

Nozick, Entitlement Theory and the Justification for Maximizing Individual Freedoms

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The purpose of this paper was, in explaining Robert Nozick's 'Entitlement theory', to argue whether his ideas of 'just acquisition' and 'self-ownership' provided sufficient justification for maximizing individual freedom. In this paper I examined the key principles of Entitlement theory Nozick uses, in conjuncture to his concepts of 'self-ownership' and 'just acquisition', to justify his conception of freedom. I performed this by exploring the implications of these principles and the extent to which they are logically coherent with the rest of his theory after first laying out the definitions of the terms Nozick uses as a foundation. Although I found that Nozick provides a couple of compelling cases that support his theory, Entitlement theory in general falls short of complete justification for maximized personal freedoms due to unaddressed problems with his concepts of 'self-ownership' and 'just acquisition'. Namely, that the extent which to these concepts apply eventually create situations in which the natural execution of Nozick's acquisition and transfer rights can impede on the rights of others, undermining his theory.

Introduction

Entitlement theory is a theory of private property invented by libertarian Robert Nozick. This theory is comprised of the main principles:

1. a principle of transfer - whatever is justly acquired can be freely transferred.
2. a principle of just initial acquisition - an account of how people come initially to own the things which can be transferred in accordance with (1).
3. a principle of rectification of injustice - how to deal with holdings if they were unjustly acquired or transferred. (Kymlicka, 103-104)

The first two principles pertain to his ideas of 'self-ownership' and 'just acquisition', which he exclusively uses to provided justification for maximizing individual freedom in the form of free markets. The question as to whether or not these two ideas truly provide sufficient justification for this freedom must

be answered with respect to Nozick's Entitlement theory. However, before these ideas can be analyzed they must first be defined in the terms Nozick uses. Afterwards, an analysis of their ramifications will follow and disprove the notion that they provide sufficient justification for maximizing individual freedom. Examples ranging from John Rawls's 'conceptions of the good' to harmful but natural market entities will be employed to demonstrate that Nozick's ideas of 'just acquisition' and 'self-ownership' cannot justify maximising individual freedom in the way Nozick describes it.

Defining the Terms of Nozick's Entitlement Theory

It would not make sense to first discuss the acquisition and transfer of property without first explaining the basis of self-ownership in which they are justified. For this reason, it is most logical to define the terms Nozick uses as they take place according to the order of Kymlicka's summary, which states:

1. People own themselves.
2. The world is initially unowned.
3. You can acquire absolute rights over a disproportionate share of the world, if you do not worsen the condition of others.
4. It is relatively easy to acquire absolute rights over a disproportionate share of the world.

Therefore:

5. Once people have appropriated private property, a free market in capital and labour is morally required. (116).

Point 1 encompasses self-ownership and must be defined on its own first before it can be analyzed or the other terms defined. Points 2 and 3 pertain to just acquisition and although are related to self-ownership can only be defined once self-ownership has been explained. Point 4 is beyond the scope of this paper and will not be discussed. Finally, point 5 contains the question which this paper seeks to answer, that is whether or not Nozick's concepts of self-ownership and just acquisition justify the maximization of individual liberty and will be discussed in the analysis section following the defining of Nozick's terms.

Self-Ownership

Nozick's ideas of self-ownership relate most closely with his second principle of Entitlement theory, which pertains to the "initial acquisition" of private property and forms the premise for Nozick's property rights (102-105). Although it is the second principle of Entitlement theory, in terms of the order in which property is first acquired and then transferred it assumes primacy as it is the basis for initial acquisition. Nozick's interpretation of the Kantian principle of people as 'ends in themselves' results in his ideas of self-ownership. In his view, he argues that individuals have rights that must be respected by society due to their reflection of "the underlying Kantian principle that individuals are ends and not merely means" (108). He further states that individuals "... may not be sacrificed or used for the achieving of other ends without their consent" (108). This serves as his primary argument against Utilitarianism, which he views as permitting individuals to be used for the sake of another's benefit. Self-ownership in Nozick's interpretation constitutes the sole claim to yourself and everything that entails. This includes your body, labor and talent, which he argues cannot be separated from your conception of the self, unlike Rawls or other Liberal philosophers (108). Rawls, attempting to be 'endowment-sensitive', tries to separate talent from the individual by stating that they did nothing to deserve such

talent; they are merely lucky for being talented in the first place and therefore the untalented have a claim to a portion of the proceeds resulting from such undeserved talent (109). This serves as part of the justification Rawls draws upon as in favour of liberal redistribution schemes. Nozick however denies this approach by stating that such redistribution is an affront to the concept of basic self-ownership (109). He supports his view that neither talent nor its proceeds can be separated from the individual in his 'Wilt Chamberlain example', demonstrating that only the individual has sole claim to their own talent and any proceeds that result from it (105). The example is somewhat lengthy, but states that since people are free to use their money as they please to watch the talented Wilt Chamberlain to play basketball (whose talent cannot be separated from himself) Wilt has the sole right to income derived from his talent (106). It is in this manner that Nozick's idea of self-ownership can be defined as having exclusive rights to your own body, labour, talent and any income resulting from these.

