

**ROBERT NOZICK'S ENTITLEMENT THEORY OF DISTRIBUTIVE JUSTICE:
IMPLICATIONS FOR HUMAN SOCIETY**

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ABSTRACT

Distributive justice entails societal attributes that creates equitable and fair distribution of resources among citizens. It can also be seen as fair and morally acceptable resource allocation framework among members of a society. There are in the history of scholarship series of views and positions aimed at providing moral guidance for proper distribution of benefits in the society. These attempts by various scholars constitutes what is popularly known as theories or principles of distributive justice. Among these theories of distributive justice is Robert Nozick's entitlement theory of justice in holdings, where on libertarian ground, he argues for free market economy, as the only measure that can guaranty the protection of the rights of individuals to self-ownership. For this reason, Nozick sees the minimal state as the most extensive state that can be justified, He argues that the action of state on individual can only be justified when it is meant to protect individuals against harm and fraud. Nozick therefore rejects any form of redistribution or patterned distributive principle, for they are in his view unjust. The thrust of this study is to critically analyse Robert Nozick's entitlement theory of justice, to highlight its implications for human society. Using analytic method, the study revealed that: Nozick only succeeded in introducing the framework of his entitlement theory, but failed to establish it, and was also too extreme in his defence for individual liberty. However, the enormous value of Nozick's theory of justice in holdings and individual liberty in human society cannot be over emphasized.

Keywords: Entitlement theory, Distributive justice, Individual Liberty and Minimal state.

INTRODUCTION

The question of morally acceptable mode of distribution and redistribution of resources among citizens is always a very critical factor among policy makers in every society. Some of the measures they employed include, redistributive taxation, unconditional cash transfer, unemployment benefits, etc. The attempts by various thinkers to device frameworks that can provide moral guidance for proper distribution of resources gave rise to various principles of distributive justice. Notable among these principles include: Welfare-based, Feminist, Luck egalitarian, Dessert based, Strict egalitarian, Difference and Libertarian principles.

Our task in this discourse is however based on the libertarian principle as held by Robert Nozick, termed entitlement theory of justice in holdings. Nozick in line with the libertarian stand of F.A. Hayek proposes an entitlement theory of justice based on holdings. According to him,

If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holdings: 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) application of 1 and 2. (Nozick, 1974, p.153).

He however further proposes a third topic under justice in holdings as ‘principle of rectification’, which is applicable in a situation where there were previous violations of either of the first two principles of justice in holding. How consistent then is Nozick’s entitlement argument? How effective could this view be if adopted as a standard for distribution in human society? This enquiry is however concerned with the evaluation of Nozick’s entitlement theory of justice as it concerns distribution of benefits in society

To clearly understand Nozick’s position, it will be necessary, for us to highlight major principles that are concerned with distributive justice. In doing this, we would wish to give wider elaboration on the difference principle of John Rawls, which directly aroused Nozick’s critical curiosity towards what Nozick sees as unhistorical and end-result theories.

PRINCIPLES OF DISTRIBUTIVE JUSTICE

Principles of distributive justice are various frameworks that provides moral guidance for proper distribution of benefits and burdens in the society. There are eight major principles of distributive justice: the desert-based principle emphasizes what people deserve because of their effort or luck. The just distributive framework for them is the one that rewards people in accordance with what they deserve as a result of their creative and diligent efforts and output. The welfare based principle holds that a just distributive principle is the one that augments the welfare of the people; the equality of opportunity and luck egalitarianism tries to design distributive principles that are appropriately sensitive to the considerations of responsibility and luck in economic life. They advocate giving each person equal opportunity to thrive within the luck of nature. The feminist principle claims that women are less advantaged economically due to their primary responsibility of rearing children. And on account of this, women should be given special economic privileges; the strict egalitarianism calls for the allocation of equal material goods to all members of society. They argue that people are morally equal, and thus should be granted equal material benefits.

