EVALUATION OF ROBERT NOZICK'S ENTITLEMENT THEORY

BY

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UNIVERSITY OF NIGERIA, NSUKKA

FEBRUARY, 2014

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A DESERTATION PRESENTED TO THE DEPARTMENT OF PHILOSOPHY, UNIVERSITY OF NIGERIA, NSUKKA, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTERS OF ARTS DEGREE IN PHILOSOPHY

FEBRUARY, 2014

THIS DISSERTATION HAS BEEN APPROVED FOR THE DEPARTMENT OF PHILOSOPHY, UNIVERSITY OF NIGERIA, NSUKKA FOR THE AWARD OF MASTERS OF ARTS (MA) DEGREEE IN PHILOSOPHY

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CERTIFICATION

Kingsley O. Aniume, a Master of Arts student in the Department of Philosophy, Faculty of Social Sciences, University of Nigeria, Nsukka, with Registration Number PG/M.A/10/57717, has satisfactorily completed the requirements (coursework and Dissertation) for the Award of Masters of Arts Degree (M.A) in Philosophy. This Dissertation is original and has not to the best of my knowledge, been submitted in part or full for any other degree of this or any other University.

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DR. A.C AREJI

(SUPERVISOR)

DEDICATION

The research is dedicated to St. Anthony of Padua who has been helping me to scale through all the hurdles in my life.

ACKNOWLEDGEMENTS

I thank the Almighty God who has given me the strength to carry on all my academic programmes in the year 2012 and making it possible for all of them to come to a successful end.

My gratitude goes to my supervisor Dr. A.C Areji for his invaluable assistance, criticisms, patience, perseverance and encouragement throughout the period of this research work.

I wish to thank my parents Sir and Lady C.W.O Aniume for their prayers and encouragement; support- financially, morally, etc. throughout my academic life.

I thank all my siblings most especially Ikenna for their care and success wishes.

To all those that have helped me in one way or the other to see that this research was successful, I thank you all.

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ABSTRACT

Robert Nozickôs Entitlement Theory consists of three principles of justice in Acquisition, in Transfer and in Rectification. The entitlement theory of Nozick entails that a person is entitled to a holding if he followed the principle of acquisition, transfer and rectification. Raising the issue of equitable distribution and individual appropriation, Nozickôs entitlement theory of individual right and private property right defends free market and absolute private property right. This thesis is meant therefore, to solve the problem of individual appropriation of property, problem of how resources

should be distributed and the problem of extent of object with which one mixes oneôs labour. Claiming ownership of a property because of the mixing of oneôs labour has a limit for which one can mix oneôs labour. Equitable distribution is such that is not characterized by ó*the winner takes it all'* type of distribution. This thesis attempts reconciling persistent issues and debates that revolve around entitlement and how resources seems to be distributed, using historical, expository, analytical and critical methods to appraise Nozickôs theory. Contrary to the belief among libertarians and Nozick in particular that justice entails that the state; cannot regulate what citizens eat or drink or acquire, cannot administer mandatory social insurance, cannot regulate economic life in general, etc, property rights cannot exist without the state. Property rights are not only held against the state, as is commonly thought, but are parasitic upon the existence of the state. The determinacy of an entitlement will necessarily rely upon it being recognized and enforced by some kind of political organisation. Without the state, property rights, as rights of exclusion do not exist, since they suffer continually from an indeterminacy problem.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

This study rose as a consequence of the researcherôs interest on the consequence of the 2012 pension fund scam in Nigeria on the retirees. One of the reasons for embarking on pension administration in every country is to render peopleôs savings to them after their retirement. Hence, they have a right to what actually belongs to them (i.e. their contributions to the pension scheme while in active service). The fraud and embezzlement in the management of pension funds in the country is a denial of the retirees of what they actually deserve, merit or their entitlement thereby forcing people who have served their country in all honesty, to retire into abject poverty and penury. This is an infringement on the rights of the retirees. Where then lies the faith of these retirees that their entitlement or rights to their belongings have been denied? Giving to everyone what he or she is entitled to, is his right and that is justice. How can these retirees reclaim what belongs to them? John Rawls claims that ójustice is the first virtue of social institutions, as truth is of system of thoughtô.[1] What will the state do to see that the retirees are given what they are entitled to?

Nozickôs entitlement theory is an attempt to describe ójustice in holdingsô or what can be said about and done with the property people own when viewed from a principle of justice. Nozick uses this entitlement theory to explain how a person can be entitled to a holding in the society. The denial of oneôs entitlement is the denial of oneôs right to life and no one should interfere with anotherôs life.

1.2 Statement of the Problem

Entitlement theory is a theory of private property and distributive justice created by Robert Nozick in his book, *Anarchy, State and Utopia.* The theory is Nozickôs attempt to describe ójustice in holdingsô or what can be said about and done with the property people own when viewed from a principle of justice. In line with this, Nozick said ówhatever arises from a just situation by just steps is itself justô.[2] Based on this, this study is bothered by the following problems

a. The Problem of Individual Appropriation.

b. The Problem of extent of object one mixes oneôs labour with.

c. The Problem of redistribution of Wealth.

1.3 Purpose of the Study

Nozick uses the apparatus of his theory to find out how possible it is to have a just and stable society of free citizens, who are not under coercion and intimidation by the government and society. On this account, the purpose of this thesis is to examine the extent to which his theory advances in explanation of ownership of property in the society as manifested in strong system of private ownership of property and free market economy. This study also aims at investigating the link between the state and property rights.

1.4 Scope of the Study

The scope of this work is limited to Robert Nozickôs political philosophy, and more precisely his entitlement theory of justice, which has to do with justice in holding or what can be done with the property people own when viewed from the angle of justice. It does not claim to be exhaustive. This is because the problem associated with this topic is not entirely new in the philosophical world.

1.5 Significance of Study

Nozickôs concept of justice, when viewed from the angle of the property people own, has raised a lot of controversy as to how property is going to be allocated; whether it should be based on merit, need, social status, or property rights and non-aggression. Robert Nozick advocated for property rights which goes a long way to creating a strong system of private ownership of property and free market economy. The significance of this work is, therefore, to show the impact of Nozickôs theory on economists, philosophers and students of political economy.

1.6 Thesis of the Study

Nozickôs concept of justice is a philosophical exploration of issues which arise and interconnect when we consider individual rights and the state .The thesis of this work is that justice demands that the state should have the powers to regulate the economic activities of citizens, to redistribute wealth in the direction of greater equality, and to provide social services such as education and health care.

1.7 Research Methodology

In this work, my research is a library research. The data for the study were sourced from books, articles, journals and the internet. In handling these materials, the historical, expository, analytical and critical methods were used. With the historical method, the subject of the enquiry and the philosopher were located within historical perspective. In using the expository method, an attempt was made to understand the author, as the analytical method was used for analysis and critical method was used to subject his views to a closer scrutiny, highlighting the merits and demerits.

1.8 Clarification of Concepts

1.8.1 Appropriation: This is the assigning of resources to individuals.

1.8.2 Libertarianism: is a political philosophy holding that the role of the state in society ought to be severely limited, confined essentially to police protection, national defense, and the administration of courts of law, with all other tasks commonly performed by modern governments ï education, social insurance, welfare, and so forth ï taken over by religious bodies, charities, and other private institutions operating in a free market.

1.8.2 Justice In Holding: This justice that pertains to the rights and individualsô entitlement to property.

END NOTES

1. J. Rawls, *A Theory of Justice*, revised edition, (Oxford: Oxford University Press, 1999), 3
2. R. Nozick*, Anarchy, State and Utopia*, (UK: Blackwell Publishers Ltd, 1974), 16.

CHAPTER TWO

LITERATURE REVIEW

This chapter ought to discuss the theoretical framework of the study. Such a framework is held to be necessary to clearly understand the positions the study takes on the issues it raises. In natural law tradition the word ójusô (óiusô) means right, justice and law. The word óiusô (right) is singular while óiuraô (rights) is plural. Hence this review of literature would be based on the concepts órights and justiceô.

Hugo Grotius (1583ï1645) distinguishes between several meanings of iura (rights) the most important of which conceives of a *ius* as ña moral quality of a person, making it possible to have or to do something correctlyò.[1] For Grotius, a *ius* or right is a capacity or power possessed by the agent; it is a ñfacultyò or an ñaptitudeò of the person.[2] To have a *ius* or right is to have the ability to engage in certain specified actions without moral or legal sanction. For Grotius, man has a right to self preservation

John Locke defended the claim that men are by nature free, equal and independent.[3] He argued that people have rights, such as the right to life, liberty and property. These are fundamental natural rights that are independent on the state. Rights for Thomas Hobbes (1588-1679) consisteth in liberty to do or to forbear.[4] Hobbes views right as absolute (i.e. it has no limit). Everyone has the right to do whatever he wants. Every man has a right to everything, even to one anotherôs body. For as long as everyman holdeth his right, of doing anything he liketh; so long are all men in the condition of war.[5] Rights come from the very nature of man and are not granted by the state. Rights are transferrable and can only be transferred by mutual agreement which is called contract.[6] All contract is a change of right.[7] This makes Hobbes to be an exponent of social contract theory.

Rights for Gauba, consist in claims of individuals which seek to restrict arbitrary power of the state and which are required to be secured through legal and constitutional mechanisms.[8] While for Maritain, the true philosophy of the rights of the human person is based upon the idea of natural law. The same natural law which lays down our most fundamental duties, and by virtue of which every law is binding, is the very law which assigns to us our fundamental rights.[9] Manôs right to existence, to personal freedom and to the pursuit of the perfection of moral life, belongs, strictly speaking, to natural law. The right to the private ownership of material goods is rooted in natural law.[10]

When we say for Dworkin, that someone has órightô to do something, we imply that it would be wrong to interfere with his doing it, or at least, that some special grounds are needed for justifying any interference.[11]Dworkin believes that right is natural. Men possesses right not by virtue of birth or characteristics or merit or excellence but simply as human beings with the capacity to make plans and give justice.[12] Rights may be justified on the ground that, by acting as a complete justification on particular occasions, they infact serve more fundamental goals.[13] Rights can be justified by goals.[14]The right of each man to be treated equally without regard to his person or character or tastes is enforced by the fact that no one else can secure a better position by virture of being different in any such respect.[15]

John Finnis perceives rights of all form as benefits secured for persons by rules regulating the relationships between those persons and other persons subject to those rules.[16] Human rights are not subject to the common good. This is because, the maintenance of human rights is a fundamental component of the common good.[17] Rather, they are subject to or limited by each other and by other aspects of the common good.[18]

Presocratic philosophers like Heraclitus believe that strife is justice and that all things come into being and pass away through strife.[19] For Thrasymachus, one of the sophists, justice is the interest of the stronger, for might is right.[20] One gains nothing from being just,

justice was not worth practising. Justice does not pay. It is only the weak and the simpletons that practice justice. Injustice, pays more than justice; unjust persons, are superior to, and stronger in character than, people who are just.[21]

Socrates (470-399BCE) rejected two definitions of justice; returning debts owned, and helping friends while harming enemies.[22] Socrates agrees with Polemarchus that justice includes helping friends, but says the just man would never do harm to anybody rather, would treat everybody as friends.

Plato (428/27-348/47BCE) contrasts the Presocratic views about justice by advocating justice which he believes to be the remedy for curing evils in the society. According to Plato, óas justice is the general virtue of the moral person, so also it is justice that characterizes the good societyô.[23] Plato rejects Thrasymachus notion of justice that justice is the interest of the stronger, might is right. He also rejected the statement that justice consists in doing good to oneôs own friends and doing evil to oneôs enemies.

Plato refutes this saying that it is not good to do evil, even if it means doing it to oneôs enemies. óA just man should not make an unjust man worse; otherwise he too will become an unjust man. A man does not become morally better by making his enemy worseô.[24] Justice for Plato is harmony. Justice for Plato, also means giving to each its own due. Justice, then, is the general virtue, which reflects a personôs attainment of well-being and inner harmony, which, in turn, is achieved only when every part of the soul is fulfilling its proper function.[25]

Plato offers two main analogies to examine the definition of justice. The division of parts in the soul, as well as the parts of the state. Plato argues that the best way to understand the just person is to analyze the nature of the state. óWe should begin,ô he says, óby inquiring what justice means in a state. Then we can go on to look for its counterpart on a smaller scale in the individualô.[26] Platoôs account of the soul (as appetitve, spirited and the rational), and

the state (as rulers, guardians/auxillaries, and workers/artisans) have similar structure, Plato claims that justice is the same in the soul and in the state.

The resemblance suggests that both the workers/artisans and the appetitive share the virtue of moderation for they have to be moderate in their desires. Both the guardians and the spirited share the virtue of courage in order to guard the whole. Finally, both the ruler and the rational share the virtue of wisdom in order to control the workers and the appetitve, with the help of the guardians/spirited, all in one goal that is the good of the whole state/soul.

Plato sees justice as harmony in the sense that, a soul that let the appetitve part take over, that commit criminal acts regardless of their consequences or allows the spirited to burst in irrational anger is not to be considered as a just soul. Justice as harmony also makes sense in a way because a state in which the cobbler(artisan) rules, the guardian(soldiers) is a farmer and the natural ruler plays the role of a soldier is not to be regarded as a good and just state. In Platoôs state, there are no mistakes in the division of the classes.

In order to understand the ideas of a just state, we must consider that each individual is practising the very best activity he is naturally fit for. That society has the most talented cobblers, the most fearsome warriors and the wisest ruler, each practicing their part with excellence, is what is considered as a virtue therefore contributing to the virtue of the whole state. In the analogy of the state, Plato supports the definition of justice as ógiving to each its own dueô. It becomes obvious that in order for justice to remain in the state, each person has to do his work and not meddle with anotherôs. Karl Popper has even gone so far as to claim that Platoôs conception of justice is identical with that adopted by modern totalitarianism.

Aristotle (384-323BCE) agrees with Plato that justice is the only virtue that is regarded as someone elseôs good, because it secures advantage for another person.[27] Justice for Aristotle consists in treating equals equally and unequals unequally. Aristotle collaborates

with Plato to say that justice is a virtue practiced toward other people and it is the whole of virtue, not just part of it.[28] Just as the state is prior to the individual, so justice, being a virtue that is practiced toward others, is more related to the community than a particular virtue of some other name might be.

Justice is that which is considered in relation to somebody else.[29] Justice for Aristotle are of two kinds- universal and particular justice.[30] The ways in which people associate with other constitute particular justice. It is seen in distribution and rectification. Distributed justice involves geometrical proportion.[31] If the unjust is unequal, then the just is equal.[32] What is equal is a mean, so justice is a mean and it always involves at least four terms: two persons with two shares in which its justice is exhibited.[33] Shares are equal in the same ratio as the persons are equal. If unequals receive equal shares, or equals receive unequal shares, it causes óquarrels and complaintsô.[34]

Rectificatory justice is found voluntarily and involuntarily. In the voluntary sense, it is in selling, buying, interest and lending. In the involuntary sense, it is found in theft, adultery, killing, and assault, among other things.[35] Rectificatory justice involves arithmetical proportion.[36] The unjust action involves an unfair gain which the judge in an affair attempts to equalize. So rectificatory justice is the mean between loss and gain.[37]The function of a judge in a case is to restore equality that is lost in some sort of unfair transaction or occurrence.

