

The moral duty to reject Nozick's Entitlement Theory and advocate for Distributive Justice

Cathy Darling

The philosopher Robert Nozick argues that taxation to fund distributive justice such as welfare payments is morally wrong.¹ This essay will explain and assess his entitlement theory of justice and will conclude that an ideal moral code ought to reject Nozick's theory.

Nozick's Entitlement Theory of Justice

As a libertarian, Nozick argues that the starting ethical principle to guide state action ought to be the non-violation of individual rights. Since assets and goods originated from somewhere, he proposes that we establish the justice of both the original acquisition and the later transfer of assets and goods ("holdings"). If current possession of goods came about through past injustice, Nozick argues that 'rectification' is necessary.² Simply put, Nozick's entitlement theory of justice demands that if the historic transactions of exchange were fair, there is no moral justification for state infringement on the current ownership of holdings.

Imagine both myself and Bob are college students. In my spare time I work 20 hours a week while Bob prefers to spend his spare time reading philosophical texts. When I am paid, my salary has tax deductions which reduce my earnings by 20%. Ultimately I have worked 4 hours for free for the state coffers. Bob and I benefit equally from the goods that a minimum

¹ Robert, Nozick. *The Entitlement Theory of Justice*. p, 537.

² *ibid.*, p, 528.

state provides such as defence, security and policing. Yet all things being equal, should Bob be forced to give up 4 hours of his time reading philosophy to work for the common good of serving the needs of others? Presumably most would agree forced labour would be an unjustified infringement on Bob's personal freedom.

However Nozick argues that the additional tax deducted from me to fund an *end-result* distribution is a violation of *my* personal liberty and legitimate entitlement to holdings.³ He argues that taxation as required by *end-result principles* of justice places an unjust burden on my shoulders, and further, reduces me to working as a slave.⁴

Nozick would cite the difference between Bob and me to argue that *end-result* justice is a flawed objective. I am industrious while Bob is driven by humanistic endeavours. So, even if equal distribution is achieved, some individuals will always work more than the norm. Distributive justice leads to continuous interference in personal liberty to redress the natural fluctuations that individual labours bring about. The only way to avoid this would cause the state to 'have to forbid capitalist acts between consenting adults', which would be wrong.⁵

If inequality is the result of justly acquired entitlements, there are no grounds to object as no injustice has occurred. Accordingly, Nozick claims there is no justification for state power to infringe on personal liberty to reduce poverty or fund welfare payments.

Evaluating Nozick's Theory

³ Nozick describes *end-result* or *current time-slice principles* of justice those that constrain themselves to 'who has what' at a specific time, regardless of the historical acquisition of holdings. He argues it depends on the assumed justification of state power to act as a central distribution office for division and allocation of social goods. Robert, Nozick, *The Entitlement Theory of Justice*, p. 529.

⁴ Robert, Nozick. *The Entitlement Theory of Justice*, p. 530.

⁵ *ibid.*, p.533.

As a certain amount of liberty is an essential component to living a good life, Nozick is right to insist that the state is obligated to not unjustly interfere with individual liberty and rights. Yet, while some rights are absolutely inviolable, all rights are not *equally* inviolable. For example, if Bob or the state murdered me, that would absolutely take my right to life from me. Alternatively, if either unjustly imprisoned me, this would curtail my liberty, but would not extinguish my life. While either would constitute a serious evil, the severity of the former is greater than, and not equal to, the latter. Likewise, if the state impinges on my right to holdings by taking a *percentage* of my wages, in order to achieve a worthwhile end, my right to holdings would *not* be absolutely extinguished as I still have 80% of my salary. The impact on my liberty is considerably less severe than the infringement on liberty that imprisonment or death would cause. Therefore, Nozick's argument seems to require the implied premise that all rights are equally inviolable, and that any interference is equally evil and wrong. Nozick would most likely respond to this point by saying that (1) no one is entitled to force me to fund distribution, and (2) I get nothing in exchange for my 4 hours labour.⁶ I will dispute these points later, but first I want to address what I consider to be a more serious flaw.

Nozick's theory of justice further depends on acknowledging the duty to make reparation for past injustices. While laudable, how far back does Nozick's redress go? Is it possible to calculate retribution in nations with complex histories of imperialism, war, famine and religious power? How would the descendants of injustice be found, and how likely is it that the descendants' beneficiaries have the resources to settle the debt? A detailed discussion of the difficulties of achieving rectification is not possible here but I suggest that we have sufficient reason to be sceptical at least of the idea that Nozick's theory would rectify past

⁶ Robert, Nozick. *The Entitlement Theory of Justice*, p. 537.

injustices and consequently it is in danger of being unable to do any more than defend the current status quo.

