

Robert nozick and his entitlement theory philosophy essay



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The entitlement theory was created by Robert Nozick in his book ' Anarchy, State and Utopia, and talks about private property and distributive justice. As a Harvard professor from 1938 to 2002, he strongly criticized the egalitarian political philosophy of his colleague John Rawls which argued that it was right for the state to take wealth from the rich and redistribute it to the poor. As an entitlement theory, its basically concerned with the justice one's acquisition. According to Nozick, the welfare state was only but some kind of theft. He also believed that taxation was only but some sort of forced labor. In the initial stages of the book, Nozick attempts to devalue anarchy and justify the state. According to Geirsson & Holmgren (2000) he also goes ahead and demonstrates how there could never be any meaningful progress in society without violation of human rights. This paper gives a discussion of what the entitlement theory calls for and its implications in business ethics.

Background information

Nozick's theory could be said to be unpatented and historical. Generally he constructs a type of theories where he distinguishes between unhistorical and historical principles of justice. In addition he also addresses the un-patterned and patterned principles. Even though all the four principles of justice could be met, Nozick tries to defend his un-patterned historical theory against the rest of the three combinations. He gives reference to past transactions, actions, choices among individuals who may transfer or create entitlements over resources (Geirsson & Holmgren, 2000). By pattern he refers to a systematic variation of distribution based on some natural dimensions. For instance, a patterned principle might demand that all the

distributive shares vary with usefulness to society, moral merit or intelligence.

Although Nozick is against random allocation of holdings, his greatest opposition is to the random principles of justice as proposed by people like John Rawls in his theory of justice. He argues that liberty will automatically upset the pattern in which goods will be distributed. In order to maintain patterns of distribution, there must be some interference with choices and actions of individuals. However, he is quick to add that any kind of interference requires the free consent of individuals. As Bakaya (2006) puts it, it is in this requirement that he highlights the significance of procedural justice where individuals agree on certain principles of acquisition and transfer of holdings and rectification of any injustices. Based on a rights centered and individualistic moral philosophy, the historical principles on allocation of resources prioritize over end state principle justice.

These principles actually focus more on the distributive outcomes of the allocation of resources but do not look at how the distributions actually come about. Nozick argues that individuals have rights yes but he is quick to add that there are some things that cannot be done without violating these rights. Nozick's entitlement theory states that distribution could only be just if it stems from just acquisition from nature or from voluntary transfer via gift, trade or bequest from previous just distribution (Bakaya, 2006). He therefore proposes three main issues. First he proposes that any person who acquires a property through the right principle of justice is entitled to keep the holding. Secondly, anyone who acquires a holding through a transfer from another person who was entitled to the same holding is entitled to it. Lastly, <https://assignbuster.com/robert-nozick-and-his-entitlement-theory-philosophy-essay/>

he proposes that no one is entitled to a holding unless he follows the first two applications.

Justice in transfers

Nozick's historic stance towards justice is reaffirmed by his proposition that whatever that comes in a just manner from a just situation is definitely just. This is to say that as long as the transferor acquired a good in a just manner, then the voluntary exchange of goods either as a gift or for money satisfies this criterion. Despite the possibility that facts of nature like poverty and lack of alternative choices might make it somewhat difficult for free transfer of goods to take place, Nozick still believes that the resultant decisions are still just. A good example is what happens in the developing countries. Although there are labor laws which stipulate the conditions in which people should work, employees still agree to work in very poor conditions with no protection gear because they have no other alternative. But according to Nozick, this is not a nonvoluntary act by any means (Geirsson & Holmgren, 2000). The same applies in real life. Sometimes a poor man might have something of high value like a plot of land but due to some unavoidable circumstances, he quickly falls short of options on where he would get money. A rich neighbor would then approach him and offer to buy his land so that he could get money. Even though the land might be the only asset the poor man has, he would sell it to take care of the condition he might be in.

According to Nozick, there is nothing unjust in such a transaction. As long as the rich man did not grab the land or steal it from the poor neighbor, then

transaction will be termed to be just. It would have been better for the rich man to lend his neighbor some money which he could pay back in installments. Under normal circumstance, this could be considered reasonable than purchasing the land. According to Wolff (1991), the situation is however much different under the Nozick's entitlement theory. The voluntary transfer of land is considered just with Nozick's case.

There are some limitations that he however points out in the free exchange of holdings between parties. For instance he regards transfers that would make one party to be the sole owner of a holding that is very important to life. A good example is when a company buys out another company so that it could remain the sole producer of a commodity. For instance, this situation happened in East Africa or Kenya to be specific. The leading producer of beer ' East African Breweries' bought out a South African beer company, Castle larger so that it could push it out of the Market. According to Nozick, this is an injustice in business (Wolff, 1991).