Just Acquisition

Just acquisition concerns the legitimate ways in which private property can be acquired. It encompasses principles 1 and 2 of Nozick's Entitlement theory as well as points 2 and 3 of Kymlicka's summary. It is Nozick's claim that since individuals own their own labour, that they therefore own the results of applying their labour in the market (110). He does recognize however that those transfers of property must begin somewhere first and that starting point is called 'initial acquisition'. In initial acquisition, the world is common and resources belong to no single individual, since they were not created by individuals and existed before humanity. His account of initial acquisition serves to answer the question of "[How] these natural resources, which were not initially owned by anyone, [came] to be part of someone's private property" (111). Initial acquisition can take place by appropriating the common through the application of your own labor to that which is common and improving it, though "enough and as good" must be left for others (113-118). If an individual appropriates a disproportionate amount of a common resource, others must not be left "worse off" (115). This set of principles Nozick calls the 'Lockean Proviso' (114). These principles of initial acquisition and just acquisition can be demonstrated in the enclosure acts of seventeenth-century England. In them, the common grazing land, which was used by all for grazing and the like, was divided among individuals whom applied their labour to the commons in order to improve its condition and avoid the negligence that results from uncared for common property (114). Although in this instance some individuals were left without access to land, Nozick and Locke can justify it by stating that through selling their labour to the landowners for wages they will be better off than they would otherwise be (113-119). This point will later be expanded on because several flaws are inherent to this interpretation. Just acquisition begets the right to just transfer in Entitlement theory, but if the initial acquisition of a resource is illegitimate, through coercive means or otherwise, then Nozick states that retributive justice is required to right the wrong (111-112).

Analyzing the Justification for Maximizing Individual Freedom

With the main ideas of Nozick's Entitlement theory defined, we are now prepared to examine whether or not they in turn justify maximising the freedom of individuals in the form of he argues for – unfettered capitalism.

Does Self-Ownership Justify Maximising Individual Freedom?

Nozick's account of self-ownership for the most part lacks many weak points which many be attacked. Typically, the best way to attack complex theories is to criticize the assumptions on which they are based. This strategy does not quite work as effectively on Nozick's theory, as he already proves in the Wilt Chamberlain example that the assumption of that individuals own their own bodies, labour and talents and income agree with our intuition. Liberal critics detract that since talent is acquired through luck and is undeserved, compensation is to be owed to the talentless in the form of redistribution (for Rawls) or insurance premiums (for Dworkin) (109). Nozick's answer to these critics is that they do not support self-ownership in their respective theories (109). He can make this answer due to his Entitlement theory being ambition sensitive, but not endowment sensitive, which implies that there is no way to separate the individual from their natural talents and abilities. There remains an inherent tension however, resulting from Nozick's attempt to ground libertarianism and the idea of self-ownership in moral equality that leaves liberal critics dissatisfied, calling self-ownership an "inadequate account of treating people as equals" and leaves Nozick short of reaching full justification for maximised freedoms (110). Nozick's idea of self-ownership does not quite justify maximising individual freedom because it is based in moral equality, which necessitates additional action if all individuals matter equally.

Another issue with Nozick's justification for maximised freedom in Entitlement theory is that it fails to take individuals conceptions of the good into account in a practical way. This problem influences both his conception of self-ownership as well as just acquisition later on. In self-ownership, if I, an ambitious individual, appropriate a disproportionate amount of land so that a purely hypothetical farmer named Mike cannot sustain his own farm, then Nozick states there is no problem with this arrangement so long as I pay Mike wages to work for me, thus justifying maximised individual freedom. What Nozick fails to account for however is the instance where Mike is a self-made man and would hate working for me. What if it was Mike's conception of the good to farm and live off of his own land without relying on another for subsistence? In this case, Mike does not in fact possess self-ownership as Nozick tells us. He is incapable of surviving on his own and therefore his own life does not belong to himself. Incapable of reaching his conception of the good, the choices Nozick offers him are to work for and rely on me for subsistence or perish, explaining that if Mike lacked the foresight to appropriate the land himself then he "would have died in a state of nature anyway" (119). Despite having formal ownership over his own life, labour and choices, Mike has no practical means to exercise this right. This fails to provide justification to maximising individual freedom in the form of capitalism, which resulted in the plight of Mike in the first place in Nozick's Entitlement theory.

