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Rejecting Patterns

When Nozick asserts that liberty upsets patterns, he aims to prove that patterns should be rejected in order to best protect the liberties of the individual. To support this claim, it is necessary to understand how Nozick defines “patterns” and “liberty” and to understand Nozick’s idea of a minimal state, especially how patterns will not fit in such a state. Then, it will become clear that protecting liberty through the implementation of a minimal state more important than maintaining patterns.

In order to understand what Nozick means when he claims that liberty upsets patterns, it is first necessary to understand what he means by the terms “pattern” and “liberty.” Nozick uses the term pattern when trying to analyze the different ways by which wealth can be distributed in a community. A distribution principle is patterned if it calls for distribution based upon certain attributes or sums of attributes. For example, if wealth is distributed based on moral merit or usefulness to society, such a distribution is patterned. It is important to note that a patterned distribution is a form of end-state principle. In order to attain a patterned distribution, the end-state, a certain measure must be taken to get there. Such measures could include a redistribution of wealth and could be interpreted as violating the rights of some individuals. By “liberty,” Nozick refers to a person’s right to use their property in any way they wish, such as trade it for something that others have or give it away as a gift.

It is also helpful in understanding Nozick's claim to understand the alternative to a patterned distribution: the entitlement theory. This theory governs how property is acquired and how it may be transferred to another without violating anyone's rights. There are three principles governing what Nozick calls "justice in holdings." The first is the original acquisition of holdings: "A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding" (151). The second law governing the transfer of property states, "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" (151). No one is entitled to a holding except through the aforementioned methods. Nozick does not elaborate on the principles of justice in acquisition or transfer, but merely claims that if they were formulated, they would be applied in such a way as he set out above. The entitlement theory has no ultimate aim; thus, it is not an end-state or patterned principle. In great simplification, the entitlement theory claims, "From each as they choose, to each as they are chosen" (160).

The best way to explain what Nozick means when he says that liberty upsets patterns is to use the example of Wilt Chamberlain, which Nozick himself uses. Let us assume that there is a patterned distribution, X, that everyone in a certain community is satisfied with. For simplicity, let us say this is a socialist distribution, where everyone begins with equal wealth. Let us also assume that each person, according to Nozick's definition of liberty, has the right to use this wealth as they please. Since people love to watch Wilt Chamberlain play basketball, the team agrees that each spectator is required to pay a set amount of each ticket directly to Chamberlain, say twenty-five cents. Since people want to watch Chamberlain play, they exercise their right to use their money as

they please, and every time they attend a game, they put a quarter into Chamberlain's special box. In this fashion, Chamberlain now has a greater portion of wealth than he was originally allotted in the distribution X that everyone approved of. Instead, we have a new distribution, Y. No rights were violated in this redistribution of wealth. Chamberlain's fans were merely exercising their right to use their wealth as they please, but in doing so, they upset the pattern X that had originally been established. The only way to maintain the established pattern X would be to then redistribute the wealth back to its original form. Yet, what right do we have to do so? No rights were violated in the redistribution from X to Y. Clearly, maintaining distribution X requires rejecting the liberties that have been established, namely the right to use one's wealth as one pleases. Thus, what Nozick means by his statement is that it is impossible to maintain any pattern without restricting liberties.

Before understanding how Nozick's claim fits into his idea of a minimal state, it is first necessary to understand what Nozick means by a "minimal state." According to Nozick's definition, a minimal state is what arises from the state of nature without violating any rights. First, protection agencies will surface, and then one protection agency will become dominant in a certain area, most likely because it offers the best services. Although this protection agency has no claim to a monopoly over protecting people and punishing the guilty, a monopoly arises because no other competitors are able to overpower the dominant agency, even though there is nothing stopping them from trying. This is a very important distinction between a minimal state and a state. The other important factor governing a minimal state is that every person's protection is covered by this dominant agency. Nozick explains how this arises without violating any

rights of individuals. Since the dominant protection agency cannot allow individuals to protect themselves, for that could lead to unfair enforcement, the dominant protection agency has the obligation to provide these independents with minimal protective services. In summary, a minimal state has a monopoly over the use of force in a territory, and the rights of everyone in the territory are protected by the agency, even if this can only be provided in a redistributive fashion (113).