A fraudulent transfer is also considered to be an unjust transfer or a transfer that excludes another party by force from competing in exchanges is also considered unjust (Chia, 2010). For instance in business especially in awarding contracts to supply commodities, there are usually instances of conversing between groups so that when the deal goes through, each member gets his share. This would not be considered as just according to Nozick.

The principle of just transfer therefore implies that there must be some upset by individual choices in any given distributive pattern. In his view patterned

principles require some constant interference. If you take an example of fans going to a music concert for instance to see a musician like Whitney Houston, she will end up getting more wealth than the fans. Even if it's assumed that it starts off with an equal amount of wealth by each party, the distribution will change as fans pay money to watch her. The smaller fees paid by each and every fan will mean that Whitney will end up getting wealthy if fans turn up in big numbers. According to Goldsmith (2006) Nozick does not find such a redistribution of wealth to be unjust. In other words, for one to assess justice in a given situation, it's necessary that he examines the process in which the situation came about. This makes the voluntary nature of the transfer of a holding to be the necessary but yet insufficient condition by which acquisition could be judged.

The concept of justice transfer therefore implies that there should be no prohibition between capitalist actions between two or more consenting adults. According to Chia (2010) there are usually some community concerns in situations where say a husband commits adultery with someone else's wife. As long as there was no force used, then there is nothing unjust in this situation in Nozick's view.

Taxation of business earnings is considered by Nozick who equates it to seizure of time and goods or forced labor. For the government to encourage free exchange of goods in the market, it should play a very minimal part in business and individual affairs. This is to say that business people should be left to run their own issue by themselves. The only time when the government is supposed to come in is where there has been a violation of individual rights and in protection of the rights. As Wolff (1991) puts it, <https://assignbuster.com/robert-nozick-and-his-entitlement-theory-philosophy-essay/>

Nozick sees no sense in the government taxing businessmen by collecting so much money from each one of them and yet it's the businessmen who do most of the work. For instance, there are so many taxes in transfer of goods from one country to the other. There is import tax, income tax, and so on so that the amount that the business man pays to the government is too much. All these should be done away with in Nozick's view.

There have been criticisms from several authors against Nozick's theory. One of the criticisms points out that the rules of justice transfer were not systematically delineated by Nozick. Moreover, the accumulation of wealth is said to lead to acquisition of power that might express or manifest liberty. This implies that its not socialism that actually restricts liberty, rather it is capitalism. Goldsmith (2006) states that critics add that capitalism would lead to exploitation of labor making acquisition of wealth even more unjust. For instance, in the current society, the rich normally have more say than the poor. This means that it's because of their wealth that they gain the bargaining power to control the poor. A poor man will therefore work in a steel industry for very little pay that could not even be equated to the kind of work he does because he has no alternative. The rich man on the other hand would kick him out if he keeps complaining because there are still many more poor people looking for the same job. In other words, the rich man has nothing to lose. However, Nozick counters this by arguing that as long as the arrangement is voluntary and not forced, there is absolutely no injustice in that.

Justice in Acquisition

Nozick argues that before a holding could be justly transferred it has to be acquired justly. He builds on the theory of appropriation created by John Locke. This theory explains how a person could own property rights for an unowned by the mere fact that he contributes his labor. Nozick however changes this a little by stating that appropriation can never be justified if the condition of others who are no longer at liberty to use the same property would be made worse by the appropriation. For instance in a call center company is bought by a mobile service company and the workers of the call center company are sent packing then this could not be considered a just acquisition. This is because the financial condition of the farmer works who are no longer at liberty to benefit from the call center will deteriorate. It can only be just if the employees are still retained to work in the same company although under different employer (Chia, 2010).

The principle of just acquisition also has some aspects of the just transfer in it. The same way someone cannot not acquire 100% supply rights of a specific good to a company or an institution, one should not also purchase the supply. This mostly happens in processing industries such as juice processing where different suppliers apply for a chance to supply the company with fruits that they grow in their farms (Wolff, 1991). If one farmer buys his way into getting the right to be the only farmer who can supply his fruits to the company, this will be unjust. There should be sharing out of the chances to supply products so that if one farmer supply his goods on say Monday, another one would get the chance to do it on Tuesday then another on Thursday and so on. One basic reason for this is moral. Acquiring total supply rights will morally wring because it will have hindered the possibility

of other people getting a chance to do the same. The second reason is economic. When a commodity becomes rare, its price will become higher making it almost impossible for an individual to purchase it all. This therefore implies that in many ways, different market forces will be able to prevent chances of injustice in acquisition of holdings.

