

## Lecture Notes 7 : Freedom and Utopia

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Nozick's attempt to argue that *any* form of state more extensive than the minimal state is unjust because it violates rights.

## Equivocations on 'liberty'

A general form of argument often put forward against the welfare state:

(1) Private property (P) increases or protects liberty.

(2) (Redistributive) taxation reduces or undermines P.

∴ (3) (Redistributive) taxation reduces, or undermines, or fails to protect, liberty.

∴ (4) The extensive state reduces or undermines... liberty

Against (2): distinguish between rights to possess, use or dispose of property and the right to extract as much benefit from it as one wants.

Against (1): *if* 'liberty' denotes negative liberty, then (1) is false: P *just is* a distribution of negative freedom (for owners) and negative *un*freedom (for nonowners).

The libertarian solution is to interpret 'liberty' in terms of rights:

(5) Persons are (morally) rightful owners of their person and its powers. (*Self-ownership*)

(6) World-ownership rights are (almost) as stringent as self-ownership rights.

(7) Persons are entitled, by right, to appropriate as much of the world as they like, as long as they do not thereby worsen the position of others. (*Justice in acquisition*)

(8) A free market ensures justice in any transactions involving such rights to the person and the world. (*Justice in transfer*)

∴ (9) Persons have stringent ownership rights to that part of the world that they appropriate in accordance with (7).

(10) Coercive redistributive taxation violates these rights.

∴ (11) The extensive state is morally illegitimate.

I want to focus on (7) and (8) here.

## Justice in Transfer

Distributive principles: End-state vs. Historical

Patterned

Non-patterned

'to everyone according to their \_\_\_\_\_'

Consider Nozick's Wilt Chamberlain example. He affirms:

(12) A transition is just if and only if it is voluntary.

(13) The transition from D1 to D2 is voluntary.

∴ (14) The transition from D1 to D2 is just.

∴ (15) Justice upsets patterns.

### The circularity problem

What does 'voluntary' mean for Nozick? He defines 'voluntary' in (12) in terms of rights, i.e. the set of rights that flow from SO and WO. But this renders (12) circular, and the argument incoherent.

### The equivocation problem

It may be true that, when I pay £10 to watch a match by Beckham I voluntarily accede to him making an extra £10 or so. But it does not follow that I accede to Beckham making an extra £10,000, or £1,000,000. Other things equal, no one actually accedes to his making an extra £1,000,000 (indeed, it is *irrational* to accede to that).

### Justice in Acquisition

(16) A may appropriate worldly resources as long as B is at least as well-off as he would have been had A not appropriated.

(17) If (16) is not fulfilled, then there should be a transfer of resources from A to B up to the point that B is fully compensated for his lack. (*Justice in rectification*)

### The baseline problem

(16) is extremely weak. Say A and B are now at (5, 5). A says to B: I'll appropriate all the land we now hold in common. You'll then work for me, and I'll keep all the proceeds of your work. The outcome distribution will be (50, 6). This outcome is consistent with (16).

But why offer non-appropriation as the relevant baseline? Why not compare (5, 5) with, say, a joint-ownership scenario, where product is shared equally (28, 28)?

### Study questions

Is Nozick's Wilt Chamberlain argument sound?  
Should we opt for a Nozickian 'Utopia'?

### Further Reading

Nozick (1974), part II.  
Cohen (1995), ch. 1.