ROBERT NOZICK AND WILT CHAMBERLAIN: HOW PATTERNS PRESERVE LIBERTY

Let us now suppose that I have sold the product of my own labour for money, and have used the money to hire a labourer, i.e., I have bought somebody else's labour-power. Having taken advantage of this labour-power of another, I turn out to be the owner of value which is considerably higher than the value I spent on its purchase. This, from one point of view, is very just, because it has already been recognized, after all, that I can use what I have secured by exchange as is best and most advantageous to myself.  

Persons, who under a vicious order of things have obtained a competent share of social enjoyments, are never in want of arguments to justify to the eye of reason such a state of society; for what may not admit of apology when exhibited in but one point of view? If the same individuals were tomorrow required to cast anew the lots assigning them a place in society, they would find many things to object to.

Robert Nozick occupies the point of view Plekhanov describes, and his *Anarchy, State and Utopia* is in large measure an ingenious elaboration of the argument for capitalism Plekhanov adumbrates. The capitalism Nozick advocates is more pure than the one we know today. It lacks taxation for social welfare, and it permits degrees of inequality far greater than most apologists for contemporary bourgeois society would now countenance.

This paper is only indirectly a critique of Nozick's defense of capitalism. Its immediate aim is to refute Nozick's major argument against a rival of capitalism, socialism. The refutation vindicates socialism against that argument, but no one opposed to socialism on other grounds should expect to be converted by this paper.

Nozick's case against socialism can be taken in two ways. He proposes a definition of justice in terms of liberty, and on that basis he argues that what socialists consider just is not in fact just. But even if his definition of justice is wrong, so that the basis of his critique, taken in this first way, is faulty, he still has a claim against socialism, namely that however just it may be it is incompatible with liberty. Even if Nozick is mistaken about what justice is, he might still be right that the cost in loss of liberty imposed by what socialists regard as just is intolerably high. (Hence the
title of the section of the book on which we shall focus: 'How Liberty Upsets Patterns'—patterns being distributions answering to, for example, a socialist principle of justice). So it is not enough, in defending socialism against Nozick, to prove that he has not shown it is unjust. It must also be proved that he has not shown that it is opposed to liberty.

A full definition of socialism is not required for our purposes. All we need suppose is that a socialist society upholds some principle of equality in the distribution of benefits enjoyed and burdens borne by its members. The principle need not be specified further, for Nozick's argument is against the institution of any such principle. Let us now imagine that such an egalitarian principle is instituted, and that it leads to a distribution of goods and bads which, following Nozick, we call D1. Then Nozick reasons by example that D1 can be maintained only at the price of tyranny and injustice. The example concerns the best basketball player in the imagined society:

... 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 buy their tickets, each time dropping a separate twenty-five cents of their admission price into a special box with Chamberlain's name on it. They are excited about seeing him play; it is worth the total admission price to them. Let us suppose 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... Is he entitled to this income? Is this new distribution, D2, 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 D1; because that was the distribution... 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. They could have spent it on going to the movies, or on candy bars, or on copies of Dissent magazine, or of Monthly Review. But they all, at least one million of them, converged on giving it to Wilt Chamberlain in exchange for watching him play basketball. If D1 was a just distribution, and people voluntarily moved from it to D2, transferring parts of their shares they were given under D1 (what was it for if not to do something with?), isn't D2 also just? If the people were entitled to dispose of the resources to which they were entitled (under D1), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain? Can anyone else complain on grounds of justice? Each other person already has his legitimate share under D1. Under D1, there is nothing that anyone has that anyone else has a claim of justice against. After someone transfers something to Wilt Chamberlain, third parties still have their legitimate shares; their shares are not changed. By what process could such a transfer among two persons give rise to a legitimate claim of distributive justice on a portion of what was transferred, by a third party who had no claim of justice on any holding of the others before the transfer?