

1. Nozick's negative argument against extensive redistribution

WILT CHAMBERLAIN: At t_1 , property is distributed according to a patterned principle, D1. Then, a million people pay 25 cents each to watch Wilt Chamberlain play basketball. At t_2 , Wilt is very rich; the distribution of property is D2.

Nozick argues that because D2 resulted from D1 plus a series of permissible transfers, D2 is just. But since D2 is not D1, D1 must *not* be the only just distribution of holdings.

2. Nozick's positive argument

WILT CHAMBERLAIN is an example of (intuitively) just actions that "patterned" principles can't account for. Nozick says that the right theory of just holdings must recognize individuals' rights to do what they want with what they (justly) own.

JUSTICE IN TRANSFER: "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." (p. 151)

A transfer is in accordance with the principle only if the parties enter the transaction voluntarily, and there is no fraud or theft.

Nozick argues that any distribution of holdings is just, as long as the distribution comes about from just original acquisition and a series of just transfers.

3. Possible Objections (these are just a few ideas... use any or none of them in your paper!)

Objection 1. Nozick says that his principle of Justice in Transfer is the right explanation of why WILT CHAMBERLAIN is just. Is his principle right?

-Nozick says that a transfer is just if and only if the two parties act freely. But Cohen argues that you can be forced to do something *and* do it freely.

[Presentation question: explain why. What's an example of a transfer that is undertaken freely, but is unjust?]

-If that's right, we should replace Nozick's principle with something more restricted.

-*Further question:* what would be a better principle of just transfer? (We want one that allows Wilt Chamberlain, but rules out the counterexample.)

Objection 2. Nozick says that the transfers in WILT CHAMBERLAIN are just because everyone *owns* their 25 cents, and so should have exclusive rights over it. Is that right?

-Cohen argues that if everything is *jointly* owned, we never have exclusive rights over anything – we always have some say over what others do with their property.

-If Cohen is right, Nozick's Justice in Transfer principle will never apply; so it can't explain what's going on in WILT CHAMBERLAIN.

Objection 3. Nozick says that in WILT CHAMBERLAIN, D2 is just. Is it really?

-Suppose everyone in the town where Wilt plays works in a mine. Wilt gets so rich that he can afford to buy the mine. He does so, and fires all the workers. He then offers to hire them back for a much lower wage than before. Would that be just?

-*Further questions:* Is there a difference between a case where Wilt gets very rich and a case where Wilt gets only slightly richer? What is the difference? When does it become unjust, if it ever does?

Objection 4. Nozick says that in WILT CHAMBERLAIN, D2 breaks the pattern. Could we relax our characterization of a "pattern", and come up with one that D2 *doesn't* violate?

-Consider some distribution schemes that might still be in place after everyone gives Wilt a quarter. For example:

NO STARVATION: If people are starving, redistribute holdings so that they are not starving. Otherwise, don't redistribute.

NO MONOPOLIES: If a monopoly develops, redistribute to eliminate the monopoly. Otherwise, don't redistribute.

NO RACISM: If a distribution leaves a certain racial group significantly poorer than other groups, redistribute. Otherwise, don't redistribute.

...etc.

-These principles say that we should only redistribute under certain conditions. So they (probably) won't say that we should redistribute in Wilt's case.

-If one of these schemes is the right "patterned principle", patterned principles *could* account for individuals' rights to do what they want with what they own – at least in most cases. They will just place restriction on what end states are allowed.

-*Further question:* what would Nozick say about these patterned principles? Is he right?

Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, 1977. All rights reserved.

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