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)?