The most important point of enquiry is political justice in particular. Political justice obtains between those who share a life for the satisfaction of their needs as persons free and equal, either artithmetically or proportionately.[38] To be free is to be an end in oneself. Justice only exists where mutual relations are controlled by law and law is found only among those liable to injustice.[39] This is why it is not a person who rules, but the law- because a person is

likely to rule for his own advantage, not for justice- and justice is meant to be to the advantage of all.

Augustine (354-430) interpreted the eternal law as the divine reason and will of God that commands the observance of the natural order of things. He called a personôs proper understanding of the universeôs eternal principles natural law. Justice, for Augustine, precedes the state and is eternal. Laws that are not just are not laws at allð the moral force of a law depends on the extent of its justice. Natural justice must precede law and form the basis of law thereon. For Augustine, the primary relationship in justice is between a person and God.

The Roman contribution to the concept of justice was the notion of law as an aggregation of personal rights. Justice was seen as an abiding disposition to give every man his right. No longer viewed as a function of society as a whole, justice became the concern of the legal aspect of societyð it became specialized in an institutional function protecting personal rights, rather than as the social concern of all citizens.

Thomas Aquinas (1225-1274) continues in some sense the work of Aristotle in many ways, but combines with it the notion of an ultimate God as the highest object of happiness. Aquinas does not deny that Aristotle was right in claiming that the highest good was happiness, but where Aristotle saw it as being possible to achieve happiness in this life, Aquinas held that true happiness will only be achieved in another life. Of course, Aristotle did not hold with the notion of there being another life. For Aquinas, justice is the highest of all moral virtues. It is concerned with external actions and is found in the will for dealing with every aspect of our dealings with other people.

Justice is a constant will to render to each person his right. This refers to our relations with others and it is consistent with Aristotleôs notion that a virtuous action must be done

voluntarily, from a stable character, for the right reasons, and in the mean. Justice is a relation to another; implying equality. A thing cannot be equal to itself, but must be equal to something else. So justice requires community of others.

Justice is only found in one person toward another. Justice directs us to the common good, and so it is a general virtue. Justice is not about the passions, but about action. Justice is foremost among all the virtues because it concerns others and it is rational. Justice does not direct cognitive power because justice is not a matter of knowing. It is instead a matter of doing, and doing is from appetitve, so justice has to do with the will. Justice is a virtue that makes the human being and the human act good. Acts are good when they are rational and justice regulates actions, so it makes our actions good.

Thomas Hobbes(1588-1679) defined justice as keeping your valid convenants,[40] or more simply, keep your promises. Obviously, such a narrow basis for such a complex concept has certain requirements that focus the concept of covenants into a valid system of justice. For Hobbes, without covenants, there could be no justice because the covenant is justiceôs root itself. One of the first requirements of the covenant is that there can be no contract if there is reasonable cause for either side of the covenant to believe the other party will not hold up their end of the bargain. .

For if there was, the covenant would be automatically void and the basis of justice would be removed. Another major requirement is that there be some sovereign above to oversee the covenants and dispense punishments if they are not fulfilled. Without some fear of punishment, it would be impossible to contain manôs tendency towards betrayal, which is inherent in his ultimate drive towards living and living well.

Along with this, there are multiple other requirements for the law of justice. According to Hobbes, it is impossible for anyone to give up their right to defend their life.[41]

This portion of the right of nature can never be covenanted due to Hobbesô belief in the psychological egoism of humankind.[42] Beyond this, covenants made with those that cannot understand speech is invalid, as are covenants made between man and God. After all this, once a valid covenant is made between individuals who do not have reasonable cause to believe that the other is plotting against them, there are only two ways to be freed of the covenant; either by performing or being forgiven.[43]

Finally, the moral shield that is provided by the covenant between the people and their sovereign is not extended to people who are not included in the contract. This includes those from other societies as well as those who cannot comprehend the contract, such as the senile, insane, comatose, infantile, mentally challenged people and animals.

John Locke (1632-1704) admits that justice requires according individuals or groups what they actually deserve, merit, or are entitled to. This is why he paid much attention to the right of private property. For Locke, no one may interfere with anotherôs liberties- ówe are born free, as we are born rationalôï but if once one transgresses anotherôs rights or property, then, be warned, everybody has a right to ópunish the transgressors of that law to such a degree, as may hinder its violationô.[44] Lockeôs justice is based on freedom to inherit property. Thus Locke states

> though the earth, and all inferior creatures, be common to all men, yet everyman has a property in his own person: this nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.[45]

For Locke, natural justice sets the limits and provides the direction for civic justice via the concept of natural rights. Moreover, at its most basic level, Lockeôs theory of justice is a natural law theory even more than a natural rights theory. Whereas individual rights are inalienable, they are nevertheless based upon and limited by the law of nature- óas much as

anyone can make use of to any advantage of life before it spoils, so much he may by his labour fix a property inô.[46] According to Locke, justice is inconceivable without personal property- where there is no property, there is no justice. The essence of Lockean justice is the security of each personôs personal possessions as a right based on the law of nature.[47] It is from the Lockean concept of justice that Nozick developed his entitlement theory. Nozick was influenced by Locke.

On the part of David Hume (1711-1776), justice is useful. Public utility is the sole origin of justice. This is because, if we lived in abundance, there would be no distinctions of property - it would be held in common just as Plato advocated. If the people were ruled by extreme friendship and benevolence, the notion of justice would be suspended. There would be no distinctions between what is mine and what belongs to someone else. But rules of justice follow from the condition we are presently in. This is because, if extreme abundance or want existed, or if people were perfectly moderate or rapacious, justice would be rendered useless. Hobbesian and Lockean states of nature attest to the fact that such conditions in the states of nature would render justice completely useless.

Statutes, customs and precedents create property. The interest and happiness of human society is the point at which reasoning about justice terminates. When we define property, a relation is found between occupation, industry, inheritance and so on. Nature does not establish such things. Hume also argues that justice is an artificial virtue- a product of human contrivance and human need.

Kantôs (1724-1804) foundation of his political philosophy on the duties of justice is more complicated. From the ultimate value of freedom, Kant derives the universal principle of justice, that an action is right only if 'on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law'.[48] Kant then argues that

coercion is justified when it can prevent a hindrance to freedom, since a hindrance to a hindrance to freedom is itself a means to freedom.[49]

This is too simple, since coercion might only compound the injury to freedom. Kant needs to add that coercive enforcement of the law is not itself a hindrance to freedom, since the threat of juridical sanction does not deprive a would-be criminal of freedom in the way that his crime would deprive its victim of freedom: the criminal exercises the choice to risk sanction, but deprives his victim of a like freedom of choice.[50]

Kant recognizes three classes of property: property in things, property in contracts, and contract-like property in other persons, such as marital rights. Property rights are not innate but must be acquired, (in otherwords, property is a necessity). Property rights can only be claimed with the multilateral consent of those others, which they can reasonably give only if they too are accorded similar rights necessary for the successful exercise of their own agency.[51] For Kant, the right to property is thus not a natural right of isolated individuals, but a social creation depending upon mutual acceptability of claims.

The state, finally, exists primarily to make claims to property rights both determinate and secure, and anyone claiming property rights thus has both the right and the obligation to join in a state with others.[52] Since property exists only by mutual consent, and the state exists to secure that consent, the state necessarily has the power to permit only those distributions of property rights sufficiently equitable to gain general consent.

Both claims to property and expressions of philosophical and religious opinions, for example, are expressions of human autonomy. But while one person's property claims may directly limit the freedom of others, and are therefore subject to public regulation, his beliefs do not, and thus do not require the consent of any other. The state therefore has no right to intervene in these matters. This fundamental difference between the state's proper concern

with property and its improper concern with personal belief defines Kant's liberalism. It is noteworthy to say that Kantian philosophy also influenced Nozick in his view on taxation.

In the light of positivistôs approach to justice, Jeremy Bentham (1748-1832) expounded a utilitarian idea of justice called legal positivism or legal realism that stands in opposition to the classical and Christian understanding of justice and law. To the legal positivist, laws are no more than commands of human beings. For the positivist, there is no necessary relationship between law and morality or between descriptive law and normative law. The only source of justice recognized by positivists is the sovereign state.

John Stuart Mill (1806-1873) said that it was inconsistent with justice to be partial. The public good is promoted when justice is impartially administered because it is to each personôs benefit that no injustice be done to him, so it is also to his benefit that the principle that makes him secure should not be violated for other men, because such a violation would weaken his own security. Justice requires rule by known general principles of conduct, which apply without exception, to all regardless of status or wealth, in an unknown number of future instances. It follows that all citizens should have equal access to legal recourse in the event of an attack on their life, property, or freedom.

Rawls in his *A Theory of Justice* attempts to reconcile liberty and equality in a principled way, offering an account of justice as fairness. Central to this effort is his famous approach to the seemingly intractable problem of distributive justice. In his works, Rawls sought to develop an alternative conception of justice to that of utilitarianism, the doctrine that humans should always act in a way that provides the greatest benefits for the most people. Rawls considered this doctrine a threat to individual rights and aligned himself instead with social contractarians philosophers, articulating and defending a detailed vision of egalitarian liberalism

The principle of justice, Rawls argued, determine how the benefits and burdens of society are to be distributed among individuals in a fair manner, from the fact that humans have different needs and aspirations. Thus for Rawls, justice is fairness. Yet, how can people determine what is fair, especially in a society of great inequalities and diverse interpretations of the good life? Rawls theorized that the principles of fairness are those that would be agreed upon by people in a hypothetical situation which he referred to as the ócoriginal positionô

> The principles of justice are chosen behind the veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain.[53]

Therefore, Rawls said from the above, that humans are disinterested moral agents who do not know the particulars of their situation in life, including race, sex, or economic status. Rawls believed that in this original position people would agree on two principles. The first is that basic rights and liberties should be as extensive as possible for each individual, without infringing on the rights and liberties of other individuals. The second is that any social and economic inequalities should be equally available to any position and should provide the greatest benefit for the least advantaged.

Rawlsô resulting view, known as the difference principle, implied that no advantage can morally exist if it does not benefit the most highly disadvantaged. However, critics have attacked this view for a variety of reasons. Some critics claim, for example, that an obligation to others is not created if an advantage is gained without harmony.

D.D Raphael holds that justice is used to uphold the rights of the individual.[54] In social morality, however, justice does not cover the whole field of principles and actions that are considered right. Justice is the foundation of social morality, and without it the rest would

collapse; but it is certainly not the whole of social morality.[55] The idea of justice, both in legal and in moral thought, is plainly concerned with the general ordering of society.[56]

For O.P Gauba, justice is concerned with the allocation of benefits as well as burdens.[57] The term justice implies the quality of being just, right or reasonable. It is also necessary that the conception of justice should always be based on reason.[58] Here reasoning is the basis for the determination of what is just.

END NOTES

1 Hugo Grotius, *De iure Belli ac Pacis* (on the law of war and peace) (Paris: Buon, 1625) BK.1 CH.1SEC. 4,23

2 Hugo Grotius, *De iure Belli ac Pacis*, BK.1 CH.1SEC. 4,23

3 John Locke, *Second Treatises of Government*, ed. C.B McPherson (Indianapolis: Hackett Publishing Company, 1980) ,46

4 Thomas Hobbes, *Leviathan*, ed. Rod Hay (London: Green Dragon Publisher,1651), 80

5 Thomas Hobbes, *Leviathan*, 80

6 Thomas Hobbes, *Leviathan*, 82

7 Thomas Hobbes, *Leviathan*, 83

8 O.P Gauba, *An Introduction to Political theory*, Fourth edition (New Delhi: Macmillan India Ltd,2003),284

9 Jacques Maritain, *The Rights of Man* (London: Robert Maclehose and Co. Ltd, 1944), 37

10 Jacques Maritain, *The Rights of Man*,40

11 Ronald Dworkin, *Taking Rights Seriously* (Massachusetts: Harvard University Press, 1977),188

12 Ronald Dworkin, *Taking Rights Seriously*,182

13 Ronald Dworkin, *Taking Rights Seriously*,170

14 Ronald Dworkin, *Taking Rights Seriously*,171

15 Ronald Dworkin, *Taking Rights Seriously*,179

16 John Finnis, *Natural Law and Natural Rights*(New York: Oxford University Press Inc.,1980),203-204

17 John Finnis, *Natural Law and Natural Rights*,218

18 John Finnis, *Natural Law and Natural Rights*,218

19 Joseph Omoregbe, *Knowing Philosophy* (Lagos: Joja Educational Research and Publishers Ltd,1999).76

20 Plato, The Republic in *Plato Complete works*, ed. John M. Cooper (Indianapolis: Hackett Publishing Company, 1997),983

21 Joseph Omoregbe, *Knowing Philosophy*, 88

22 Plato, The Republic in *Plato Complete works*, ed. John M. Cooper (Indianapolis: Hackett Publishing Company, 1997),981

23 Samuel Enuch Stumpf, *Philosophy: History and Problems*,6th Edition(New York: McGraw-Hill, 2003), 65

24 Plato, The Republic in *Plato Complete works*, ed. John M. Cooper (Indianapolis: Hackett Publishing Company, 1997),983

25 Plato, The Republic in *Plato Complete works*, ed. John M. Cooper (Indianapolis: Hackett Publishing Company, 1997),1075

26 Plato, *The Republic*, as quoted in S.E Stumpf, *Philosophy: History and Problems*, 65

27 Plato, *Republic*, as quoted in Aristotle, *The Nicomachean Ethics*, translated by J.A.K Thomson (London: Penguin book Ltd, 1976), 174

28 Aristotle, *The Nicomachean Ethics*, translated by J.A.K Thomas(London: Penguin book Ltd,1976),174

29 Aristotle, *The Nicomachean Ethics*, 174

30 Aristotle, *The Nicomachean Ethics*,175

31 Aristotle, *The Nicomachean Ethics*, 178

32 Aristotle, *The Nicomachean Ethics*, 177

33 Aristotle, *The Nicomachean Ethics*, 177

34 Aristotle, *The Nicomachean Ethics*, 178

35 Aristotle, *The Nicomachean Ethics*, 177

36 Aristotle, *The Nicomachean Ethics*, 179

37 Aristotle, *The Nicomachean Ethics*, 180

38 Aristotle, *The Nicomachean Ethics*, 188

39 Aristotle, *The Nicomachean Ethics*, 188

40 Thomas Hobbes, *Leviathan*, 89

41 Thomas Hobbes, *Leviathan*, 86

42 Thomas Hobbesô Law of Justice.123Helpme.com, retrieved on 23.04.2012 from www.123Helpme.com

43 Thomas Hobbes, *Leviathan*, 85

44 Micheal Cohen, *Political Philosophy: from Plato to Mao*(London: Pluto Press, 2001),70

45 John Locke, *Two Treatises of Government*,10th Edition,(London: Hackett Publishing Company, 1980) 18

46 Samuel Enuch Stumpf, *Philosophy: History and Problems*, 259

47 Edward Younkins, *Justice in a free society*, (liberty free press article, March 15, 2000), retrieved on 25.04.2012 from www.quebecoislibre.org/

48 Immanuel Kant, *Metaphysics of Morals* as quoted in P. Guyer, Kant, Immanuel. In E. Craig(ed.), Routledge Encyclopedia of Philosophy (London: Routledge;1998,2004), retrieved on 26.04.2012, from http://www.rep.routledge.com/article/DBO47SECT10.

