**Nozick: Entitlement Theory (Libertarianism)**

In *Anarchy, State and Utopia*, Nozick argues for a “**minimal state**” which is "limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on”, but nothing more. He thinks any state more extensive than this minimal state violates people’s rights. Argument:

1. Anything beyond the minimal state will be a redistributive state.
2. Redistributive states operate according to some patterned principle.
3. But patterned principles should be rejected because:
	1. “liberty upsets patterns” (Wilt Chamberlain example)
	2. Taxation (redistribution) is basically forced labor

**Justice in Holdings (aka Distributive Justice)**

A theory of “justice in holdings” will tell us who should hold what goods. By “**goods**” we mean: anything that is valuable. (Money, food, jobs, healthcare, etc.)

Nozick’s Proposed Principles of Justice:

1. **Justice in Acquisition** - Everything that is held was once not held by anyone. If something was acquired justly, then it is just to own it (provided “enough and as good” was left for others).

2. **Justice in Transfer** - If someone who justly owns something freely transfers that property to another, then it is just for that other person to own it (provided that it does not leave others worse off).

3. **Justice in Rectification** - If someone UNjustly “owns” something (by unjust acquisition or transfer), then the situation ought to be rectified (e.g., by restoring the property to its rightful owner).

---A whole set of holdings is just if the holdings arise in accordance with these principles.

**Historical vs. End-State Principles:** Nozick makes a distinction between principles of justice which are “historical”, and those that are “NON-historical”:

* Historical Principles of Justice: Principles for which, if we were to examine a distribution of wealth, we cannot determine whether it is just or unjust unless we know some of the HISTORICAL DETAILS about how this distribution CAME ABOUT. (Nozick)
* Non-Historical Principles of Justice: Principles for which, in order to determine whether or not a distribution is just or unjust, we ONLY need to look at the distribution itself, and we do NOT need to know any of the historical details regarding how this distribution came about. (Rawls, Utilitarianism)

**Patterned vs. Non-Patterned Principles:** Nozick makes another distinction as well, between “patterned” and “non-patterned” principles of justice.

* Patterned Principles of Justice: Principles which dictate that we distribute goods according to some specific property, formula, or pattern. For instance, distributing goods according to moral merit, need, usefulness to society, greatest good, IQ, hair color, etc. (Rawls, Utilitarianism)
* Non-Patterned Principles of Justice: Principles which dictate that we distribute goods in a way that does not follow some pattern. (Nozick)

Nozick’s Principles are Non-Patterned: Nozick’s principles propose that the acquisition and transfer of goods is always just **so long as we do so freely** (and provided that we do not make others worse off)—and a system which allows this sort of freedom of giving, purchasing, trading, and so on will not result in any particular identifiable pattern of distribution.

**Re-Distribution of Wealth is Unjust:** Nozick criticizes patterned theories (e.g., Rawls), because he believes they will all run up against one basic problem: **any patterned principle of distribution will be nearly impossible to maintain without violating our liberties** (because people will be constantly freely giving/trading their goods to create inequalities, which is surely permissible). Therefore, in order to maintain any patterned principle, we would need to either:

* Make it very HARD to upset the pattern; e.g., by heavily taxing or regulating the sorts of activities that upset the pattern, or
* Constantly intervene in order to adjust the system; e.g., by continually re-distributing goods.

In short, **Rawls’s view calls for heavy regulation, re-distributive taxation, or both** (and both of these practices, according to Nozick, violate our liberty).

Ultimately, Nozick thinks we should be free to do what we want with our goods (even if this means that the rich get richer and the poor get poorer). They are OUR goods. We EARNED them! Forcing us to hand over a portion of our time or money or goods is SLAVERY, or THEFT. This is unjust. In short, Nozick believes that we are all ENTITLED to what we have, and it is wrong to forcibly take anything that we have away from us. For this reason, Nozick’s view is often called “**Entitlement Theory**”.

**Objections**

1. Can Nozick explain why it’s wrong to make others worse off (while not endangering their lives) by acquisition? Perhaps not: It’s not as if Nozick says we have a right to a certain level of well-being.
2. Are present acquisitions just? Nozick’s theory only applies if the original acquisition was just (and the transfer of it is then just). But, much of what we currently own was transferred unjustly to the original settlers (e.g., by theft, fraud, etc.), and has therefore been transferred to us unjustly as well. So, what do we do? What does Nozick’s theory say about the rectification of injustices?
	1. Think about how many of the goods in the world were acquired from nature unjustly.
	2. Think about how many of the goods in the world were acquired without consent.
	3. All the people around the world made worse off by the rising cost of natural resources.
3. Nozick seems to equate “just” with “I agree with it” (If I agree to give money to the poor, I can. If I don’t agree, it is wrong for government to force me to do so.) But is this right? Maybe what is “just” isn’t what everyone finds agreeable. **Perhaps there are some things that we are simply morally obligated to do, whether we like it or not, and perhaps re-distribution of wealth is one of those things?**
4. Rawls challenges Nozick’s defence of property rights. Much of what people own is the result of people’s social position and their natural talents, both of which are morally arbitrary. Therefore, any inequalities in ownership are unjust.
5. We can interpret individual liberty as a goal to be pursued, not a constraint. If the value of justice rests on liberty, and Nozick is right that property is so important for liberty, then surely we must ensure that everyone has sufficient property to be free. Redistribution of property from the rich to the poor will equally be a redistribution of liberty. But this is a patterned principle of justice.
6. Nozick’s view might result in a horrible world with rampant inequality and lots of suffering.
	1. Nozick’s theory could justify very unequal distributions of property that may not respect what people deserve, nor what they need, nor give any kind of priority to people who are worse off.
	2. No public schools. No public roads. No government-provided (or subsidized) health care. No laws against drug use or prostitution. No laws against racial/gender discrimination.
	3. Charity didn’t take care of the widespread problems when there weren’t laws/programs about them – that’s why we made laws/programs!