Addressing current situatedness

As Nozick's principle of rectification refers to, humanity and society as known today evolved from a world of scarcity and strife. Clearly no one either chooses or is responsible for the circumstances of their birth, individual talents, mental or physical health or appearance. Yet both history and accident of birth significantly influence the extent to which goals in life are achieved, including whether you end up rich or poor. A child born with beauty, strength, intelligence, access to good education and powerful wealthy parents has unearned privileges throughout life that a child born to poor uneducated parents did nothing to miss out on. Consequently, unearned privilege and current social situatedness from inherited social circumstances are arbitrary from a moral point of view.⁷

If you agree that poverty is bad, then, poverty resulting from randomly allocated luck is morally indefensible. As practices of rectification are limited at best in their capacity to resolve past and present injustices, then it is reasonable to suggest that the demands of justice and morality may require significantly *more* than legitimate entitlement to holdings.

So, how ought today's wealth disparity and poverty be addressed without unjustifiably impinging on liberty, while at the same time upholding equal consideration of all?

Addressing poverty: Individual obligation

⁷ John Rawls, (1999). *A Theory of Justice*, p. 63-65.

Nozick would insist poverty can morally only be alleviated by individual acts of charity. However, while many are driven to altruistic acts, and such acts when they occur are commendable, it is important to be realistic of the limits of human generosity. Generosity depends on *voluntary* acts that are excessively difficult to make.

To clarify, in many circumstances people ought to be strongly expected to provide charity, and may deserve criticism when they omit to, when they can readily do so. However this does not establish an *obligation* to alleviate poverty, and accordingly, there is no corresponding *right* to receive charity from someone.

Nozick also argues that individuals ought to be free to exercise their own moral code. I agree, but contend this is why altruism is not a just solution to poverty. For example, recognition of shared humanity and empathy might drive me to buy Bob a pint or give €20 to a homeless man on the street. Yet both beneficiaries of my benevolence are contingent on my subjective sympathy and limited vision. Undoubtedly another student or hungry child unknown *or less appealing* to me exists whose need is greater than Bob's or the homeless man I passed. Therefore, while empathy can motivate individual benevolence, duty to the poor would be far stronger if founded on *collective impartial* reasoning, not individual proximity or likeability.

Addressing Poverty: State duty

If the alleviation of poverty is neither the responsibility of, nor adequately resolvable by individuals, what is the role of the state? What would an equitable distribution of goods look like?

Undoubtedly to live freely, everyone, rich or poor, needs protection from the threat of others.

As social contract theory suggests, everyone surrenders individual freedom and transfers it to the state for mutual protection, thereby gaining the benefits of commodious living. The tacit acceptance of the benefits yielded from the social contract confers moral and civil obligations on all. In other words, if my freedom is contingent on others recognising my right, then, in turn, this obligates me to uphold their right to liberty. Their right to liberty is restricted if poverty and luck prevents them from realising it. Accordingly, a *fair* social contract agreement would strive for a social minimum, which would make the worst off as well off as possible.⁸ It is difficult to see how this could be achieved by any system other than an *involuntary* one such as progressive taxation to fund welfare payments to the poor.⁹ As poverty reduces freedom, moral and civil obligation to humanity *outweighs* a marginal infringement on personal liberty. Therefore, in response to Nozick, this *justifies* the state to make me do what I would not have an obligation to do (alleviate poverty) if it was not the law of the land.

Distributive justice redresses the moral inequality of luck by guaranteeing every citizen a certain level of social goods to achieve a minimally decent life. So, in further response to Nozick, what I get back is the good of living in a just society that redistributes social goods according to a principle that is applicable to (and perhaps even *binding* on) all persons.

Which ideal of social justice should society subscribe to? If morality is ‘how we ought to live’, then there is, at the very least, a *prima facie* case to be made that we have a duty to disregard Nozick’s theory and advocate for distributive justice.¹⁰

⁸ Jonathan Wolff, (2016), *An Introduction to Political Philosophy*, p. 168.

⁹ Progressive taxation systems apply increasing levels of income tax in relation to gross salary. The more an individual earns, the higher percentage tax she pays.

¹⁰ Socrates claims that ‘Morality is how we ought to live’. Gert, Bernard and Gert, Joshua, "The Definition of Morality", *The Stanford Encyclopedia of Philosophy*.

Bibliography

Gert, Bernard and Gert, Joshua, "The Definition of Morality", *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), Edward N. Zalta (ed.). Available at: -
<https://plato.stanford.edu/archives/fall2017/entries/morality-definition/>

Nozick, Robert. *The Entitlement Theory of Justice*, Available at:
<https://brightspace.ucd.ie/d2l/le/content/30044/viewContent/302799/View>

Rawls, John. (1999). *A Theory of Justice*, Revised Edition, Cambridge, Massachusetts. The Belknap Press of Harvard University. Available at: -
http://www.consiglio.regione.campania.it/cms/CM_PORTALE_CRC/servlet/Docs?dir=docs_biblio&file=BiblioContenuto_3641.pdf

Wolff, Jonathan. (2016). *An Introduction to Political Philosophy*, 3rd ed. United Kingdom. Oxford University Press.