49 Immanuel Kant, *Metaphysics of Morals*, 3rd Edition translated by James W. Ellington(Indianapolis: Hackett Publishing Company,1993), 23

50 Immanuel Kant, *Metaphysics of Morals*,25

51 Immanuel Kant, *Metaphysics of Morals*,42

52 Immanuel Kant, *Metaphysics of Morals*,52

53 John Rawls, *A Theory of Justice*, original edition, (London: The Belknap Press of Harvard University Press Cambridge, 1971),12

54 David Deiches Raphael, *Problems of Political Philosophy*, revised edition(London: The Macmillan, Press Ltd,1976),167

55 David Deiches Raphael, *Problems of Political Philosophy*,165

56 David Deiches Raphael, *Problems of Political Philosophy*,166

57 O.P Gauba, *An Introduction to Political theory*, Fourth edition,(New Delhi: Macmillan India Ltd,2003),269

58 O.P Gauba, An Introduction to Political theory,372

CHAPTER THREE

ENTITLEMENT THEORY

This section presents a brief biodata of Robert Nozick. Entitlement theory was developed as a result of the influence of some philosophers on Nozick. It then becomes necessary before examining Nozickôs entitlement theory, to examine the foundation theories on which Nozickôs entitlement theory is based on. This would then be followed by the exposition of Nozickôs entitlement theory.

3.0. A Sketch of Robert Nozick's Biodata

Robert Nozick (November16,1938-January23,2002) was born in Brooklyn, New York. He was the son of a Jewish entrepreneur from the Russian shtetl (the small-town Jewish communities of Eastern Europe) who had been born with the name of Cohen. He earned his B.A degree in 1959 at Columbia University, where he was a socialist and a member of the left-wing students for a Democratic society. His conversion to libertarianism culminated in 1974 with the publication of *Anarchy, State and Utopia*, a closely argued and highly original defence of the libertarian óminimal stateô and a critique of the social-democratic liberalism of his Harvard colleague John Rawls. He went on for an M.A (1961) and a Ph.D (1963) from Princeton University. After teaching as an instructor and assistant professor of philosophy at Princeton (1962-1965), he went to Harvard as assistant professor (1965-1967), to Rockefeller University as associate professor (1967-1969), then back to Harvard as youngest full professor in the Universityôs history, in 1969. At Harvard for the remainder of his teaching career, he was appointed Arthur Kingsley Porter professor of philosophy in 1985 and Joseph Pellegrino University professor in 1998.

Nozick won almost instant fame in 1974 with his book-*Anarchy, State and Utopia,* which earned a National Book Award in 1975. The startling effect of the book came from its

combination of several qualities. Unlike most books out of academia, it was a manifesto to the public, political world. Its opinions did not quite fit any of the common patterns of scholarly or popular thinking. And its style was a mixing of close philosophical analysis, brash personal assertions, anecdotes, and humor. Nozickôs other works include- *Philosophical Explanations* (1981), *The Examined Life* (1989*), The Nature of Rationality*(1993),*Socratic Puzzles*(1997), and *Invariances (*2001)

3.1. Background to Nozick's Entitlement Theory

a.) **The Influence of John Locke's theory of Appropriation in shaping Nozick's Theory.**

Anarchy, State and Utopia claims a heritage from John Lockeôs *Second Treatise on Government* and seeks to ground itself upon a natural law doctrine, but reaches some importantly different conclusions from Locke himself in several ways. Nozickôs reflection on the justification of private property begins with examining Lockeôs defence of private property. Locke views property in an unowned object as originating through someone mixing his labour with it.[1] This is his principle of justice in acquisition. Thus Locke states ôWhatsoever then he moves out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his propertyô.[2] By doing this one makes its oneôs own property, provided one has left ôenough and as good for othersô, (the Lockean proviso) and also that what one takes is not left to spoil. In this way, according to Locke, both the fruits of the earth and the earth itself may come to be privately owned. This portion of Lockeôs argument above is a suitable position which Nozick takes up in his account of private property. Nozick interprets lockeôs argument in a sense that one becomes the owner of something previously unowned by ôinextricably mixingô something one already owns with oneôs labour. This argument seems to serve two vital purposes.

> First, it gives a reason why the person who has appropriated some item or other has a right to exclude others from it: it contains something which is already that personôs, something from which that person already has the right to exclude others. Second, it shows why oneôs rights to private property are just as strong as rights to oneôs person or body: they are based on the something very like body rights, rights to control oneôs own labour.[3]

But there is a problem of- the extent of the object with which one mixes oneôs labour following from Lockeôs argument. This is what Nozick gives an interpretation using his illustrations of- (1) a private astronaut clearing a place on Mars and (2) spilling a can of tomato juice in the sea. Nozick goes further to ask why oneôs entitlement extends to the whole object rather than just to the added value oneôs labour has produced? [4] Why does mixing oneôs labour with something make one the owner of it?[5] but in answering these questions, it is noteworthy to say that in the normal course of things, mixing your labour with something makes it more valuable or at least, more useful. Locke does indeed attempt to add weight to his justification of the appropriation of property by appealing to this consideration. Locke argues that in appropriating land one actually gives back to mankind more than one takes. The usefulness of cultivated land for Locke, is one thousand times as much as that of uncultivated value produced, and not the entire object.

Locke claims that the world is initially owned in common among human beings. But despite the fact that the whole earth is owned in common, it must be the case that there are justified ways of coming to own some private property. Hence, it is illegitimate to consume something unless one is its individual owner, and second, it is necessary to consume things in order to preserve oneself.[6] Locke argues in his *First Treatise* that there is a duty to aid the poor out of oneôs surplus. But the right to charity and the right to private property are what Nozick believes are not the same. Nozick views the world as naturally unowned while Locke sees it as owned in common. From this the problem of individual appropriation exists- for Locke, how things we owned in common could be shared and for Nozick, what entitles one person to exclude others from what once belonged to none of them. Nozick did not attempt to

clarify his position concerning the twin issues of the foundation of private property rights, and his relation to Lockeôs writings on property. No wonder Nagel describes Nozickôs position as ólibertarianism without foundationsô.

Although Nozick does not fully endorse Lockean account of private property (because Lockean account was far from Libertarian account), but it served for Nozick, the foundation stone through which his account of private property emanated. At least, Nozick acknowledged that any adequate theory of justice will contain a version of Lockeôs proviso that ónough and as goodô must be left for others. Nozick broadly accepts Lockeôs labour-mixing defence of private property in his entitlement theory. Nozick also accepts and amended Lockean position. Nozick takes and uses the Lockean proviso as a necessary and sufficient condition for the justification of appropriation.

b.) The Influence of John Rawls in Nozick's Theory

Anarchy, State and Utopia is a critique of the social-democratic liberalism of Nozickôs Harvard colleague John Rawls .Rawls propounded two principles of justice which states thus:

1.) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2.) Social and economic inequalities are to be arranged so that they are both:
    (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
    (b) attached to offices and positions open to all under conditions of fair equality of opportunity.[7]

The principles of justice for Rawls, are to be ranked in lexical order. Hence, the first principle ï the Liberty principle is to take priority over the second principle. This principle

must be satisfied before economic justice is considered. There can be no justified reduction of peopleôs basic liberty for the sake of greater economic well-being.[8] (provided that we are not in a condition of great scarcity). Nozick challenged the partial conclusion of John Rawls' Second Principle of Justice which is that social and economic inequalities are to be arranged so that they are to be of greatest benefit to the least-advantaged members of society. This second principle is known as ódifference Principleô. Rawls advocated equality and allows inequalities if only it benefits the worst off in the society. For Rawls, the issue of justice arises by viewing society as a ócooperative venture for mutual advantageô.[9] When people cooperate, they produce more and there would be a surplus. This raises the question of how resources should be distributed hence, the distributive justice that should be adopted in the society. Rawls suggests that inequalities are permissible, but only in so far as they are made in the interests of all. Inequalities are justified only if they improve the condition of the worst-off group as much as possible. This evokes different reactions from the worst-off group and the best-off group. The worst-off group would be delighted with this principle while the best-off group would prefer that they be allowed to acquire resources without limit and would not prefer to promote the interest of the worst-off. The worst off are happy, but the best-off may feel unfairly treated. The best-off may think that the difference principle is unfair to them hence, the goal of Rawlsô principle which is that there should be a fair distribution to all, will no longer be achieved. This is because, for the worst-off, the principle is welcomed but for the best-off, the principle is unfair. This principle of distributive justice fails because it is to the advantage of the worst-off.

No one for Rawls deserves the possession of social assets (class background, advantageous family) and natural assets(skill, intelligence, strength, etc).they are simply a matter of good fortune and is arbitrary from the moral point of view.[10] No one is entitled to benefit from these assets because it is a common asset from which everybody in the society

benefit from. If we view peopleôs abilities as communal property, then the Difference Principle will represent fair terms of cooperation, for inequalities are permissible if and only if they work out better for everyone. Otherwise, things should be shared equally.[11]

These arguments made by Rawls in favour of his difference principle sparked off a reply from Nozick. Nozick argues that Rawlsô Difference Principle violates the separateness of persons. This principle seems to be using the better endowed as a resource for the less well endowed, sacrificing one personôs welfare for the sake of another. If people do not deserve their natural rights, they may still be entitled to them. This led Nozick to propound the entitlement theory which for him, is a remedy for Rawlsô Difference principle. This theory also marked the objection of Rawlsôjustice principle by Nozick.

c.) **The Impact of Capitalism in Nozickian Theory**

Capitalism is an economic system that is based on private ownership of the means of production and the creation of goods or services for profit. Entitlement theory was constructed by Nozick to yield capitalism. Free-market capitalism refers to an economic system where prices for goods and services are set freely by the forces of supply and demand and are allowed to reach their point of equilibrium without intervention by government policy. It typically entails support for highly-competitive markets, private ownership of productive enterprises. Laissez-faire is a more extensive form of free-market capitalism where the role of the state is limited to protecting property rights. Laissez faire capitalism means the complete separation of economy and state, just like the separation of church and state. Capitalism is the social system based upon private ownership of the means of production which entails a completely uncontrolled and unregulated economy where all land is privately owned. But the separation of the state and the economy is not primary, it is only an aspect of the premise that capitalism is based upon: individual rights. Capitalism is the

only politico-economic system based on the doctrine of individual rights. This means that capitalism recognizes that each and every person is the owner of his own life, and has the right to live his life in any manner he chooses as long as he does not violate the rights of others.

Capitalism as an economic theory, influenced Nozickôs entitlement theory. The protection of individual rights can only be achieved when the state is completely separated from what people possess or are entitled to. Nozickôs opposition to redistributive taxation and contribution to welfare schemes showcase the influence of capitalism on him and also his entitlement theory.

3.2. Exposition of Robert Nozick's Entitlement Theory

3.2.1. State of Nature

Nozick in his argument for the emergence and necessity of a minimal state began from a state of nature seen in John Lockeôs theory of origin of state. Nozick asked, óif the state did not exist, would it be necessary to invent it? Would one be needed, and would it have to be invented?[12] State of nature is the best anarchic situation one reasonably could hope for. Hence, according to Nozick, óinvestigating its nature and defects is of crucial importance to deciding whether there should be a state rather than anarchyô.[13]

Nozick offers an account of how, starting from a state of nature, a legitimate state could arise through an invisible hand process (i.e., without anyone intending this result) and without violating anyoneôs rights. Nozickôs theory of a state of nature which is in line with that of Locke, begins with fundamental general descriptions of morally permissible and impermissible actions, and of deeply based reasons why some persons in any society would violate these moral constraints, and goes on to describe how a state would arise from that

state of nature[14] (even if no actual state ever arose that way). Explaining further on this, Locke said,

> To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or dependency upon the will of any other man.[15]

As a result of the inconveniences of the state of nature, Locke granted that the civil government as the proper remedy be formed (because in the state of nature a person may lack the power to enforce his right; he may be unable to punish or exact compensation from a stronger adversary who has violated them).

Furthermore, Nozick averred ówe have to move further to consider what arrangements might be made within a state of nature to deal with these inconveniences, to avoid them or to make them less likely to arise or to make them less serious on the occasions when they do ariseô.[16] Only a full resources of the state of nature are brought into play, namely; all those voluntary arrangements and agreements persons might reach acting within their rights and only after the effects of these are estimated, will be in a position to see how serious are the inconveniences that yet remain to be remedied by the state and to estimate whether the remedy is worse than the disease. Before going further to say what Nozick believes would arise from the state of nature, it is necessary for us to get a clearer view on what a state is.

3.2.2. The State

Defining statehood is not an easy matter, and there is no uncontroversial comprehensive definition. Something like the following, however, seems at least roughly right for our purposes: A state is a rule-of-law-based coercive organization that, for a given territory, effectively rules all individuals in it and claims a monopoly on the use of force (e.g., killing, maiming, or inflicting pain). This can be unpacked as follows: A state is a coercive

organization in that it threatens to use force against individuals who do not comply with its dictates (either via prior restraint to prevent non-compliance or via punishment or the extraction of compensation for non-compliance) and it generally implements its threats. A state is rule-of-law-based in that in general, it uses force only for violation of public and proactive dictates (and not on the whim of its officials). A state effectively rules the individuals of a given territory in that those individuals generally obey its dictates. A state claims a monopoly on the use of force in that it prohibits the use of force (or credible threat thereof) without its permission.

The rule of law requirement is controversial, and, in any case, Nozick does not invoke it explicitly. He characterizes the state as a coercive organization that has, for a given territory, an effective monopoly on the use of force.[17] This is at least roughly equivalent to the definition given above, if we assume, as we shall, that (1) the rule of law requirement is either met or irrelevant, and (2) a coercive organization has an effective monopoly on the use of force in a given territory (roughly) if and only if it claims a monopoly on the use of the force in that territory and effectively rules that territory.

The (moderate) anarchist claim is thus that no coercive organization that exercises an effective monopoly on the use of force over a given territory is legitimate unless all those governed by it have consented to its rule. It is worth noting here that the claim concerns legitimacyð as opposed to authority. A state is legitimate just in case its use of force (and threat thereof) is typically morally permissible. A state has authority just in case individuals in its territory typically have at least an all-else-being-equal moral obligation to obey its dictates. Ideally, a state should have both features, but in principle, a state could be legitimate even if it has no political authority (and vice-versa).

3.2.3. Dominant Protective Association

In a state of nature, each individual fully owns himself or herself and typically has other rights as well. These rights include the right to enforce these rights by using force to stop others from violating those rights, to extract compensation when they do, and perhaps to punish violators. For Nozick, in the state of nature, ‘an individual may enforce his rights, defend himself, extract compensation and punish others may assist him in his defense, at his call’.[18] With the consent of the right-holder, others may assist in this enforcement.

This implies joining together to repulse an attacker or to go after an aggressor either because they are public- spirited, friends or that he has helped them in the past or wish him to help them in future or in exchange for something. Therefore, in order to deal with the above problem, a group of individual may form a mutual- protective association, whereby all will answer the call of any member for defense or for the enforcement of his right (in union there is strength). It would thus be natural for individuals to form mutual protection associations in which they commit to helping each other enforce their rights.