Does Just Acquisition Justify Maximising Individual Freedom?

Just acquisition in Entitlement theory follows the intuitive logic that unless something is acquired through illegitimate means such as coercion, an individual is free to employ it or transfer it to another in any way they see fit, which is in essence maximised individual freedom on its own. Nozick derives this conclusion through his use of the Lockean Proviso, which states that the capitalism of privatizing the commons does not leave any worse off as a result (118). This means that if anybody is in fact left worse off by the acquisition, then the maximization of individual freedoms is unjustified under Nozick's idea of just acquisition in Entitlement theory. Let us recall back to farmer Mike, who had to give up his dream of being a self-sustaining farmer to make way for my avarice. Nozick would state that not only does Mike have to worry about farming on his own now; he now both earns wages that he would not have otherwise and he gets to live (119). Few can argue against this sweet deal Nozick offers young Mike.

Nozick would deny that although Mike's position may not have gotten 'better' he had not been left for the worse. This is false and the only reason Nozick can generate support for this answer in his theory is because he only considers material well-being as a condition for just acquisition. Falling to the same pitfall as his opponent Rawls, Nozick fails to account for facets of well-being other than money and property. It would surely be bad for the human ego to be dominated by and reliant on the very same individual who singlehandedly robbed you from your conception of the good, but Nozick does not address psychological or emotional health as an aspect of the well-being. Mike would not be the only one to have his dreams trampled by the avaricious; he would merely be one of many sacrificed for the benefit of the few, an outcome as bad as (or worse than) the utilitarianism Nozick disliked. Because Nozick fails in addressing this crucial shortfall, his principles of just acquisition and the Lockean Proviso cannot be used to provide full justification to maximized individual freedoms and the unrestricted capitalism that follows. Another less dramatic problem is the inefficient and contradictory endgame that would be reached once all the common resources in the world had been divided up among individuals partaking in an unrestricted market. It is natural over time for oligopolies or even monopolies to emerge in unrestricted and just trade and acquisitions. It is also natural for such organizations to either collude to increase prices in the case of the oligopoly or for the monopoly, to simply raise them due to the lack of competition faced. Economics have proven without fail that the general population is worse off and reaches lower productivity under these market conditions than they would be under competitive ones. As a result, just acquisition cannot justify maximized individual freedoms in the form of unrestricted or unregulated markets without violating the Lockean Proviso for these stated reasons.

Conclusions

In his Entitlement theory, Nozick attempts to use his ideas about self-ownership and just acquisition to generate justification for maximizing individual freedoms in the form of free markets. He defines his terms very well for the most part and his examples, such as the Wilt Chamberlain example, appeal readily to our intuition. Closer examination however yields holes that Nozick leaves unaddressed, damaging their credibility. In the case of self-ownership, Nozick comes much closer to justifying maximized freedoms and deals with the criticism of his opponents effectively for the most part, however if an individual has only the choice to work for the person who appropriated a disproportionate amount of land or die then that is unsatisfactory. In this manner, the wage-earner's life is not his or her own and therefore cannot be said to possess self-ownership. Another flaw with both self-ownership and just acquisition is that if an individual loses their access to their conception of the good as a direct result of being a wage-earner for the land-owner then the Lockean Proviso is not passed and justification cannot be given to the version of maximized freedom which Nozick describes. Additionally, even if a state of free markets were put in place, oligopolies and monopolies would eventually form as a result of natural market forces. These market entities negatively affect Nozick's conception of material well-being directly and reduce market efficiency, also failing to pass the Lockean Proviso and therefore not justifying maximized freedom under the principles of just acquisition. This could be further proven with detailed economic analysis and breakdowns of classic market examples, but this would likely be beyond the scope of this paper. Nozick sought to provide full justification for maximizing individual freedoms in the form of unrestricted markets through his conceptions of self-ownership and just acquisition in Entitlement theory, though the theory needs much refinement if such justification is to be achieved to a satisfying degree.

Works Cited

Kymlicka, Will. "Libertarianism" *Contemporary Political Philosophy: An Introduction*. 2nd ed. Oxford: Oxford UP, 2002. 102-165. Print.