In a society with a minimal state, it becomes clear that a patterned society would not be sustainable. A minimal state only provides protection of individuals against the violation of rights. Other than this, citizens are free to do as they please and use their resources as they wish. If people wish to watch Wilt Chamberlain play basketball, it is perfectly within their rights in a minimal state to do so. If seeing Wilt Chamberlain means that they must pay him twenty-five cents directly for each ticket, there are no laws in a minimal state stopping them from doing so. But as we have seen above, such a situation would lead to a redistribution of wealth, thus upsetting the previously established pattern. In a minimal state, it becomes clear that there would be no way of enforcing a pattern. The dominant protection agency has no right to redistribute wealth in order to maintain or reestablish the recognized pattern. Its only right to redistribution is for the purpose of providing protection for everyone, which it clearly would not be doing if it were to redistribute wealth in order to establish a pattern. Thus, a minimal state and a patterned principle are incompatible.

In my opinion, there is no reason to believe that Nozick is incorrect in his claim that liberty upsets patterns. As long as people are free to use their resources as they wish, it is impossible to expect that a certain pattern can be maintained. One could say that

people would voluntarily choose to refrain from actions that will upset patterns, but this is an unrealistic assumption. First, not everyone will want to maintain a pattern. Even if the pattern provided equal distribution to everyone, some people would want to get ahead of others, thus disturbing the pattern. Even if everyone does wish to maintain a certain pattern, it is impossible to know enough about an individual's activities and those of others to determine whether a certain action will upset the pattern. Lastly, there is no way that every person in a given community can coordinate their actions to maintain a pattern, there are too many factors to consider (163). Clearly, even if people were to try their best to maintain a pattern, which would not violate their liberty if they chose to do so voluntarily, it would still be impossible to maintain a pattern.

The only way to maintain a pattern is by continually interfering to stop people from transferring resources in a way that would disturb the pattern or by taking from some persons what others chose to give to them. Both of these methods of maintaining patterns cannot be employed while also protecting the liberties of individuals. As Nozick explains, if a pattern has been upset, certain measures must be taken in order to reestablish that pattern. In the Wilt Chamberlain example, since the optimal distribution has been disturbed, the governing body must then redistribute the wealth so that the pattern is reestablished. This redistribution would involve taking money from Wilt Chamberlain and giving it back to his fans. Yet, this redistribution would be in violation not only of the rights of Wilt Chamberlain, who worked in order to earn this money, but also of the rights of the fans, who gave the money to Chamberlain of their own free will. So, not only does allowing people to use their property as they please upset established

patterns, it also violates people's rights in order to reestablish the pattern that was disturbed through liberty. Clearly, liberty and patterns cannot both be maintained.

Because it is impossible to maintain both the liberty of individuals and a patterned principle, it is necessary to determine which should be maintained. I believe that it is more important to protect individual liberties than to maintain a pattern. The maintenance of a pattern requires so many infringements upon the liberties of individuals, and it seems that such infringements would not be appealing to many. Patterned principles, in theory, do seem quite appealing. Take, for example, a patterned principle where wealth is distributed according to how hard a person works. This distribution seems fair, if it could be implemented – the harder you work, the more you earn, independent of how well you perform your work. This way, no one is disadvantaged by factors they cannot control, such as skill and intelligence. Yet, if people are free to use this wealth as they please, the hard working may choose to transfer their wealth to a lazy person who happens to have invented a luxury that the hard working will enjoy. In this way, the lazy could become even wealthier than the hard working who were merely exercising their liberty to transfer their wealth as they please. Does the lazy man not deserve to be paid for the product that is clearly desired by others? Even if he has not labored as the others, they have the right to transfer money to him as they please, even if this upsets the pattern. Because patterns are clearly so difficult to maintain, and a minimal state cannot stop people from using their resources as they please, a patterned distribution is evidently not the principle of distribution that should be employed.

It may be argued that through allowing people to redistribute their wealth as they please, a pattern could emerge where the wealth is concentrated among a few individuals.

With this wealth could come the power to violate the liberties of those less fortunate. According to Nozick's minimal state, even in such a situation, it is not justifiable to interfere with the wealth distribution in order to reestablish an agreeable pattern. It is, however, permissible to take money from the wealthy in the form of taxes in order to provide minimal protection for those less fortunate. This will prevent those in power from violating the rights of underprivileged individuals. Thus, even when a minimal state leads to a distribution of wealth to the few, liberties are best protected by rejecting patterns.

Through careful analysis of Nozick's statement that liberty upsets patterns, it becomes apparent that this upsetting of patterns is sound reason for rejecting patterns. It is clear that the maintenance of patterns is difficult without the continual interference of the state, and it is nearly impossible in a minimal state where people are free to use their resources as they please as long as they do not violate the rights of others. If a minimal state is indeed the state that should be established, as Nozick argues, for it is the only state that will not violate the liberties of individuals, then patterns cannot be maintained and should thus be rejected.