Two inconveniences attend such simple mutual protective association; (1) everyone is always on call to serve a protective function. (2) any member may call out his associates by saying his rights are being, or have been violated, and the associates will not want to be at the beck and call of cantankerous of paranoid members, not to mention those of their members who might attempt, under the guise of self- defense, to use the association to violate the rights of others.[19]

Difficulties will also arise if two different members of the same association are disputing, each calling upon his fellow members to come to his aid.[20] To deal with the impending problems among members, policy of non intervention was suggested. However, it was rejected because it was viewed to be capable of bringing discord within the association and might lead to the formation of subgroups that might fight themselves and breakup the

association. Hence, the association will get a procedure of action or something like an appeal court to solve their problems.

This problem will lead inevitably to the ôinvention of moneyô through an invisible force to replace the trade by barter that was obtainable in the state of nature. How, if at all, does a dominant protective association differ from the state? Nozick argued that Locke was wrong in thinking that an ôagreementô or mutual consent was needed to establish the ôinvention of moniesô. But all these are moved into actuality gradually by ôinvisible- hand mechanismô. He gave two reasons why a dominant protective association is not a state.

First, it has no monopoly of violence, as it is obtainable in a state. A state has this monopoly of force or violence; it can punish anyone who it discovers to have used force without its express permission.[21] The protective association does not have such authority and it is even morally illegitimate for them to do so.

Secondly, only those who pay for protection get protected by the association. Furthermore, different degrees of protection may be purchased.[22]Whereas in a state each person living within its geographical boundaries is entitled to get its protection. Thus, it appears that the dominant protective agency in a territory not only lacks the requisite monopoly over the use of force, but also fails to provide protection for all in its territory.[23] Hence, it falls short of being a state.

But, Nozick argues that such a single dominant protection agency can be a state, indeed a legitimate one. Nozick made it clear that the protective association however dominant would not prevent the independent individuals from exercising their right to enforce their right. For the;

> Legitimate powers of a protective association are merely the sum of the individual rights that its members or clients transfer to the association. No new rights and powers arise; each right of the association

> is decomposable without residue into those individual rights held by distinct individuals acting alone in the state of nature.[24]

What then may a dominant protective association forbid other individuals to do? For Nozick;

> The dominant protective association may reserve for itself the right to judge any procedure of justice to be applied to its clients. It may announce, and act on the announcement, that it will punish anyone who uses on one of its clients a procedure that it finds to be unreliable or unfair. It will punish anyone who uses on one of its clients a procedure that it already knows to be unreliable and unfair, and it will defend its client against the application of such a procedure.[25]

But critically looking at the above right of the protective association, one would have thought the agencyôs only right of action are those its clients transfer to it. And in that case, the agency could have no such right.

> To say that an individual may punish anyone who applies to him a procedure of justice that has not met his approval would be to say that a criminal who refuses to approve anyoneôs procedure of justice could legitimately punish anyone who attempted to punish him.[26]

However, it might be thought by some people that a protective association legitimately can do this, for it would not be partial to its clients in this manner. But there is no guarantee of this impartiality. Nor have we seen any way that such a new right might arise from the combining of individuals pre-existing rights. We may conclude that protective associations do not have this right, including the sole dominant one.

However, based on the principle that a person may resist, in self- defense, if others try to apply to him an unreliable or unfair procedure of justice, an individual may empower his agency to exercise for him his rights to resist the imposition of any procedure which has not made its reliability and fairness known.

With this right, it is clear that the agency may be crossing the boundaries of those independent individuals in their enforcement of rights. On this case, Nozick called up the principle of compensation for prohibition. õThe agency must compensate the independents for

the disadvantages imposed upon them by being prohibited self- help enforcement of their own rights against the agencyôs clientsô.[27]

3.2.4. Minimal and Ultraminimal State

A minimal state for Nozick, is a state whose powers are limited to those necessary to protect citizens against force, violence, theft, fraud, enforcement of contracts and so on.[28] By a minimal state Nozick means a state that functions essentially as a ñnight watchman,ò with powers limited to those necessary to protect citizens against violence, theft, and fraud. The attempted defence of the minimal state, of course, depends on some claims about rights. Against anarchism, Nozick argued that the minimal state is justified because it would arise in a state of nature through transactions that would not violate anyone's natural rights (natural law); against liberalism and ideologies farther left, he argued that no more than the minimal state is justified because any state with more extensive powers would violate the natural rights of its citizens. Nozick emphasized that the minimal state as he envisioned it could encompass smaller communities in which the central public authority would have more than minimal powers. Because each such community would be free to realize its own idea of the good society, the minimal state, according to Nozick, constitutes a framework for utopia.

We each have absolute rights to life and liberty, in the sense that no-one may justifiably interfere with anotherôs life or liberty, except in cases of self-defense or legitimate punishment. These are negative rights of non-interference, not positive rights to aid or assistance from others or the state. Furthermore, by going through certain procedures we can come to acquire rights to property. However, the fact that we have these rights does not guarantee that they will be respected. It is the task of the minimal state to protect individuals from themselves and also from other external interference. The state in the thoughts of Nozick is justified only in so far as it protects people against force, fraud and theft and

moreover, enforces contracts. Thus, it exists to safeguard rights and the state itself violates peopleôs rights if it attempts to do any more than this.

In addition, Nozick noted that the modern extensive state are immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, the only sort of state that can be morally justified is the óminimal stateô or ónight-watchmanô state. The ultra minimal state or private protective association within a territory can become a state by satisfying the two necessary conditions for being a state, ñthe requisite sort of monopoly over the use of force in the territory, and total protection of the rights of everyone in the territory, even if this universal protection could be provided only in a ñredistributiveò fashionò.[29]

This transformation from state of nature to an ultra minimal state (the monopoly element) to minimal state (redistributive element) is morally legitimate and violated no oneôs right.The minimal state agency protects those non-clients in its territory, whom it prohibits from using self-help enforcement procedure in its client in their dealings with its client even if such protection must be financed in apparent distributive fashion by its clients. The state is morally required to do this by the principle of compensation.

The minimal state should protect citizens via police and military force from fraud and theft and administer the courts of law, and nothing else. Such a state cannot regulate what citizens eat, drink or smoke, since this would interfere with their right to use their self-owned bodies as they deem fit. The state cannot control what they publish or read since this could interfere with their right to use the property they have acquired with their self-owned labour like- printing presses and papers as they wish. And cannot regulate economic life in general via minimum wage and rent control laws and the like since such actions are not only economically suspect ï tending to produce the bad unintended consequences like

unemployment and house shortage, but violate citizensô right to charge whatever they want to for the use of their own property. [30]

This shows that in the minimal state, there is nothing like the Central Bank, no department of public works, no department of education, etc. These aforementioned roles, often assumed to be the proper task of the government, will be undertaken by private individuals or firms, for the sake of profit or out of public spirit, if they are to exist at all in a Nozickian society.

3.2.5. Prohibition and Compensation – Retributive Theory

Prohibition is a line Nozick states that circumscribes an area in moral space around an individual. In line with Locke, he holds that this line is determined by an individualôs natural rights, which limits the action of the other. He puts a question forward,

> Are others forbidden to perform actions that transgress the boundary or encroach upon the circumscribed area, or are they permitted to perform such actions provided that they compensate the person whose boundary has been crossed.[31]

A system in actual fact prohibits an action to a person if it imposes some penalty upon him for doing the act, in addition to exacting compensation from him for that actôs victim. Something fully compensates a person for a loss if and only if it makes him no worse off than he otherwise would have been. A person may choose to do himself, or give another permission to do those things that impinge across his boundaries. This is justified because voluntary consent opens the border for crossing. However, there are things others may not do to you by your permission, as Locke also holds, namely; those things you have no right to do to yourself. Locke would hold that your giving your permission, cannot make it morally permissible for another to kill you, because you have no right to commit suicide.[32]

Compensation is easily collected, once it is known who owes it. But most of the time the criminal wants to get away with the crime without paying compensation. For such people, if apprehended and judged guilty, he would be required to pay the costs of detecting, apprehending and trying him, perhaps these possible additional cost would be sufficiently great to deter them.

The retributive theory states that the people deter from crime if the expected costs of a boundary crossing is greater than the expected gain. Hence, if commission of crime is to be deterred, so that the crime is eliminated, the penalty will be set unacceptably high. On the contrary, if the penalty is unacceptably low, it will lead to almost zero deterrence.

The utilitarian theory ñtries to equate the unhappiness the criminalôs punishment causes him with the unhappiness a crime causes its victim.[33] So the utilitarian would refuse to raise the penalty for a crime, even though the greater penalty would deter more crimes, so long as it increases the unhappiness of those penalized more, even slightly that it diminishes the unhappiness of those it saves from being victimized by the crime, and of those it, deters and saves from punishment.

In the principle of compensation, Nozick argued that prohibition should be followed with prudence and respect to the rights of an individual. For him, to prohibit a risky act limits individualôs freedom to act, even though the action actually might involve no cost at all to anyone. To arrive at an acceptable principle of compensation, Nozick argued, we must delimit the class of actions covered by the claim.

> Some types of actions are generally done; play important roles in peopleôs lives and are not forbidden to a person without seriously disadvantaging him. One principle runs; when an action of this type is forbidden to someone because it might cause harm to others and is especially dangerous when it does it, then those who forbid in order to gain

> increased security for themselves must compensate the person forbidden for the disadvantage they placed him under.[34]

It is for this reason that it is often said that under Nozickian libertarianism, the starving have no right to food, or to money that would allow them to buy food if that is how they choose to spend it. But is this observation correct? We have to ask, first of all, why it is that such people are starving. And quite obviously if the reason is that they have been dispossessed in a way which is illegitimate by libertarian standards, then of course they have a right to compensation, not from the state but from whichever individual is responsible. But this is trivial and relatively uninteresting.

The important question really concerns those whose rights have not been violated, or at least not in any obvious fashion. Typically these will be those unable to support themselves through their own work. However in Nozickôs view in certain possible cases, impoverished individuals will have a right to support even though they have not been dispossessed by force, fraud or theft. The relevant concept here is the ôhistorical shadow of the Lockean provisoô.

3.2.6. Against the Anarchist

Nozick attempts to rebut anarchism, which comes in several shapes and forms. The strongest version says that it is impossible for any state to be legitimate. Almost everyone finds this view implausible because a state seems perfectly legitimate when, for example, it efficiently and fairly promotes individual wellbeing and all those governed by it have given, under fair conditions, their free and informed consent to it. A weaker version of anarchismð moderate anarchismð holds that a state is morally illegitimate unless all those governed by it have given appropriate consent.

Relative to many theories of political moralityð such as utilitarianism and (hypothetical) contractarianismð even this moderate version of anarchism is implausible. A

version of utilitarianism, for example, can hold that a state is legitimate if it maximizes the total wellbeing in society (compared with other social arrangements). Consent and rights of self-defense play no special role in this theory of political justification. Nozick, however, starts with a libertarian theory of individual rights in which consent and rights of self-defense play very significant roles. In the context of such a theory, the moderate anarchist position seems quite compelling. He went further to argue that the state can be legitimate even without unanimous consent.

It might be thought that given Nozickôs premises, óno state at allô or minimal state, that a full-blown anarchism will really follow from the notion of self-ownership. Due to the fact that dominant protective association falls short of being a state, it provides the focus of the individual anarchistôs complaint against the state. The state, the anarchist argued, is intrinsically immoral. ñMonopolizing the use of force then on this view, is itself immoral, as it is redistribution through the compulsory tax apparatus of the stateò.[35] Hence, the argument continues, when a state threatens someone with punishment if he does not contribute to the protection of another, it violates his rights, it violates moral constraints.

Inevitably, Nozick argues, with the ñinvisible handò mechanism how a minimal state would inevitably arise out of an originally anarchic society. This can be possible, given both the practical circumstances and the moral requirements, concerning the prohibition of potentially rightsï violating self defense and compensation for this prohibition, binding on any agency acting to enforce the rights of others. And it would do so in a way that violates no oneôs rights of self-ownership.

The dominant protective agency in protecting the rights of its clients also includes a right not to be arrested, tried or punished unjustly or where one is guilty of a right violation, to be punished more harshly than one deserves. The dominant protective agency along the

line must prohibit the independents from defending their rights against its clients. In doing so, it assumes defining feature of a state, through a monopoly on the legitimate use of force. It then becomes an ñultra-minimal stateôô.

In order to avoid committing injustice against independents, the ultra-minimal state must compensate them for this ï it must, that is, defend their right for them by providing them the very protection services it affords its clients. It can charge them for this protection, Nozick says, but only the amount that they would have spent anyway in defending themselves. The end result of this process is that the ultra-minimal state has taken on another feature of a state, namely the protection to everyone within its borders. More so, in charging everyone for this protection, it engages in effect, a kind of taxation, though this taxation does not violate self-ownership rights because the original clients pay voluntarily, while the later formerly independent clients are charged only an amount they would have spent anyway for protection.

3.2.7. Nozick's Libertarianism and Justice

Libertarianism is a political philosophy holding that the role of the state in society ought to be severely limited, confined essentially to police protection, national defense, and the administration of courts of law, with all other tasks commonly performed by modern governments ï education, social insurance, welfare, and so forth ï taken over by religious bodies, charities, and other private institutions operating in a free market. Many libertarians appeal, in defending their position, to economic and sociological considerations ï the benefits of market competition, the inherent mechanisms inclining state bureaucracies toward incompetence and inefficiency, the poor record of governmental attempts to deal with specific problems like poverty and pollution, and so forth. Nozick endorses such arguments, but his main defense of libertarianism is a moral one, his view being that whatever its

practical benefits, the strongest reason to advocate a libertarian society is simply that such advocacy follows from a serious respect for individual rights.

