

Chapter 4

How Liberty Upsets Patterns

In his development of the entitlement theory, Nozick had argued that just holdings do not come about because they fit a preconceived pattern, but because they are the result of people engaging in just processes. He then uses a clever and now very famous thought experiment to demonstrate why patterned, end-state conceptions of distributive justice are necessarily incompatible with individual freedom. This incompatibility turns out to reveal an internal incoherence in patterned theories. The thought experiment involves Wilt Chamberlain, a professional basketball player whose name, at the time of the book's publication, would have been very familiar to readers. As I summarize the argument (pp. 160-164), feel free to mentally substitute the name of any well-known professional athlete today.

Nozick invites the reader to imagine that we live in a society in which some patterned conception of distributive justice has been perfectly realized. It might be perfectly equal distribution, or some other distribution weighted by whatever principle you favour – the one you think is the most just. Call this distribution of material resources D_1 . So according to you, everyone in the society is entitled to the resources they have, because they came about through the distributive justice pattern you understand to be just. Now, Nozick says, “suppose that Wilt Chamberlain is greatly in demand by basketball teams, being a great gate attraction.... He signs the following sort of contract with a team: In each home game, twenty-five cents from the price of each ticket of admission goes to him.... The season starts, and people cheerfully attend his team's games.... They are excited about seeing him play; it is worth the total admission price to them” (p. 161). I pause here to note that no one buys a ticket who does not think it worth the extra 25 cents; indeed, it is possible that more people

might want to attend home games than the arena's capacity. "Let us suppose," Nozick continues, "that in one season one million persons attend his home games, and Wilt Chamberlain winds up with \$250,000, a much larger sum than the average income and larger even than anyone else has" (p. 161). As you can see, we now have a different distribution of material resources, call it D_2 . The question this raises, Nozick says, is that since D_1 and D_2 are different, is Wilt Chamberlain entitled to his new holdings? Is D_2 unjust? If so, why? "There is *no* question about whether each of the people was entitled to the control over the resources they held in D_1 ; because that was the distribution (your favorite) that (for the purposes of argument) we assumed was acceptable. Each of these persons *chose* to give twenty-five cents of their money to Chamberlain." Recall that the experiment begins from a perfect realization of whichever distributional pattern the reader thinks is just, so the people could spend it on whatever they like – sushi, comic books, a camping trip – but these one million people all chose to give it to Wilt Chamberlain. So, Nozick concludes, "If D_1 was a just distribution, and people voluntarily moved from it to D_2 ... isn't D_2 also just?" (p. 161). He notes that people who don't care about basketball still have the same shares they did before; they aren't negatively affected by this. But of course the ones who did pay haven't been negatively affected either, despite their having 25 fewer cents, because they received in return for that the experience of watching their favourite player, which is what they wanted to do.

The section heading Nozick uses for this is "How Liberty Upsets Patterns." The point he is making is that if we did have some objection to D_2 , we would have to forbid people from using resources in the ways they chose: "no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people's lives" (p. 163). This isn't merely a demonstration of the incompatibility of patterned distributive justice principles with individual freedom. The advocate of the pattern could respond to that by saying so much the worse for individual freedom. But Nozick means something stronger – that the patterned distributions are logically inconsistent themselves. Under D_1 , the claim was that everyone is justly entitled to their share. What can that mean if they may not dispose of their shares as they choose? If they may not dispose of their resources as they choose, then it seems as though they are not actually entitled to them.

Nozick tweaks the thought experiment by positing that we had a fully realized socialist society in which everyone's needs are satisfied and everyone does their allotted day's work. Might not Wilt Chamberlain (or some other performer) work after hours to acquire additional resources? Nozick notes that people often want things that go beyond their needs. He gives the example that he likes to write in books that he reads, and would like access to Harvard's library, but obviously he cannot write in the library's books, and cannot expect any society to give him all the books in the Harvard library. So one of the things he chooses to spend money on is personal copies of books. Thus, in general, "persons either must do without some extra things that they want, or be allowed to do something extra to get some of those things. On what basis could the inequalities that would eventuate be forbidden?" (p. 162). People's diverse interests and talents will inevitably result in the patterns being upset, unless people are physically forbidden to engage in such transactions. He compares this to "the manner in which the market is neutral among persons' desires, as it reflects and transmits widely scattered information via prices, and coordinates persons' activities" (pp. 163-4). If people are free to act on their choices, patterned or end-state models of distributive justice are unsustainable.