The difference principle of John Rawls however, only permits deviating from strict equality so long as the inequalities in question would be for the greatest benefit of the least advantaged

members of the society. In his Book, *A theory of justice*, Rawls propounds an imaginary scenario termed the original position, in which a group of individuals proposes to reach an agreement about what should constitute the political and economic structure of their society. These principles on which they will agree on “are the principle that free and rational persons concerned to further their own interest would accept in an initial position of equality as defining the fundamental terms of their association” (Rawls, 1971, P.10). These individuals are assumed to deliberate behind the Vail of ignorance: ignorance of his or her gender, race, age, intelligence, wealth, skills education and religion. Each individual only poses the capacity to form the conception of good or life plan; secondly, each individual knows himself to poses the capacity to know and desire justice. He will in line with the above deliberate for a social structure that will secure him a maximum advantage, since the above resultant principle may be less assumed and firm. Rawls suggests that we look for alternative fairest principle that could be involved where assurance is lacking and guidance is required. He therefore proposes two principles, namely:

Each person has the same inderfeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme; Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefits of the least advantaged members of society (Rawls, 2004, pp.42-43).

The libertarians reject all other principles of distributive justice; they see them as patterned, and argues that the pursuit of such patterns conflict with the more important moral demands of right to liberty and self-ownership. The libertarians therefore propose principles that are for them, process based, instead of end-result. They tried to marry justice with individual liberty. For them, any claim for justice that infringes on individual liberty is an aberration. Fredric A Hayek and Robert Nozick represent this view. F.A. Hayek for instance rejects redistribution, and argues that the “invisible hands” of economic circumstances is the only justified umpire to decide individual entitlements, for any attempt at redistribution would amount to economic friction, and progress “cannot proceed on uniform front, but must take place in echelon fashion with some ahead of others” (Hayek,1960, P.42). Hayek argues that justice means when traders are voluntarily making pareto-superior moves. He therefore rejects any form of social justice that advocates economic redistribution. Nozick in the same vain argues that redistribution is a serious matter indeed, involving as it does, the violation of people’s rights.

ROBERT NOZICK’S ENTITLEMENT THEORY OF JUSTICE

In this segment, we wish to embark on an explicit exposition of Robert Nozick’s entitlement theory of justice. To go about this, we are to examine it from the following perspectives: Nozick’s idea of minimal state; the three principles of entitlement theory; and his comparative analysis of historical and end-result theories.

The Minimal State

Robert Nozick proposes the minimal state as a means of drawing a border line between government's control and individual liberty. Nozick argues that the action of state on individual can only be justified when it is meant to protect individuals against harm, fraud and theft. In other words, the state is only permitted to use her apparatus of control over individual when it involves the protection of individual's rights. Nozick succinctly states that "The minimal state is the most extensive state that can be justified" (Nozick, 1974, p.159). The right Nozick makes reference to is right to liberty. Individuals according to him, own themselves. What does Nozick mean by self-ownership? This is a principle he borrowed from John Locke, which is a claim that individuals own themselves – their bodies, talents, labour and products of their labours. Individuals have prerogatives with respect to themselves. This means that they have right to their lives, liberty and the fruits of their labour, and "That he is the only life he has" (Nozick, 1974, p.33). Individuals have all the prerogatives with respect to themselves.

To have just holdings then implies having right over it – Right of possessing it, disposing it and determining what it should be used for. To own oneself therefore confers on an individual the rights to various elements that make up one's self, which at the same time serves as a side constraint on the actions of the society over an individual. The society is constrained from forcing an individual against his will to work for another's purpose, even when those purposes are good. Self-ownership grants an individual the right to whether and how one will use one's body and its products. It is such basically a libertarian position which recognizes exclusive property rights, and the role of state restricted to the protection of these property rights. Any taxation short of the above purpose, Nozick argues, is unjust. Redistributive taxation for him is partial slavery, since in giving every citizen an entitlement to certain benefits, the state in effect gives them an entitlement to part of the proceeds of individual's (tax payer's) labour. Hence, "Taxation from earnings from labour is on at par with forced labour" (Nozick, 1974, p.169). And such implies that every citizen have now become a partial owner of the individual in question. Nozick went further to stipulate principles that can be used to determine the just nature of each individual's holdings; that is, what gives an individual right over it – Right of possessing it, disposing it and determining what it should be used for.