There are different kinds of justice. These include-

a. Retributive Justice
b. Legal justice
c. Restorative justice
d. Commutative justice
e. Compensatory justice
f. Distributive justice

a.) Retributive Justice

This can also be referred to as corrective justice. It is the extent to which punishments are fair and just. This is a kind of justice that regulates proportionate response to crime, proven by lawful evidence, so that punishment is justly imposed and considered as morally correct and fully deserved. In general, punishment are held to be just to the extent that they take into account relevant criteria such as the seriousness of the crime and the intent of the criminal, and discount irrelevant criteria such as race.

b.) Legal Justice

This is a kind of justice that binds the individuals to perform acts over and above those prescribed by positive legislation. It is also a kind of justice that is concerned with the individualôs obligation towards the state. Here, the primary obligation of the individuals to the state is the observance of the laws of the state. Legal justice obliges the individual to perform such ólunlegislatedô civil duties as casting oneôs votes, readiness to be voted for, and to accept public offices. The individuals are expected to contribute to the welfare and the promotion of the state. Legal justice is the cumulative obligations of ól amô towards propping

up ówe areô. Legal justice also enjoins one to pay his legitimate taxes as and when due. Since ócommon good takes precedence over the private interests, legal justice demands that the common good should not be sacrificed for any private interest or convenienceô.[36]

c.) Restorative Justice

This kind of justice is concerned not so much with retribution and punishment. This approach frequently brings an offender and a victim together, so that the offender can better understand the effect his/her offense had on the victim. It is based on reconciling the offender with the victim of his actions.

d.) Commutative Justice

This can as well be referred to as reciprocal justice. This is a kind of justice that renders to everyone what belongs to him (restitution), as nearly as may be, or that which governs contracts. The word commutative comes from the Latin word ócommutatioô meaning óan exchangeô. It follows that whatever man exchanges with his neighbour should be done equally and proportionately. óCommutative justice is a virtue which moves persons, individuals or corporate, to render fully to each other what he legitimately claims as his ownô.[37]

óThe outstanding act of commutative justice is called restitution. It means to restore what belongs to another; and it is occasioned by one personôs having what belongs to another either with his consent for instant or loan or deposits, or against his consent as in robbery or theft. One who makes restitution must restore the full value of what he tookô.[38] When commutative justice is violated, restitution becomes necessary. When that which belongs to a man is wrongly damaged or taken from him, the equality of mine and thine demand that his loss be made good.

e.) Compensatory Justice

This refers to the extent to which people are fairly compensated for their injuries by those who have injured them. Just compensation is proportional to the loss inflicted on a person. Wrong doings that are done knowingly or unknowingly are compensated for and depends on the extent of the wrong doing.

f.) Distributive Justice

Distributive justice refers to the extent to which societyôs institutions ensure that benefits and burdens are distributed among societyôs members in ways that are fair and just. When the institutions of a society distribute benefits or burdens in unjust ways, there is a strong presumption that those institutions should be changed. This kind of justice deals with how social goods are distributed with respect to morality. As an individual has obligation to the society in social justice, so society has duties to the individual. This justice is directed at the proper allocation of things-wealth, power, reward, respect, etc, among different people. It is also a kind of justice which is a virtue that includes the authority to provide and promote social goods of its members by provision of basic amenities to its citizens. Here, equality demands a fair sharing of common advantages and burdens proportioned to the need, abilities and merits of individual. ôDistributive justice regulates the relations of a community with its members. Among the kinds of justice enumerated above, Nozickôs entitlement theory deals most especially with distributive justice.

Nozick argues that a state can be legitimate even without the consent of those governed. He does this on the basis of certain principles of justice. In the philosophical literature, the term ñjusticeò is used in several different ways, but Nozick understands it as the

permissible use of force. So understood, justice is not concerned with all of oneôs moral obligations. It only concerns the moral restrictions on the use of force. The legitimacy of a state is thus a matter of its actions being just.

Nozick takes his position to follow from a basic moral principle associated with Immanuel Kant and sustained in Kantôs second formulation of his famous categorical imperative, especially the formula of Humanity as an End in itself. ñAct in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an endò.[39]

In line with this idea, Nozick describes human being as a rational being endowed with self-awareness, free will, and the possibility of formulating a plan of life, has inherent dignity and cannot properly be treated as a mere thing or used against his will as an instrument or recourse in a way an inanimate object might be. He called the human being óself-ownersô they have certain órightsô in particular, and following Lockeôs thought have right to their lives, liberty and fruits of their labour. To possess this bundle of right implies the right to posses something, to dispose of it and to determine what may be done with it, constitute true ownership, thus to own oneself is to have such rights to various elements that make up oneself. ñFor if you own oneself, it follows, Nozick argues that you will use your self-owned body and its powers e.g. either to work or to refrain from workingò.[40] For this reason, Nozick condemns slavery as immoral because it involves a kind of stealing ï the stealing of a person from himself.

Most critics of the libertarian minimal state complain that it allows the government too little. In particular, they claim that more than minimal state is necessary in order to fulfill the requirement of distributive justice. The state as it is held by, for instance Rawls and his followers, simply must engage in redistributive taxation in order to ensure that a fair

distribution of wealth and income obtains in the society it governs. Nozickôs answer to this objection constitutes his ôentitlement theory of justiceô.

To talk about ôdistributive justiceô as Nozick will argue is inherently misleading, in that it seems to imply that there is some central authority who distributes to individual shares of wealth and income that pre-exist the distribution, as if they had appeared like ômanna from heavenô. ñThere is no central distribution, no person or group entitled to control all the resources jointly deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a giftò.[41]

The general aspects of Nozickôs theory of justice holds that normal adult humans have certain strong natural rightsð including the right to bodily integrity (which prohibits killing, torturing, or maiming the right-holder). These rights are natural in the sense that they do not depend on any legal or social conventions. All individuals having the requisite features (i.e. roughly, the ability to make free and rational choices in accordance with some reflectively chosen conception of the good life),have these rights. The rights are strong in the sense that they are not easily overridden by other moral considerations. Indeed, Nozick believes that these rights are nearly absolute: they may not be infringed except perhaps when necessary and effective in avoiding a great social catastrophe. Positing natural rights is not uncontroversial. Act-consequentialists (such as act-utilitarians) deny that there are any natural rights. Nonetheless, most people would acknowledge that there are some natural rights, and that the right to bodily integrity is among them.

3.2.8. On Entitlement Theory

In defence of the minimal state, Nozick sets out a striking ôentitlement theory of justiceô. This is Nozickôs theory of justice. This theory of justice is a property-rights based theory. He claims that individuals have, or can acquire, full property rights (or full

ownership) over various things, where full property rights over a thing consist (roughly) of (1) the right to use and control use of the thing by others, (2) the right to compensation from those who have violated oneôs rights in the thing, (3) the right to use force to stop those who are about to violate oneôs rights in the thing, to extract compensation from those who have already violated such rights, and perhaps to punish such offenders, (4) the right to transfer these rights to others, and (5) an immunity to losing any of these rights as long as one has not violated, and is not in the process of violating, the rights of others.

He went further to explain these using his three principles of justice in holding;

(a) The Principle of Justice in Acquisition ï how things not previously possessed by anyone may be acquired.
(b) The Principle of Justice in Transfer ï how possessions may be transferred from one person to another.
(c) The Principle of Justice in Rectification ï what must be done to rectify injustice arising from violations of (1) and (2).

a.) The Principle of Justice in Acquisition:

This principle states the appropriation of unheld things. This includes the issue of how unheld things may come to be held, the process or processes by which unheld things may come to be held, the things that may come to be held by these processes, the extent of what comes to be held by a particular process and so on. The best known such principle, which Nozick seems to endorse, is the one enshrined in Lockeôs theory of property (Proviso). Locke views property rights in an unowned object. Nozick interprets Lockeôs view as; (a) a person is entitled to something whose value he has created by his labour. (b) to appropriate anything not already owned, provided he leaves ónough and as goodô for others, that is, provided his appropriation leaves them no worse off. For Nozick, any distribution of ñholdings,ò as he

calls them, no matter how unequal, is just if (and only if) it arises from a just distribution through legitimate means. One legitimate means is the appropriation of something that is unowned in circumstances where the acquisition would not disadvantage others. The world's resources are assumed to be initially unowned, but Nozick argues that these resources may be appropriated as private property provided that the act of appropriation does not make others worse off than they would be in a world where appropriation has not taken place (ójustice in acquisitionô), a weak proviso which permits considerable inequality in the ownership of external resources.

b.) The Principle of Justice in Transfer:

This states the principles governing the manner in which one might justly come to own something previously owned by another. Here, Nozick endorses the principle that a transfer of holdings is just if and only if it is voluntary. The principle seems to follow from respect for a personôs right to use the fruits of the exercise of his self-owned talent abilities and labour as he sees fit. With these just original holdings of persons and external resources in place, exchange may take place, and any distribution of holdings which emerges on the basis of subsequent voluntary exchanges is itself just. Forcible redistribution of holdings to promote equality will violate rights, and redistributive taxation of labour incomes in particular is ón a par with forced labourô since it involves giving the beneficiaries of redistribution a property right in the productive abilities of the taxpayer.

c.) The Principle of Justice in Rectification:

It governs the proper means of setting right past injustices in acquisition and transfer. If past injustices has shaped present holdings in various ways, some identifiable and some not, the principle uses historical information about previous situations and injustice done in them until present and it yields a description of holdings in the society.

Anyone who got what he has in a manner consistent with these three principles would, Nozick says, accordingly be entitled to it for his having abided by these principles; no one has any grounds for complaint against him. According to Nozick, anyone who acquired what he has through these means is morally entitled to it. Thus the ñentitlementò theory of justice states that the distribution of holdings in a society is just if (and only if) everyone in that society is entitled to what he has.

To show that theories of justice based on patterns or historical circumstances are false, Nozick devised a simple ingenious objection, which came to be known as the ñWilt Chamberlainò argument. Assume, he says, that the distribution of holdings in a given society is just according to some theory based on patterns or historical circumstancesð e.g., the egalitarian theory, according to which only a strictly equal distribution of holdings is just. In this society, Wilt Chamberlain is an excellent basketball player, and many teams compete with each other to engage his services.

Chamberlain eventually agrees to play for a certain team on the condition that everyone who attends a game in which he plays puts 25 cents in a special box at the gate, the contents of which will go to him. During the season, one million fans attend the teamôs games, and so Chamberlain receives $250,000. Now, however, the supposedly just distribution of holdings is upset, because Chamberlain has $250,000 more than anyone else. Is the new distribution unjust? The strong intuition that it is not unjust is accounted for by Nozickôs entitlement theory (because Chamberlain acquired his holdings by legitimate means) but conflicts with the egalitarian theory.

Nozick contends that this argument generalizes to any theory based on patterns or historical circumstances, because any distribution dictated by such a theory could be upset by ordinary and unobjectionable transactions like the one involving Chamberlain. Nozick

concludes that any society that attempted to implement such a theory would have to intrude grossly on the liberty of its citizens in order to enforce the distribution it considers just. ñThe socialist society,ò as he puts it, ñwould have to forbid capitalist acts between consenting adults.ò

END NOTES

1. Robert Nozick, *Anarchy, State and Utopia*, 174

2. John Locke, *Second treatise of Government*, (Cambridge: Hackett Publishing Company,1980),18

3. Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State*,(California: Stanford University Press,1991),102

4. Robert Nozick, *Anarchy, State and Utopia*,175

5. Robert Nozick, *Anarchy, State and Utopia*,174

6. Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State*,105

7. John Rawls, *A Theory of Justice*,(Harvard: Harvard University Press,1971),302

8. Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State*,119

9. John Rawls, *A Theory of Justice*,4

10. John Rawls, *A Theory of Justice*,312

11. Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State*,120

12. Robert Nozick, *Anarchy, State and Utopia*(U.K: Blackwell Publishers Ltd,1974),3

13. Robert Nozick, *Anarchy, State and Utopia*, 5

14. Robert Nozick, *Anarchy, State and Utopia*,7

15.John Locke, *Two Treatises of Government*,(London: Hackett Publishing Company,Cambridge,1980), 8

16. Robert Nozick, *Anarchy, State and Utopia*,10

17. Robert Nozick, *Anarchy, State and Utopia*, 23

18. Robert Nozick, *Anarchy, State and Utopia*, 12

19. Robert Nozick, *Anarchy, State and Utopia*, 12

20. Robert Nozick, *Anarchy, State and Utopia*, 13

21. Robert Nozick, *Anarchy, State and Utopia*, 24

22. Robert Nozick, *Anarchy, State and Utopia*, 24

23. Robert Nozick, *Anarchy, State and Utopia*, 25

24. Robert Nozick, *Anarchy, State and Utopia*, 89

25. Robert Nozick, *Anarchy, State and Utopia*, 101

26. Robert Nozick, *Anarchy, State and Utopia*, 101

27. Robert Nozick, *Anarchy, State and Utopia*, 110

28. Robert Nozick, *Anarchy, State and Utopia*, ix

29. Robert Nozick, *Anarchy, State and Utopia*, 113

30. Robert Nozick, *Anarchy, State and Utopia*, 123

31. Robert Nozick, *Anarchy, State and Utopia*, 57

32. Robert Nozick, *Anarchy, State and Utopia*, 58

33. Robert Nozick, *Anarchy, State and Utopia*, 61

34. Robert Nozick, *Anarchy, State and Utopia*, 81

35. Robert Nozick, *Anarchy, State and Utopia*, 52

36. Joseph Omoregbe, *Ethics, A Systematic and Historical Study*,(Lagos: Cepco Communication System Ltd., 1989),79

37. T. Higgins*, Man as Man: The Art and Science of Man*, (New York: The Bruce Publishing Company, 1958), 160

38. E. Gratsch, *Introduction and Interpretation of Aquinas Summa* (Bangalore: Theological Publication Indianapolis, 1990), 173

39. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, Translated by H. J Paton, (London: Hutchinson, 1956), 96.

40. Robert Nozick, *Anarchy, State and Utopia*, 135

41. Robert Nozick, *Anarchy, State and Utopia*, 149

CHAPTER FOUR

EVALUATION

This chapter investigates whether certain positions and arguments of philosophers would satisfy the necessary criteria for determining property rights and the roles of the state. This chapter is divided into two parts. The first part focuses on Nozickôs critics and supporters by examining the logical viability of their arguments within the parameters of Libertarianism. The second part is the researcherôs analysis and appraisal of property rights and the state.

Rothbard propounds the libertarian creed which rests upon on central axiom: that no man or group of men may aggress against the person or property of anyone else. This is what he called nonaggression axiom.[1] His argument is based on the conception that if every individual has the right to his own property without having to suffer aggressive depredation, then he also has the right to give away his property (bequest and inheritance) and to exchange it for the property of others (free contract and the free market economy) without interference. He favours the right to unrestricted private property and free exchange; hence, a system of ólaissez-faire capitalismô.[2]This position on property and economics is seen as virtually consistent on behalf of the liberty of every individual.

The libertarian refuses to give the state the moral sanction to commit actions that almost everyone agrees would be immoral, illegal, and criminal if committed by any person or group in the society. General moral law should be applied to everyone, and no special exemptions should be made for any person or group. Whether or not such practices like war, conscription and taxation are supported by the majority of the population is not germane to their nature hence, war is mass murder, conscription is slavery and taxation is robbery.[3]Some of the services which government claims are for common good and the public welfare are

fraudulent means of obtaining public support for the stateôs rule, and he insists that whatever services the government actually performs could be supplied far more efficiently and far more morally by private and cooperative enterprise. The prime educational task of the libertarian therefore, is to spread the demystification and desanctification of the state among its hapless subjects.[4]He strives to show that the very existence of taxation and the state necessarily sets up a class division between the exploiting rulers and the exploited ruled. It is only the government that acquires its revenue through coercive violence. Everyone else in society acquires income either through voluntary gift (lodge, charitable society, chess club) or through the sale of goods or services voluntarily purchased by consumers. Taxation should be called what it is: legalised and organised theft on a grand scale.[5]

The libertarian welcomes the process of voluntary exchange and cooperation between freely acting individuals; what he abhors is the use of violence to cripple such voluntary cooperation and force someone to choose and act in ways different from what his own mind dictates. The natural rights statement of the libertarian position begins with the basic axiom of the óright to self-ownershipô. The right to self-ownership asserts the absolute right of each man, by virtue of his (or her) being a human being, to ównô his or her own body; that is, to control that body free of coercive interference. Since each individual must think, learn, value, and choose his or her ends and means in order to survive and flourish, the right to self-ownership gives man the right to perform these vital activities without being hampered and restricted by coercive molestation.

