes (not needed to finance the protection of my rights), it becomes a part owner in me, and this violates full self-ownership.

A Modest Proposal by Jonathan Swift (1729)

"A Modest Proposal for Preventing the Children of Poor People from Being a Burthen to their Parents, or the Country, and for Making Them Beneficial to the Publick " proposes that the country ameliorate poverty in Ireland by butchering the children of the Irish poor and selling them as food to wealthy English landlords. Are children the fruit of labour of their parents? If not, when children acquire self-ownership? If at conception, then what about the self-ownership of the mother? Talking about Roe vs Wade. Some economists suggest that crime decreased after abortion was legalized.

https://en.wikipedia.org/wiki/Legalized_abortion_and_crime_effect

The minimal state as a meta-utopia

Nozick thinks that a single utopia cannot be imposed to an entire society, without leading to oppression. However a minimal state provides a framework in which people are free to **voluntarily** form groups to realize their own utopias. One group could agree to share equally their income. For instance the Israeli kibbutzim were a kind of voluntary socialist communities. Objection: by doing this people give up the advantages of cooperation on a larger scale.

Rawls and Nozick I

Rawls argues that the difference principle represents an agreement to regard natural talents, whose distribution is morally arbitrary, as a common asset and to share in the greater social and economic benefits made possible by the complementarities arising from this distribution.

At the heart of Nozick's view is instead the self-ownership thesis. "To each according to what he makes for himself" Nozick writes (Nozick 1974: 160). This argument overlooks the fact that a person's success in economic life is often due to knowledge, technology, and infrastructure etc. created by others.

Rawls and Nozick II

Rawls argues that the idea of rewarding desert (talent+effort) is untenable because 1) talent is not something we deserve 2) the effort a person is willing to make is also influenced by his natural abilities.

According to Nozick this is equivalent to say that individuals cannot be held responsible for their own choices. He detects in Rawls a debilitating form of determinism. But according to N. the idea of free action is not separable from that of human individual dignity, central to Rawls' system (remember R.'s criticism of utilitarianism). This system is therefore ultimately inconsistent according to N.

Rawls and Nozick III

However it can be argued that R. does not think we cannot freely choose, but only that it is difficult to disentangle luck in the natural and social lottery from effort.

Nozick questions R's idea that it is up to society to decide how the social product should be distributed. Is the idea a claim about how the total product should be distributed or about how the part of the total that is due to cooperation is to be distributed? Is the distributional problem created by social cooperation? Would we have this problem also without cooperation? Is it actually impossible to separate the contribution of each individual? Unsurprisingly Nozick thinks it is possible.

Justice in acquisition

However is this true? For example, very few acts of production take place without using some natural resources (possibly after many rounds of transformation). Locke's criterion for the just appropriation of these is very stringent. Should we count future generations (as seems logical) when checking the act does not harm anybody? Today's awareness of climate change problems makes the test almost impossible to pass. But then a redistributive tax could be a way to redress the balance for unjust acts of appropriation of natural resources. M

Injustice in acquisition

What does the historical view that a distribution is just if justly acquired mean in practice? Most of global human history has been punctuated by wars. In the classical world defeated enemies were enslaved. With colonialism more technologically advanced nations used violence to "conquer" the rest of the world enslave their inhabitants etc. To rectify all this today is unconceivable; it would require, for instance, deporting 300 million or so of US citizens giving back the land to Amerindians.

Haiti proclaimed independence from the French colonizers in 1804, but was forced to pay its slaveholders reparations the equivalent of between \$20 and \$30 billion in today's dollars, with dire consequences for its development. After the 2010 earthquake completely devastated Haiti, scholars and journalists wrote a letter to the French president demanding that France pay back Haiti. The French economist Thomas Piketty resurrected the idea in 2020, arguing that France owes Haiti at least \$28 billion.

The Haitian refugees who fled (totally unwelcomed) after 2010 to countries like Chile, hoped President Biden, would offer them a lifeline in the US, but were sent back to Haiti, still a disaster zone.

Justice in transfer

With the Wilt Chamberlain example Nozick defended the claim that “Whatever arises from a just situation by just steps is itself just” “Just steps” means voluntary steps. But what about effects on third parties (externalities)? For instance suppose Chamberlain has now the money to buy a plant and decides to fire all workers (who did not buy tickets to see him), destroying an entire community.

Summing up

The fact stays however new goods are produced thanks to current human efforts, not just inherited from a violent past. When we decide whether a distribution is just this fact can certainly not be ignored, even if defining the contribution of a single individual is very difficult. In R's view differences in earnings are admitted if they function as incentives that make possible an improvement in the conditions of the worst off. N. claims that distributive issues can be dealt with on the basis of the sole principle of self- ownership but this seems very unlikely. Before his premature death. N. himself declared to consider his positions in SAU too radical.