Nozick also acknowledges that there should be some limit on property rights. For instance, basic commodities like water should never be owned by one individual who would monopoly prices because people will have no alternative but buy it at whatever price. For instance, one should not be the sole supplier of water in a community and then charge higher prices. Bakaya (2006) explains that Nozick even disputes the idea that one would charge a price on a commodity that he exclusively owns in case a disaster or problem destroys other sources of supply of the same good. Consider a situation where a village is hit by draught and the only source of water is in a rich man's well/borehole. Good morals should not allow the rich man to sell water to the villagers because of the fact that he might be the only one having it. Ideally he should be able to give it for free or not charging a small fee for maintenance of the borehole.

Generally the principle of justice acquisition of property affirms very strong property rights. In Nozick's view every individual is entitled to sell or use their natural endowments willingly or as they might please. There is however a slight problem because he does not come up clearly on the foundation of the same property rights. The clearest issue is the fact that he does not base this to the right to life and there is no utilitarian foundation (Goldsmith,

2006). Critics therefore argue that Nozick does not provide a persuasive foundation that explains much about private property.

Rectification of Justice

In this final part, Nozick addresses issues to do with rectification of violation of the process and principles of just acquisition and transfer of holdings. Any issue to do with rectification would definitely deal with comparison of the actual situation that might have been contrary to the just action. The main idea is actually to look at subjective information on what would have happened in case the injustice actions would not have happened. It therefore insists that any gap between just acquisition and just transfer should be rectified. For instance, take a situation where an individual acquired a business illegally but once it became his, he went ahead and sold it to another person following the right procedure (Chia, 2010). The third principle of justice according to Nozick argues that there should be means to find out any injustices that might have happened before. For instance what the individual did wrong in acquiring the business and what could have happened if he had acquired it using the right procedure.

Implications of enlightenment theory

Generally, Nozick's theory of justice is against John Rawls' patterned principles of distributive justice. The difference principle pushed by Rawls argues that inequalities could only be termed to be just if they lead to compensating benefits to all but most importantly to the least advantaged in the society. This is to say that if the community redistributes resources in such a manner that even the poor could sustain themselves then the pattern

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could be termed to be just. In business context, it could refer to a situation that even the small scale businessmen are given equal chance to compete on higher levels of business. For instance, a small organization could be given a chance to supply its products to an industry rather than allowing only the bigger organizations to do so (Bakaya, 2006). Nozick on the other hand opposes this kind of distribution patterns by proposing a redistributive state which tries to push for a patterned kind of distribution for its citizens leading to an interference with the autonomous decision making process of every individual. He also goes ahead to explain that the difference principle proposed by Rawls is problematic due to the facts that it inappropriately and in an old fashioned manner focuses on groups instead of focusing on individuals. Each individual has his own different needs and ways of doing business. It is only fair that each one of them is addressed individually rather than generalizing the population into one group. Nozick therefore feels that Rawls point of view does not take into account the entitlements in holding of different people.

Nozick therefore argues that Rawls did not connect the decision making abilities of each individual to the outcomes and structure of the broader society. This implies that individual decisions made by each individual or each organization in business will contribute to the overall structure of the society or a field of business. For instance, as much as each fish vendor might have his decisions in his business, decisions made by each fish vendor would shape the structure of fish selling business in general. If every one sells the fish at a lower price, the demand for fish might generally improve because most people will be able to afford fish (Chia, 2010).

Corlett (1991) argues that Nozick's insistence on individual's property rights and autonomy gives an impression that the most extensive state that could be justified is the minimal state. On the same note, his minimal state sits between welfare state principle proposed by Rawls and a state of anarchy. This puts Nozick's theory subject to a lot of criticism as it were from both the contract theorist and the libertarians. The libertarians argue that Nozick's minimal state goes very far while the charging theorists argue that Nozick's charging does not rally go far enough as it's supposed to be.

The controversy that is generated by Nozick's theory of justice was primarily reflected in the latter problem since he likened government's involvement in business through taxation to forced labor. This gives an impression that the government is out to reap so much from people by pushing them to do so much work. He therefore rejected government's involvement in the process of distribution of wealth (Corlett, 1991). According to Nozick, the only time when the government should be involved is in protecting individuals' rights and dealing with people who infringe on other people's rights.

Entitlement theory provides a persuasive argument that explains the concepts of free market capitalist and libertarianism. Nozick himself came to realize later on that his theory was somewhat individualistic and inadequate. This is even reflected in his work 'The examined Life' where he seems to express doubts in his own theory. He even argues that his theory was at risk of ignoring some of the most important values in society such as cultural values, solidarity and identity. Despite his self-consciousness and self examination ideas which are evident in the entitlement theory, as an important ideas that affirm human dignity, individualism and capitalism.
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