> Property, made manifest by labor, participates in the rights of the person whose emanation it is; like him, it is inviolable so long as it does not extend so far as to come into collision with another right; like him, it is individual, because it has origin in the independence of the individual, and because, when several persons have cooperated in its formation, the latest possessor has purchased with a value, the fruit of his personal labor, the work of all the fellow-laborers who have preceded him: this is what is usually the case with manufactured articles. When property has passed, by sale or by

> inheritance, from one hand to another, its conditions have not changed; it is still the fruit of human liberty manifested by labor, and the holder has the rights as the producer who took possession of it by right.[6]

The libertarian also is individualistic rather than communalistic (i.e. does not regard rights of society but only individual rights). The prime errors in social theory for Rothbard , is to treat society as if it were an actually existing entity.[7] The individualist holds that only individuals exists, think, feel,choose, and act; and that ósocietyô is not a living entity but simply a label for a set of interacting individuals. Rothbard affirms that the central core of libertarian creed, then, is to establish the absolute right to private property of every man: first, in his own body, and second, in the previously unused natural resources which he first transforms by his labour. These two axioms, the right of self-ownership and the right to óhomesteadô, establish the complete set of principles of the libertarian system.[8]

Rothbard also agrees with Nozick stating that:

> If a man owns anything, he then has the right to give away or exchange these property titles to someone else, after which point the other person also has absolute property title. From this corollary right to private property stems the basic justification for free contract and for the free-market economy.[9]

Although the views of Rothbard are individualistic, it is not an egalitarian. The only óequalityô he would advocate is the equal right of everyman to the property in his own person, to the property in the unused resources and to the property of others he has acquired either through voluntary exchange or gift.

Jan Narveson, influenced by Nozick, defends libertarianism in his *The Libertarian Idea*. His study is based on whether or not libertarianism is possible. For Narveson, the only relevant consideration in political matters is óindividual libertyô.[10] From this, he develops in some detail, a libertarian position on the manner in which liberty should be pursued. He strongly defends the right of individual ownership of property. Narveson points out that the

proponents of libertarianism do not support maximizing liberty. This goal might require that one interferes with someoneôs rights in order to advance liberty overall. Instead, libertarians hold that one should interfere with each personôs liberty as little as possible.[11] David Gordon uses this example to clarify the difference. It might be that giving a poor person a few thousand dollars taken from a billionaire will increase the poor personôs liberty more than it will decrease the rich personôs. The former will be able to do a great many more things than before his involuntary subvention, while the latter will hardly miss the money (I do not mean to suggest here that quantitative comparisons of liberty are possible: this is just a órough-and-readyô assessment for the sake of the example).If, however, the rich person has just title to his money, in the libertarian view one cannot take it from him since doing so violates his rights.[12]

On Narvesonôs formulation, one would be allowed to violate someoneôs rights if doing so minimizes the total amount of interference. Suppose that one imprisons without trial, someone who is very likely in the future to commit a large number of serious violations of rights. One may well have lessened the total extent to which people interfere with one anotherôs right by doing so, but this violates libertarian principles, as they are normally understood.

This is the kind of example that Nozick had in mind in his contention that rights are side-constraints. Narveson wrongly interprets Nozickôs phrase as an endorsement of absolutism- the view that it is always wrong to perform an act of a specified sort, regardless of consequences.[13] Instead, side-constraints address the same point as Narveson has in mind in his criticism of maximizing liberty. The óside-constraintsô approach avoids the problem just raised for Narveson, since it does not allow rights violations whose result is to minimize total rights violations.

Narveson skilfully indicates the defects of the claim or argument against libertarian property rights. He asserts that before people acquire property, no one has claim rights over it. People are at liberty to use available property, but this liberty guarantees them no access to anything in particular. Gordon explains that ôI am at liberty to pick up a dollar on the sidewalk, but if you ôbeat me to itô you have not violated any of my rights. Incidentally, Narveson himself prefers to avoid the Hohfeldian terminology of ôliberties and ôclaim rights.[14]

Narveson gives a wealth of original and insightful remarks about various features of a libertarian society. He boldly faces issues that many libertarians have found problematic. Against those who support the free market but thinks that the government must provide people with information in order for the market to work, he notes that the provision of information is itself a market good. It is up to freely contracting individuals to decide how much information they wish to obtain. The provision of information is not a ôfree good. Like any other economic good, it has its price.[15]

Narvesonôs discussion of public goods is brief but effective. He maintains that voluntary agreements of a kind he describes can overcome the ôpublic-good trap.[16] Whether or not the provision of aid to the needy is a public good, some have found in this issue the Achilles heel of laissez-faire capitalism. Thomas Nagel, for instance, has argued that it is too much of a burden on people to confront them continually with the choice of helping the poor or spending money on themselves. As Narveson aptly notes, those who in a libertarian society wish to relieve themselves of the burden of free choice are entirely at liberty to agree to have money deducted on an automatic basis from their pay.[17]

One suggestion Narveson advances will probably start some arguments among libertarians. He thinks that the system of government medical insurance in Ontario, Canada,

where he lives, has worked very well. People in a libertarian society might continue arrangements like this, although of course dissenters would be free to leave the system. Why cannot a health insurance plan be attached to oneôs protection agency.[18]Narveson has certainly made a good case that a libertarian system can handle problems often thought beyond its capacities.

Nozick conception of a self-owing person is partly based on certain rights or entitlement. This is the basis for Nozickôs self-ownership argument. Lukasova supports Nozick by arguing that although Nozick might not have succeeded in satisfying the requirements of a convincing demonstration, there are nevertheless no alternative theories of distribution which, by attempting to remove extreme inequalities, satisfy the requirements for moral justification.

Lukasova considers the objection of the egalitarian liberals (such as John Rawls and Ronald Dworkin) biased, because they assume that under libertarian arrangements, extreme inequalities would indeed occur. The idea of unrestrained capitalism seems to evoke a picture of exploited masses living in abject poverty and the privileged few living in excess and abundance, and this picture is the source of the intuitive objections to libertarianism. Lukasova, however, maintains that such a world does not necessarily follow from Nozickôs entitlements theory, and from his restrictions on the exchange process in the form of his three principles of justice.

The straight forward libertarian answer to the dilemma about whether extreme inequalities arise as a result of the full exercise of entitlements is that they cannot be objected to on the grounds of injustice, and liberty may not be in anyway infringed to reduce such inequalities.

Another argument in defence of Nozick, raised by Lukasova is that self-determination is a very important part of freedom. So, if we are appealing to the value of freedom, then, a person is entitled to have resources in order to exercise his freedom- to be given the things he needs to be able to fulfil his conception of life. Self-ownership and property rights for Lukasova, are necessary to enable an individual to pursue his conception of the good and his self-determined way of life. By taking away his property, we are decreasing his options and limiting his possibilities. This violates his freedom and is therefore morally unjustified.

Nozickôs property rights for Lukasova, are not created or licensed by the state. Individuals have them independently of the social institutions in which they live.[19] According to her, the origin of Nozickôs ónaturalô property rights is an intuition he discovers in himself. Everyone has an absolute right to be free from coercion and an absolute right to acquire and dispose of his property. Each person is entitled to his talents and abilities and to whatever he can make, get or buy with his own efforts, with the help of others or with plain luck.

Anyone is entitled to whatever he ends up with as a result of the repetition of this process. Lukasova also argues that the rights to property involve developing the capacity to act and choose in an independent way. In order to be capable of conceiving alternatives and arriving at a definition of what a person really wants, we need freedom.[20]

The road from rights over oneôs body to libertarianism still remains to be negotiated. Some philosophers such as Cohen an outstanding Marxist philosopher claim that libertarian property rights unduly restrict liberty. The argument for this surprising thesis relies on the fact that if one owns property, one has the right to exclude others from its use. Does not such exclusion constitute a restriction on other peopleôs liberty? Cohen employs the idea of initial collective ownership of property to citizens individual rights to ownership. He projects arguments in favour of this view.

Cohen has subjected Nozickôs principle of justice in acquisition to sustained criticism. Cohen focuses his critical attention upon the second clause of Nozickôs principle of justice in acquisition. What Cohen objects to is the specific state of affairs which Nozick claims should be used as the base line when assessing whether any given act of private appropriation has worsened the situation of those who did not appropriate the object in question. The basic line which Nozick favours is how those people would have fared had no private appropriation of the object taken place, and had in consequence the object been left available for the fair use by everybody, without anyone being able to appropriate it. Cohen calls the form of ownership which obtains with respect to an object when it may be freely used by anybody without anyone privately appropriating it- ñCommon Ownership.ò

Cohenôs principal concern is to defend a thorough going egalitarian distribution of income which he considers to be incompatible with an inegalitarian pattern of ownership. He asserts that ña union of self ownership and unequal distribution of worldly resources leads to indefinitely great inequality of private property in external goods and, hence, to inequality of condition, on any view of what equality of condition isò.[21] His concern is to delegitimize the appropriation of external resources by individuals or groups, by which they might come to have a property in such resources that would exclude the rival claims of others. Cohen takes as his sole target Robert Nozickôs remarks on property in *Anarchy, State, and Utopia* and attempts to unravel the relationship Nozick asserts between private (or several) property and individual liberty. Cohen goes further to reduce Nozickôs entire theory of appropriation to Nozickôs version of the ñLockean proviso,ò which holds that ña process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsenedôô.[22] Cohen considers the proviso, not as a proviso to a theory of appropriation, but simply to be Nozickôs theory of appropriation. Palmer goes further to explain this:

> Thus, the proviso just quoted, with Nozickôs elaboration of it, is Nozickôs doctrine of appropriation, or, speaking more cautiously, if Nozick presents any doctrine of appropriation, then the quoted statement is the controversial element in his doctrine, and therefore the element which requires close scrutiny.[23]

The central argument of Cohen is that óself-ownershipô can be so construed or integrated with other arrangements as to necessitate completely equal distribution of wealth and income. Cohen believes that any appropriation will make someone worse off, for no other reason than that someone will no longer be able to appropriate the now-appropriated item.[24] It is clear beyond doubt that an appropriation of private property can contradict an individualôs will just as much as levying a tax on him can. If contradicting oneôs will is the criterion for a theory that is supposed to be based on liberty, then, according to Cohen, no private appropriation could meet the requirements of a suitably formulated Nozickian proviso, for, even if a latecomer finding no unappropriated resources left to appropriate were to be compensated by greater material wealth, this compensation could not undo the fact that the latecomerôs will has been overruled. As Cohen argues, ó[Nozick disallows objectively paternalist use of peopleôs private property. But he permits objectively paternalist treatment of people in other ways. For, since he permits appropriations that satisfy nothing but his proviso, he allows A to appropriate against Bôs will when B benefits as a result, or , rather, as long as B does not loseôô.[25] If someone were to chop off my arm, even if he later made me betteroff, we would still say that my rights had been violated.

In the process of making this move, allegedly showing that Nozickôs approach cannot justify appropriation by individuals (or groups) from an unowned commons, Cohen suggests that Nozickôs baseline of comparison- what one could get in a condition of no appropriation or ownership at all- is arbitrary, and that a variety of collective ownership arrangements should be considered as candidates for the baseline, as well. There are, according to Cohen, ó[o]ther intuitively relevant counterfactuals, andé .. they show that Nozickôs proviso is too lax,

that he has arbitrarily narrowed the class of alternatives with which we are to compare what happens when an appropriation occurs with a view to determining whether anyone is harmed by itôô.[26] The alternative that he singles out as óintuitively relevantôô is that of joint ownership, according to which a resource-

> Is owned, by all together, and what each may do with it is subject to collective decision. The appropriate procedure for reaching that decision may be hard to define, but it will certainly not be open to anyone of the joint owners to privatize all or part of the asset unilaterally, no matter what compensation he offers to the resté é é so if joint ownership rather than no ownership is, morally speaking, the initial position, then B has the right to forbid A to appropriate, even if B would benefit by what he thereby forbids.[27]

In setting up the problem, Cohen strives to óreconcile self-ownership with equality of conditions, by constructing an economic constitution which combines self-ownership with an egalitarian approach to raw worldly resourcesôô.[28] The principle of joint ownership, according to Cohen, when combined with strict óself-ownershipô would: 1) preclude individual or subgroup property rights (or property in severalty through subdivision) through free agreement, and 2) generate completely equal distribution of income (or, if any inequalities were to be allowed, they would not reflect differences in control over productive powers, i.e. they would not be due to oneôs property in oneôs person). The point of Cohenôs exertions is to attempt to show that self-ownership would not entail rights to several properties.

Scheffler reacting to Nozickôs entitlement theory argues that everyone has a moral right to means of subsistence purely by virtue of their need, and that consequently Nozickôs theory which denies this is mistaken. Nozick denies that the needy automatically have a right to welfare in virtue of their need. The core of Nozickôs reason for denying a right to welfare is that provision of such welfare must come from the holdings of the well-off, and the well-off may be fully entitled to these holdings. In a memorable passage, Nozick remarks:

> The major objection to speaking of everyoneôs having a right to various things such as quality of opportunity, life, and so on, and enforcing this right, is that these órightsô require a substructure of things and materials and actions; and other people may have rights and entitlements over these. No one has a right to something whose realisation requires certain uses of things and activities that other people have rights and entitlements over.[29]

Now it is also part of Nozickôs view that, if individuals have acquired what they possess in accordance with the principles that make up the entitlement theory, then they have a right to their property. Consequently, if someoneôs life depended upon his having what another has acquired in accordance with the principles of the entitlement theory, the first person has no right to be given what he needs to live from the otherôs holdings.

Samuel Scheffler challenges Nozickôs entitlement theory by denying that people have such stringent property rights as excluded enforceable welfare provision for the disabled. He offers in constrast to the rights Nozick recognises, what Scheffler calls óóan alternative theory of rightsôô. And he argues that the rationale which Nozick gives for the rights that Nozick acknowledges offers more support for Schefflerôs own alternative theory than it does for Nozickôs rights.

Schefflerôs alternative theory of rights is this:

> Every person has a natural right to a sufficient share of every distributable good, whose enjoyment is a necessary condition of the personôs having a reasonable chance of living a decent and fulfilling life, subject only to the following qualification. No person has a natural right to any good which can only be obtained by preventing someone else from having a decent and fulfilling life.[30]

Scheffler then claims that, if beings with the capacity to live a meaningful life have rights in virtue of having that capacity, óóthen presumably the function of the rights is to safeguard the ability of beings with this valuable capacity to develop itôô.[31]

Scheffler further writes: ó…but then it seems clear that the alternative conception of rights is a much more accurate specification than the Lockean conception of the rights which people actually haveôô.[32] His reason is ó…that the alternative conception of rightsé .. alone insures that all the necessary material conditions for having a reasonable chance of living a meaningful life will be metôô.[33]

Part of what Nozickôs entitlement theory implies is that governments violate the rights of property owners who have come by their property in morally legitimate ways, when these governments compel by force of law, these property-owners to make over part of their holdings in the form of taxation, in order to provide these governments with revenue from which to provide welfare for those in need.