PRINCIPLES OF NOZICK'S ENTITLEMENT THEORY

Just as we have noted earlier, Nozick's entitlement theory of justice stipulates three principles of justice in holdings. The first is the principle of justice in acquisition which stands for the appropriation of resources that have not earlier been owned by another person. Nozick anchors this first principle on John Locks theory of property, which states that a person owns his labour, Nozick acknowledges that "Locke views property rights in an on owned object as originating through someone's mixing his labour with it" (Nozick, 1974 p.174). The second is the principle of justice in transfer, which refers to how someone can justly come to own what was previously owned by another. This principle is anchored on the respect for a person's right to use the fruits of his self-owned resources insofar as it does not infringe on another person's right; the third is the principle of justice in ratification, which takes care of the restitution of resources acquired

or transferred unjustly in the past. Nozick concludes that the general outline of the theory of justice in holdings are “that the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer, or by the principle of ratification of injustice” (Nozick, 1974, p.153). The justification of such holding is not based on any egalitarian sentiment – equal or unequal, fair or unfair as held by end-result theorists are not according to Nozick, factors for consideration.

COMPARATIVE ANALYSIS OF HISTORICAL AND END-RESULT THEORIES

Robert Nozick claims that his entitlement theory is historically based: it takes into consideration past acquisitions and transfers. This historicity for Nozick, would enable one to decide the just nature of any holding. The discovery of past injustice gives room for ‘rectification’. Since “past circumstances or actions of people can create differential entitlements or differential deserts to things” (Nozick, 1974, P.155). He further argues that all standard theories of distributive justice are either non historical or end – result theories. While non-historical theory does not take into consideration such historical circumstances as who worked the hardest and how the current holdings was acquired or transferred; the end result at the other hand advocates the distribution of wealth based on specified pattern of distribution which warrants that the state should go beyond minimal state to infringe on the rights of individual by redistributive fiscal policies like taxation, welfare services and so on, “for they do not give the right to choose what to do with what one has” (Nozick, 1974, p.163). Robert Nozick is obviously not comfortable with any patterned or end–result theory of distributive justice, especially the difference principle of John Rawls, as proposed in Rawl’s work, *A theory of justice*. Rawls argues that social and economic inequalities are to satisfy the condition that “they are to be to the greatest benefits of the least advantaged members of the society” (Rawls, 2001, pp.42-43). Nozick in disagreement argues that any theory that advocates redistribution is patterned, and ‘liberty upsets pattern’. As a counterpoint to any patterned theory, Nozick illustrates his famous taught experiment involving the basketball player, wilt chamberlain: Imagine a society in which the distribution of wealth fits a particular pattern favoured by non-entitlement conception of justice. Suppose to keep things simple, that it is an equal distribution, and call it D1, the opponent must of course grant that this distribution is just, since they have been allowed to determine it. Now suppose that among the members of this society is wilt chamberlain, and that he has a condition of his contract with his team that he will play only if each person coming to watch the game puts twenty-five cents into a special box at the gate of the sport arena, the content of which will go to chamberlain. Suppose further that over the course of the season, one million fans decide to pay the extra twenty-five cents to watch him play. The result will be a new distribution, D2 in which chamberlain now has \$250,000, which therefore breaks the original pattern established in D1. Now, is D2 just? Is chamberlain entitled to his money? The answer to these for Nozick, is ‘yes’ for anyone in D1 is by hypothesis entitled to what he had; there is no injustice in the starting point that led up to D2. Moreover, everyone who gave up twenty-five cents in the transaction from D1 to D2 did so voluntarily,

and thus has no grounds for complaint; and those who did not want to pay to see chamberlain play, still have their twenty-five cents, so they have no grounds for complaint either. Therefore, there was no injustice. This shows according to Nozick that allowing individuals freely to use their holdings as they choose will inevitably destroy any distribution advocated by non-entitlement theorists, whether they are socialist or egalitarian liberal, for pattern destroys liberty, and “no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people’s lives” (Nozick, 1974, p.163).

EVALUATION OF ROBERT NOZICK’S ENTITLEMENT THEORY OF JUSTICE

The entitlement theory has no single criterion that determines distribution. It is a process based theory that considers holdings on the bases of the three principles of justice in holdings. The state therefore is not justified on redistribution, since the distribution in entitlement theory must be historical autonomous and free. Although Nozick raises some interesting points, I feel compelled to criticize some elements of his theory.

