

# JUSTICE

## Lecture 11 – The Entitlement Theory

1. Nozick's two central claims in *Anarchy, State and Utopia*
  - a. The minimal state is the most extensive state that can be justified
  - b. Any state more extensive than the minimal state violates people's rights
2. Nozick's argument against a more extensive, redistributive state
  - a. The typical justification for a redistributive state rests on some patterned principle
  - b. But, patterned principles should be rejected, because
    - i. "liberty upsets patterns"
    - ii. "taxation of income from labor is on a par with forced labor"
3. Nozick's Entitlement Theory of distributive justice:
  - a. Nozick's Entitlement Theory is not patterned, but "historical": the justice of people's holdings – i.e., whether what people have, they have *justly* – "depends upon what has actually happened"
  - b. The theory consists of three principles
    - i. First principle specifies how unowned things can *come to be owned justly*
    - ii. Second principle specifies how (justly owned) things can be *transferred justly*
    - iii. Third principle says what to do about unjust acquisitions & unjust transfers
  - c. According to the theory:
    - i. A thing is owned justly if it was originally acquired justly & always transferred justly
    - ii. A person is "entitled" to the resources he or she possesses if and only if he or she acquired these resources through
      1. a just original acquisition (as specified by the first principle) OR
      2. a just transfer (as specified by the second principle) OR
      3. as compensation for previous injustice (as specified by the third principle)

- iii. A given “distribution” of resources is just if everyone is entitled to the resources they possess under the distribution
- 4. Nozick on the (first) principle of just original acquisition:
  - a. How can one *justly* come to own a previously unowned thing?
    - i. By “mixing one’s labor” with it?
    - ii. By leaving “enough and as good” for others?
    - iii. By not making others worse off through one’s act of appropriation
- 5. Nozick on the (second) principle of just transfers:
  - a. A transfer of resources involving force or fraud is unjust
  - b. Why? Because such a transfer violates a person’s *ownership of himself* and his *goods*, insofar as he no longer decides what he will do, or what will happen to his goods
- 6. The (third) principle of rectification of injustice:
  - a. Applies to cases of unjust original acquisitions and cases of unjust transfers
  - b. Asks what *would have happened* if the unjust acquisition/transfer had not occurred
  - c. Calls for measures (e.g., restitution, compensation) that return the victim to the condition in which he or she *would have been* if the injustice had not occurred
  - d. But does not allow compensatory measures that would violate rights of unconnected third-parties
- 7. What are the implications of the Entitlement Theory for contemporary societies?
  - a. According to the Entitlement Theory, is the current distribution of property just?
  - b. Does the current distribution reflect historical injustices that haven’t yet been rectified?
    - i. Who are the present-day victims of historical injustice? Who are its beneficiaries?
    - ii. Are the victims worse off than they would have been had the injustice not occurred?
  - c. If there are as-yet uncompensated victims of historical injustice, what measures would be sufficient to compensate them?
  - d. Of these measures, which ones may the state use without violating the ownership rights of third parties (people who neither committed nor benefited from the injustice)?

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24.04J / 17.01J Justice  
Spring 2012

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