In his article óNozick, Need and Charityô, Paul Russell has challenged Nozickôs entitlement theory by arguing that this thesis which the theory implies is mistaken.[34] Russellôs argument is ó…that we are not always entitled to everything we legitimately acquire because we may, depending upon our circumstances, be obliged to be charitable. What charity requires of us we have no rights over and we must relinquish. Accordingly, if we fail to be charitable our property rights are not violated when that which we are not entitled to is forcibly taken away from usôô.[35]

Russell concentrates on showing that charity is not supererogatory but is obligatory. He seems to take it for granted that, once it has been established that those who possess more than they need owe charity to those who are without what they need, the former may legitimately be compelled to make over part of their holdings for the benefit of the latter. Thus, he writes:

> If an individual owes charity then he is not entitled to keep all of his wealth, even though all of his wealth may have been legitimately acquiredé .. Inshort, as charity is ané .. obligation or duty it should be

> regarded as not so much given as owed. This terminological difference is of some importance because it emphasizes the fact that as there exists an obligation to be charitable one is not entitled to keep that which must be relinquished for the benefit of the needy.[36]

An Appraisal

A general point to note about Nozickôs theory of justice is that it is historical. What is just to do depends in part on what happened in the past. It is not normally just to punch another in the face, but it may be if it is part of a consensual boxing match. Likewise, it is not normally just to lock someone in a room, but it may be so if that person murdered several people in the past. Both past consent and past wrongdoings are relevant to what is just at a given time. This aspect of Nozickôs theory is highly plausible, and his emphasis on this feature has had a very positive impact on theorizing about justice. Itôs worth noting, however, that a theory can be historical (i.e., sensitive to the past) without being purely historical (i.e., making the future consequences irrelevant).

Nozickôs theory of justice is a libertarian theory, according to which an action is just if and only if it violates no libertarian rights, where the libertarian rights are the following:

i.) initial full self-ownership: each autonomous agent initially has full property rights in him/herself (paradigmatically rights of bodily integrity, which rule out killing or physically assaulting one without oneôs permission);

ii.) initial rights of common use of the external world: the right to use non-agent things (as long as this violates no oneôs self-ownership);

iii.) rights of initial acquisition: the right to acquire full property rights in unowned things as long as one leaves ñenough and as goodò for others;

iv.) rights of acquisition by transfer: the right to acquire any property right in a thing held by another by voluntary transfer.

This theory of justice is modelled after that of John Locke in *Two Treatises of Government*. Nozick does not systematically defend this theory, but he does provide motivation for its key aspects. The rights of self-ownership, he claims, ñreflect the Kantian principle that individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consentò[37], ñexpress the inviolability of othersò[38], and ñreflect the fact of our separate existencesò.[39] Although the core of full self-ownershipð roughly the right, under normal circumstances, to be free of interferences with oneôs bodyð seems highly plausible, many would reject some of the other rights included in full self-ownership. One could question, for example, whether this right holds even where the harm to the holder is slight and the benefit to others is great (e.g., a small prick to my finger saves the lives of many). One could also question whether one has the right to enslave oneself voluntarily (as full self-ownership asserts).

Nozick does not spend much time discussing initial rights of common use. He simply asserts that the non-agent world is initially unowned, and individuals are free to use any part of it when others are not. He (like Locke) rejects, for example, the view that the worldð other than the self-owning agentsð is initially owned by some individual or group of individuals. (Such a view was invoked by 17th century proponents of the ñdivine right of kingsòð a doctrine which Locke vigorously rejected.)

The right of initial acquisition is the power to acquire private property rights over things that are not already privately owned by others. Lockeôs version of this right requires that one ñmix oneôs laborò with the thing and that one leave ñenough and as goodò for others. Nozick notes that the content and significance of the labor-mixing metaphor is not clear: Does an astronaut who clears a plot on uninhabited Mars mix his labor with the plot, all of Mars, or the entire uninhabited universe?[40] Nozick never resolves this issue, but nothing significant is lost if we replace the labor-mixing requirement with the more general

requirement that the individual stake a claim to the object in some appropriate manner (e.g., publicly declare/register that she is claiming ownership of the object). The crucial question concerns the other requirement,- that ñenough and as goodò be left for others. Nozick calls this ñthe Lockean Provisoò.

The Lockean Proviso can be interpreted in different ways. Nozick interprets it to require that the situation of others should not be worsened by the appropriation. More exactly, he interprets it to require that no one be worse off in overall wellbeing with the appropriation than he/she would, if the appropriation were not to take place (i.e., if the object were to remain in common use). Given that common use is generally inefficient (e.g., because individuals donôt have sufficient incentives to preserve the resource), this interpretation of the proviso sets a low baseline and makes it relatively easy for individuals to acquire full private property in unappropriated things.

Itôs worth noting here that there is disagreement within libertarian theory concerning the right to appropriate unappropriated things. Extreme right-libertarianism denies that there is any kind of requirement that enough and as good be left for others. It holds, for example, that the first person to discover, claim, or mix labor with an unowned object can thereby fully own it. Moderate (or Lockean) right-libertarianism holds that that some kind of Lockean Proviso must be satisfied, but interprets the proviso to be a weak requirement (e.g., as Nozick does). Equal Share Left-Libertarianismð advocated by Steinerð holds that the proviso applies and requires that one leave an equally valuable share of unappropriated resources for others (and thus allows one to appropriate only up to oneôs per capita share of the value of unappropriated resources). Equal Opportunity for Wellbeing Left-Libertarianism—advocated by Otsukað holds that the proviso applies and requires that one leave enough for others so that they each have an opportunity, for wellbeing that is at least as valuable as the opportunity for wellbeing that one acquires with the appropriation. This version of the proviso holds that

those with less desirable internal endowments (e.g., those who are less smart, strong, and handsome) are permitted to appropriate more than those with more desirable internal endowments. Even within libertarian theory, then, Nozickôs version of the right to acquired unappropriated things is controversial.

Consider finally the fourth element in Nozickôs libertarian theory of justiceð the right of acquisition by transfer. The core idea is that if I have full property rights over a car (which includes the right to transfer these rights to others) and you and I each give our free and informed consent for those rights to be transferred to you, then those rights are transferred to you. Nozick emphasizes that justice depends in part on what contractual agreements have been made and thus that no purely end-state (i.e., non-historical) theory of justice can be adequate. He further claims that the relevance of contractual agreements shows that no adequate theory of justiceð even if historicalð can be patterned in the sense of requiring (resources or wellbeing) to be distributed in accordance with some specified pattern of features.[41] The pattern might, for example, be equality (which is not historical) or moral desert (which is historical, given that it requires that rewards match desert from past actions). Nozick used his famous Wilt Chamberlain argument to elucidate on this claim. This claim (as I have already discussed in chapter 3) is a hypothetical case in which resources are distributed in accordance with our preferred pattern (e.g., equality or in proportion to moral merit).

Nozick claims that such informed and free contractual agreements preserve justice in the sense that, if the original situation was just, then so is the situation that results from such agreements (and no other influences). Consequently, if we stipulate that there were no other relevant influences, the resulting situation must be justð given our assumption that the original one was. Justice, Nozick claims, is procedural: if one starts with a just situation and applies just steps, the result must be just. The crucial point here is that, given (according to Nozick) that transfers of rights in conformance with free and informed contracts are just

steps, the resulting situation will generally not be in accordance with the specified pattern (e.g., equality or proportional to merit). Hence, contractual agreementsð and the rights to transfer and to acquire by transfer that make them possibleð are incompatible with a patterned theory of justice. Given that individuals surely have the right to engage in contractual agreements, no pattern can be maintained without unjustly restricting peopleôs liberty. Thus, no patterned theory of justice is, he claims, plausible.

This is an important argument, but there are several ways of resisting the conclusion, and I shall mention two. First, if Wiltôs initial earning power is significantly greater than that of others, the initial situation might include a very high head tax for him (which is of course incompatible with full self-ownership) that would equalize opportunities for earnings. Wilt would thus be free to earn lots of money playing basketball, but he would also have an enforceable duty to pay high taxes based on his earning power. This would be a kind of historical patterned principle (initial equality opportunity for earnings) in which contractual agreements preserve justice. It is not, however, the kind of patterned theory that Nozick was targeting, since it only imposes the pattern on the initial situation and not on later situations. A second way of resisting Nozickôs conclusion is to note that he presupposes that Wilt has full rights of acquisition by transfer, which preclude any taxation of transfers. One could, however, endorse less than full rights of acquisition by transfer, and these could make transfers, subject to whatever taxation that is necessary, to preserve the specified pattern. Thus, Wilt would be free to make contracts, but he would know that they may generate a tax bill. Obviously, the issue is complex, and I am here, merely flagging aspects of the argument that have been challenged.

In sum, Nozick insightfully articulates and motivates a right-libertarian theory of justice, but does not provide a systematic defense. His discussion does, however, provide a

powerful case for thinking that an adequate theory of justice must be historical by being sensitive to what wrong-doings took place in the past and to what agreements were made.

We now look into Nozickôs argument for the legitimacy of the minimal state. A state, recall, is a coercive organization that has, for a given territory, an effective monopoly on the use of force. A state is legitimate just in case its use (via its agents) of force (and threat thereof) is typically morally permissible. There is no puzzle about how, according to certain consequentialist theories, a state could be legitimate without the consent of those governed. It, however, becomes a problem of how a state could be legitimate without the consent of all those governedð if one assumes (as Nozickôs libertarianism does) that individuals initially fully own themselves. Such rights protect individuals from the use of force by others and give them rights to use force to protect those rights. If individuals do not lose those rights, then any coercive organization that claims a monopoly on the use of force is illegitimate. If Nozick can answer the anarchist challenge and show thatð even assuming initial full self-ownershipð a state can be legitimate without the consent of all those governed, this will be significant indeed.

A more important issue concerns whether Nozick has indeed established that a state can arise without violating anyoneôs rights. Clearly, there is no violation of rights when individuals voluntarily contract with a protection agency. They may agree to pay certain fees (taxes) and give up their enforcement rights as part of such agreements. The crucial question concerns non-clients, that is, those who do not contract with the protection agency. After all, even moderate anarchists agree that a state can be legitimate if everyone it governs consents to its powers. Nozick argues that the dominant protection agency violates no oneôs rights when it prohibitsð and uses force to stopð non-clients from using enforcement procedures that it deems unfair or unreliable (provided that it provides appropriate compensation). I shall now argue that is not so.

Consider two examples: (1) Prior Restraint: Suppose that I am perfectly innocent of violating anyoneôs rights, and you wrongfully attempt to rob me. Suppose that I use the minimum force necessary to stop you and that this merely involves pushing you to the ground and running away. (2) Restitution: Suppose that I am perfectly innocent of violating anyoneôs rights and that you have wrongfully robbed me of my wallet. Later I see you on the street with my wallet and after careful observation confirm that it is mine. I then gently strike your hand, grab my wallet, and run away. In both cases, Ione claims, I have a right (at least on the libertarian view) to use these enforcement procedures (of prior restraint and of restitution) and I violate no oneôs rights in using them. Is Nozick correct that the dominant protection agency does not violate my rights if it prohibits með as a non-clientð from using these procedures, as long as appropriate compensation is paid? I claim that he is mistaken on this issue.

According to Nozick, the crucial issue is whether the dominant protection agency has enough information about my enforcement procedure to establish that it is reliable and fair[42]. If it does, then, Nozick rightly claims, it may not prohibit my use of it. Nozick further claims, however, that the dominant protection agency may prohibit my enforcement procedure when the agency does not have enough information to establish that it is reliable and fair. This seems mistaken. Suppose that my enforcement procedure is reliable and fair and that I am in fact applying it appropriately against a guilty party (e.g., as in the above examples). The dominant protection agency will not deem my enforcement procedure reliable and fair (e.g., because of lack of information), but in this case it is. I am fully within my rights to use them, and the agency violates my rights if it uses force against me in response to my doing so. This remains true even if I am compensated for such interference. Of course, as Nozick emphasizes, the protection agency has to act on the basis of its own judgements, and thus, if it deems my enforcement procedures unreliable or unfair, it will deem it morally permissible

for it to use force in response to it. The crucial point is that the agency may be mistaken, and, where it is, it violates the rights of those whose just enforcement procedures it prohibitsð even if compensation is paid.

In sum, the crucial question that Nozick addresses is how a state could be legitimate without the consent of all of those it governs. The crucial move that Nozick makes to answer this question is that, prior to any contractual agreements, each individual is permitted (as long as appropriate compensation is paid) to use force to stop others from using enforcement procedures that he/she deems unfair or unreliable. Where there is a single dominant protection agency representing individuals, it is also so permitted on behalf of its clients. I have suggested, however, that Nozick is mistaken that individuals and protection agencies violate no rights when they mistakenly use force to stop someone from using an enforcement procedure that is in fact fair and reliable. If this is so, Nozickôs argument for the possibility of a state arising without the consent of all and without violating rights succeeds only if the dominant protection agency approves of all enforcement procedures that are in fact reliable and fair. Given the limitations of human knowledge, this is extremely unlikely. It could happen by chance, but it is not practically possible in the sense that we could reasonably ensure that it is so.

Not all is lost, however. The legitimacy of the state, as I have defined it, requires that the stateôs use of force be typically permissible. This allows that a state can be legitimate without being perfect. It may be enough to meet this test that the state scrupulously (e.g., as carefully as can reasonably be expected of anyone) (1) gather information about what enforcement procedures are reliable and fair, (2) approve all for which there is strong evidence that they are reliable and fair, and (3) be suitably cautious about using force against non-clients where the evidence is murky (i.e.unclear). Thus, Nozickôs argument may well

show that a state can be legitimate without the consent of all those governed, even if he does not show that a state could arise in practice without violating anyoneôs rights.

Another place we will look into is the argument for the illegitimacy of the more than the night-watchman state. The argument so far has concerned protection agencies, which by definition restrict their activities to protecting their clients against having their rights violated. If Nozickôs argument succeeds, it establishes the possibility of the legitimacy of a minimal state, which is a state that restricts its activities to protecting the rights of its citizens. A minimal state, however, need not be a night-watchman state, which (following Nozick) is a state that restricts its role to protecting its citizens against violence, theft, fraud, and breach of contract. Because Nozick holds a right-libertarian theory of justice, he equates the minimal state (which protects all natural rights) with the night-watchman state (which protects only the right-libertarian rights). If, however, individuals have more natural rights than right-libertarianism recognizes (e.g., a right to adequate nutrition or basic health care), then his argument, if successful, shows that more than a night-watchman state can be legitimate. The dominant protection agency can permissibly use force (even against non-clients) to ensure that individuals fulfill their duties (e.g., to provide adequate nutrition) to clients.

Nozick argues, however, that nothing more than a night-watchman state can be legitimate. If he is right, then none of the following state activities are legitimate: (1) promoting impersonal goods (i.e., goods, such as perhaps great art or cultural artifacts, that are intrinsically valuable for their own sake and not merely good for any individuals); (2) providing paternalistic protection (i.e., protecting individuals against themselves; e.g., by prohibiting drug use or requiring retirement savings); (3) aiding the disadvantaged (e.g., the poor); and (4) promoting the wellbeing of all by overcoming market-failures (i.e., providing goods and services that the market cannot provide in a cost-effective manner).

Nozick argues that nothing more than the night-watchman state is legitimate on the basis of his right-libertarian theory of justice. Given that individuals typically, fully own themselves and various external things, they have no duty to provide personal services (i.e., labor) or pay taxes (i.e., part with some of their wealth) for the above state activities. Moreover, they have a right against othersð including agents of the stateð that they are not to be forced to provide such personal services or pay such taxes. Of course, protection agencies might branch out, provide such services, and contractually require their clients to provide such personal services or pay fees for them. This is perfectly legitimate (although few individuals may sign up for such services). The problem concerns non-clients. It would clearly violate the rights of non-clients to impose such requirements.