The second principle, states that “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” (Nozick, 1974, p.168). But Nozick could not specify those principles that ought to guide justice in transfer. He only managed to anchor the first principle (of justice in acquisition) on John Locke’s theory of acquisition. Secondly Nozick claims that the justifiability of the holdings being transferred depends on how just the earlier acquisition was, this shows that the principle of justice in transfer depends on the principle of justice in acquisition. It is then unfortunate that if a case of injustice in acquisition is not discovered, injustice in transfer can continue without resistance.

Nozick also seem to have denied the less privileged members of the society their entitlement to welfare services rendered by the state. He does this by arguing that the assistance of the less privileged should be left for religious groups and Non-governmental organizations. If these religion groups and non-government organizations fail to take care of these less privileged ones, should the state leave them to starve of basic necessities of life? Secondly, Nozick claims that the action of the state should be limited to the ‘minimal state’, namely, protection of individuals against harm and fraud. Is it not in accord with Nozicks ‘minimal state’ that the state should protect the less privileged members of the society against the harm they could suffer for lack of basic necessities of life? Even when some people become less privileged, not because they were lazy or that the society failed to provide them with enabling opportunities to thrive materially, but on account of natural factors like physical challenges or natural disaster.

IMPLICATIONS OF ROBERT NOZICK'S ENTITLEMENT THEORY OF JUSTICE TO HUMAN SOCIETY

The menace of economic and financial crime in the world today especially among developing countries is enormous. The misappropriation of public fund by political office holders for instance constitutes much imbalance in our societies for “Harsh government rule over people who distrust them to the point of hatred. Indeed, one dismal tyranny gives way to a worse one. Poverty level has risen to a scale never in earlier times dreamt of” (Eboh, 2004, p.15). Nozick’s principle of justice in ratification, provides a virile option for addressing past injustices in acquisition or misappropriations of resources. Nozick stipulates this as “the third major topic under justice in holdings: the rectification of past injustice in holdings” (Nozick, 1974, p.152).

Individual liberty at the other hand contributes much in the progress of individuals and society at large, for “No life goes better by being led from the outside according to values the person doesn’t endorse. My life goes better if I’m leading it from the inside, according to my beliefs about value” (Kymlicka, 1988, p.183). Liberty is a necessary condition for individuality, creativity and diversification which gives room for trying new things and methods in quest for more productive measures. And for this reason, “there are two requisites, ‘freedom, and a variety of situations’ and that from the union of these arise ‘individual rigour and manifold diversity; which combine themselves in originality’” (Mill, 2009, pp.96-97).

SUMMARY AND CONCLUSION

So far, we have embarked on a critical discourse of Robert Nozick’s entitlement theory of justice, highlighting its implications to human society. Nozick proposes three principles of justice in holdings: principle of justice in acquisition, which he anchors on John Locke’s theory of acquisition; the principle of justice in transfer and the principle of justice in ratification. Nozick in defence of individuals’ right to liberty argues for minimal state – that the action of the state should only be limited to protection of citizens against harm and fraud, any state more extensive for him, is unjust. He further uses his theory in attacking end-result or unhistorical theories of distributive justice, especially the popular difference principle of John Rawls. The entitlement theory for Nozick is a historical and process theory. In the evaluation, we noted that Nozick only succeeded in introducing the framework of his entitlement theory, but failed to fully establish its stipulations; Nozick also went to so much extreme in defending individual liberty. In conclusion, there is however the need to outline the details of each of the principle of justice in entitlement. Also, in as much as individual liberty is of great value, the need to provide the less privileged members of the society with basic necessities of life is also paramount. On the implication to human society, we discovered that: First, Nozick’s principle of ratification provides a framework for the recovery of past injustices in acquisition or misappropriation of resources. Second, Individual liberty which Nozick defends is a necessary condition for individuality, creativity and diversification which gives room for trying new things and methods in quest for more productive measures. In conclusion, even though Nozick

only succeeded in introducing the framework of his entitlement theory, of justice and failed to establish it, the enormous value of justice in holdings and individual liberty in human society cannot be ruled out.

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