Nothing more extensive than the night-watchman state is justified on the right-libertarian view. The least controversial component of this view is probably the view that it is illegitimate for the state (or anyone) to coercively require individuals to provide aid for the promotion of impersonal goods (i.e., goods that are good in themselves, as opposed to good for individuals). Although many people think that it is legitimate, for example, for the state to promote the arts, it is usually because they believe the arts are good for at least some of the citizens. It is relatively (but not completely) uncontroversial that coercion is not permissible merely to promote impersonal goods.

Much more controversial is right-libertarianismôs claim that it is illegitimate for the state to require individuals to provide aid to the disadvantaged. Of course, the legitimacy of the state requiring citizens to aid others depends on exactly on what is required. The easiest case to defend is one where the state imposes only a small tax on those who are very rich and uses it to ensure merely that everyone has an adequate opportunity to obtain the most basic nutrition, shelter, and health care. Such aid might, for example, be provided to young orphans and those severely disabled through no fault of their own. Right-libertarianism rejects even

such minimal taxation for meeting the very basic needs of others, but most people think that some such taxation is legitimate.

The most controversial right-libertarian claim in this context is the claim that it is illegitimate for the state to provide goods and services that benefit everyone which the market does not provide efficiently or effectively. Of course, there is much controversy about which goods can be provided effectively by the market and about the role of the state in providing those that are not provided. Most people, however, would agree that it is legitimate to provide goods and services that make everyone better off than he/she would be without state provision. Right-libertarianism, however, denies the legitimacy of such a role for the state.

It is important to note that the state can require citizens to provide aid for the above kinds of activities in two distinct ways. One is to require citizens to provide personal services (e.g., serve in the military or serve on a jury). The other is to require citizens to contribute money or other external resources (e.g., to pay for the military or court services). Right-libertarianism is on its firmest ground when it rejects the legitimacy of the state requiring personal services for the above activities and on its weakest ground when it rejects the legitimacy of the state requiring the payment of taxes to fund the above activities. The personal freedom and security of full self-ownership is much easier to defend than the freedom from taxation provided by full property rights in external things.

Putting all this together, we can say that right-libertarianism is on relatively firm ground in its rejection of the legitimacy of (1) any state requirement to provide personal services to promote a purely impersonal good, and (2) any state prohibition of activities that do not violate the rights or otherwise harm others. Right-libertarianism is, however, on relative weak ground in its rejection of the legitimacy of state taxation to (1) provide for the very basic needs of the most vulnerable members of society (e.g., children and the severely

disabled), and (2) make everyoneôs life better by providing goods and services that the market does not provide effectively.

In sum, right-libertarianism may be right that individuals fully own themselves and thus that it is illegitimate for the state to limit their freedom by requiring them to provide personal services for the above kinds of state activities. Right-libertarianismôs view that individuals can acquire full private property in external thingsð which rules out any taxationð is much more controversial. Almost everyone agree that individuals can acquire robust private property in external things, but most would reject the view that such rights are so strong that they preclude all forms of taxation. If this view is correct, then more than the minimal night-watchman state is legitimate.

END NOTES

1) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*, 2nd edition, (Alabama, USA: Ludwig von Mises Institute,2006), 27
2) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,28
3) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,29
4) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,29
5) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,29
6) Leon Wolowski and Emile Levasseur, ó"Property"ô in *Lalor's Cyclopedia of Political Science*, (Chicago: M.B Cary, 1884), Vol. iii,392-93
7) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,45
8) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,48
9) Murray N. Rothband, *For a New Liberty: The Libertarian Manifesto*,48
10) Jan Narveson, *The Libertarian Idea*, (Philadelphia: Temple University Press, Philadelphia, 1988),1
11) Jan Narveson, *The Libertarian Idea*,32
12) David Gordon, ó"The Libertarian Idea. Jan Narvesonôô, *Reason Papers* No. 14 (spring 1989), 169-177
13) Jan Narveson, *The Libertarian Idea*,54
14) David Gordon, *Reason Papers*,172
15) Jan Narveson, *The Libertarian Idea*,201
16) Jan Narveson, *The Libertarian Idea*,235
17) Jan Narveson, *The Libertarian Idea*,248
18) Jan Narveson, *The Libertarian Idea*,252
19) Adriana Lukasova, ó"Nozickôs Libertarianism: A qualified defenceôô, *Philosophical Notes* No.32, 2

20) Adriana Lukasova, *Philosophical Notes,*4

21) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995),69

22) Robert Nozick, *Anarchy, State And Utopia*, (UK: Blackwell Publishers Ltd,1974),178

23) Tom G. Palmer, ôôG.A Cohen on Self-Ownership, Property, And Equalityôô, *Critical Review* Vol.12,No.3,227

24) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality*,90

25) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality*,89

26) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality*,78

27) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality*,83

28) Gerald Allan, Cohen, *Self-ownership, Freedom, and Equality*, 92

29) Robert Nozick, *Anarchy, State And Utopia*,238

30) Samuel Scheffler, ôô Natural Rights Equality and the Minimal Stateôô, in E. Paul (ed.) *Reading Nozick: Essays on Anarchy, State and Utopia*, (Oxford: Basil Blackwell, 1982),153

31) Samuel Scheffler, *Reading Nozick: Essays on Anarchy, State and Utopia*,158-9

32) Samuel Scheffler, *Reading Nozick: Essays on Anarchy, State and Utopia* ,159

33) Samuel Scheffler, *Reading Nozick: Essays on Anarchy, State and Utopia* ,159

34) Paul Russel, ôôNozick Need and Charityôô, *Journal of Applied Philosophy*, Vol.4, No.2, 1987, 205-216.

35) Paul Russel, *Journal of Applied Philosophy* ,211

36) Paul Russel, *Journal of Applied Philosophy*,214

37) Robert Nozick, *Anarchy, State And Utopia*,30

38) Robert Nozick, *Anarchy, State And Utopia*,32

39) Robert Nozick, *Anarchy, State And Utopia*,33

40) Robert Nozick, *Anarchy, State And Utopia*,174

41) Robert Nozick, *Anarchy, State And Utopia*,155-64

42) Robert Nozick, *Anarchy, State And Utopia*,102

CHAPTER FIVE

SUMMARY AND CONCLUSION

Any theory without its practicability does not worth it. The essence of political theories is for it to be applied to the modern society in order to make life better for the whole human race. I also believe that any theory, no matter how absurd it is, is meant for the improvement of the economic, social, religious, and ethical aspects of human life. Some of these political theories have been adopted and implemented; some disregarded and abolished due to the fact that they are either favourable or unfavourable.

Nozickôs theory should be seen from the same angle of whether or not it is practicable in reality. No matter the excuse he gives or the excuse someone gives on his behalf, philosophical issues should not be futile but should have serious value, substance and a sense of responsibility. My arguments against Nozickôs theory are based on practical effect or the useful result of his theories in the contemporary world. The introduction of a minimal state today would not, and perhaps could not, have the effect Nozick desires, and there is little indication of what sequence of events could lead to a minimal state which would work. Nozickôs entitlement theory as a theory of private property and free-market economy cannot foster peaceful co-existence and economic progress in human society. The effect of Nozickôs entitlement theory in terms of the non-interference of the state in the activities of citizens is utopic and practically impossible in the contemporary society. Every society ought to maintain peace and order in order for the state to be inhabitable and also governable. Citizens should consent to the government of the state. Society ought to regulate the distribution of goods (money, property, etc). This can be done through taxation, making of laws that should be abided by the members of the society. Justice demands that the state should have the powers to regulate the economic activities of citizens, to redistribute wealth in the direction of greater equality, and to provide social services such as education and health care.

A standard criticism of Nozickôs theory is that it will at best tolerate, and at worst actually cause, extreme and extremely unjust inequalities. Extreme inequality is such a distribution of resources that there is a threat of domination by a few wealthy individuals who have control over jobs, production and politics.

Property rights are not only held against the state, as is commonly thought, but are parasitic upon the existence of the state. An individual may well feel entitled to property as a matter of his or her morality, but as Locke pointed out, the determinacy of the entitlement will necessarily rely upon it being recognized and enforced by some kind of political organisation. Without the state, property rights, as rights of exclusion do not exist, since they suffer continually from an indeterminacy problem. The failure of Nozickôs political philosophy to justify the right of a legitimate political authority to regulate property suggests that if we care about the justice of a society within a state, we must take great care when issuing property rights. Once a property right is granted by the state, the stateôs legitimacy in the eyes of the owner is closely tied to continuation of that property. I defend the idea that that a stateôs legitimacy depends upon the upholding of property rights because, the state must enforce those property rights that the state has authorised.

Another point to be made when determining the feasibility of achieving the requirements that the population uniformly respect others, is that it is not possible, in general rather than in particular cases, for an individual who considers himself or herself superior to another, to respect the other's liberty to the same degree as someone he or she considers an equal. For example, if the individual has more wealth, better social status, or whatever, can they respect the liberty of individuals with less wealth, social status, etc?

Nozickôs entitlement theory implies no moral obligation to obey the state. Locke's theory of tacit consent implies that if we break the law (e. g. by driving over the speed limit) we do something morally wrong, namely violate an undertaking we have tacitly given to

obey the government. On Nozick's theory there is no consent, no duty of obedience (though there is a natural duty to respect the natural rights of others). It rules out the possibility that individuals have an enforceable duty to pay any taxes to promote any social goals.

Nozick in his last book *Invariances*, identified voluntary cooperation as the ôcore principleõ of ethics, maintaining that the duty not to interfere with another personôs ôdomain of choiceõ is ôall that any society should (coercively) demandõ. Higher levels of ethics, involving positive benevolence, represent instead a ôpersonal idealõ that should be left to a personôs own individual choice and development.[1]

In 1987, Nozick announced that he now found his earlier political writings ôseriously inadequateõ. In his new view, individual rights were merely one value among others and could legitimately be ôoverridden or diminished in trade-offsõ against such other values as the symbolic significance of official concern with issues or problems, as a way of making their importance or urgency.[2]

So, in conclusion, there seem to be some deep contradictions inherent in "*Anarchy, State, and Utopia*". The entitlement theory of justice probably cannot be fixed without introducing some form of constant interference in individuals' private transactions and the minimal state cannot survive as intended without general equality.

END NOTES

1.) Robert Nozick, *Invariances: The Structure of the Objective World*, (Cambridge, Mass: Harvard University Press, 2001), 280-82

2.) Robert Nozick, *The Examined Life: Philosophical Meditations*, (New York: Simon $ Schuster,1989),286-92

BIBLOGRAPY

PRIMARY SOURCES

Nozick, Robert. *Anarchy, State and Utopia*. UK: Blackwell Publishers Ltd, 1974

Nozick, Robert. *The Examined Life*. New York: Simon and Schuster, 1989

SECONDARY SOURCES

Jeffery,Paul. ed., *Reading Nozick: Essays on Anarchy, State and Utopia*. Totowa NJ: Rowman and Littlefield, 1981

Lukasova, Adriana. ôNozickôs Libertarianism: A Qualified Defenceôö. *Philosophical Notes* No. 32, Libertarian Alliance, London,1992

Murray, N. Rothbard. ôRobert Nozick and the Immaculate Conception of the Stateôö. *Journal of Libertarian Studies*, Vol. 1, No 1UK: Pergamon Press,1977

Schmidtz David, ed., *Robert Nozick*.UK: Cambridge University Press, 2002

Wolff, Jonathan. *Robert Nozick: Property, Justice, and the Minimal State*. Cambridge, U.K.: Polity Press, 1991

GENERAL SOURCES

Aristotle. *The Nicomachean Ethics*. translated by J.A.K Thomas London: Penguin book Ltd,1976

Cohen, Gerald Allan. *Self-Ownership, Freedom and Equality*. London: Cambridge University Press,1995)

Cohen, Martin. *Political Philosophy: from Plato to Mao*. London: Pluto Press, 2001

Dworkin, Ronald. *Taking Rights Seriously*. Massachusetts: Harvard University Press, 1977

Finnis, John. *Natural Law and Natural Rights*. New York: Oxford University Press Inc.,1980

Gratsch,E. *Introduction and Interpretation of Aquinas Summa* Bangalore: Theological Publication Indianapolis, 1990

Gauba, O.P. *An Introduction to Political theory*. Fourth edition, New Delhi: Macmillan India Ltd,2003

Grotius, Hugo. *De iure Belli ac Pacis* (on the law of war and peace) .Paris: Buon,1625

Hayek, Fedrick. *The Constitution of Liberty*. Chicago: University of Chicago Press, 1960

Higgins, T. *Man as Man: The Art and Science of Man*. New York: The Bruce Publishing Company, 1958

Hobbes, Thomas. *Leviathan*. ed. Rod Hay, London: Green Dragon Publisher, 1651

Immanuel, Kant. *Groundwork of the Metaphysics of Morals*, Translated by H. J Paton,London: Hutchinson, 1956

Kymlicka, Will. *Contemporary political philosophy: An Introduction*. 2nd Edition, NewYork: Oxford University Press,2002

Locke, John. *Two Treatises of Government*. 10th Edition.London: Hackett Publishing Company, 1960

Locke, John. *Second Treatises of Government*. ed. C.B McPherson. Indianapolis: Hackett Publishing Company, 1980

Macintyre, Alasdair. *After Virture: A Study in Moral Theory.* Third Edition. Indiana:University of Notre Dame Press,2007

Maritain, Jacques. *The Rights of Man*. London: Robert Maclehose and Co. Ltd, 1944

Omoregbe, Joseph. *Ethics, A Systematic and Historical Study*. Lagos: Cepco Communication System Ltd., 1989

Omoregbe, Joseph. *Knowing Philosophy.* Lagos: Joja Educational Research and Publishers Ltd,1999

Otuska, Micheal. *Libertarianism without inequality*. New York: Oxford University Press,2003

Plato, *Plato Complete works*. ed. John M. Cooper. Indianapolis: Hackett Publishing Company, 1997

Raphael David, Deiches. *Problems of Political Philosophy*. revised edition. London: The Macmillan, Press Ltd,1976.

Rawls, John. *A Theory of Justice*. revised edition. Oxford: Oxford University Press, 1999

Sandel, J Michael. *Liberalism and the Limits of Justice.* London: Cambrigde University Press, 1998

Stumpf, Samuel Enuch. *Philosophy: History and Problems*. 6th Edition, New York: McGraw-Hill, 2003

The New Webster's Dictionary of English Language. International Edition. New York: Lexicon International Publishers Guild Company, 1974

Tibor, R. Machan. ôôAgainst Nonlibertarian Natural Rights.ôô *Journal of Libertarian Studies*, Vol. 2, No 3.UK: Pergamon Press,1978

Uwalaka, J. ôInclusive Humanismô in J. O Oguejiofor, (ed.) *Africa, Philosophy and Public Affair*.Enugu: Delta Publications,1998

The New Webster's Dictionary of English Language, International Edition, New York: Lexicon International Publishers Guild Company, 1974

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EXTERNAL EXAMINER'S COMMENTS AND OBSERVATION

S/N	INCORRECT	CORRECT
1	On the title page, the caption ôTitle Pageô should be removed.	Corrected. See Page i
2	On the approval page, the caption ôApproval Pageô should be removed.	Corrected. See Page ii
3	Writing ôPreambleô while introducing each chapter should be removed.	Corrected. See Page vi, vii,
4	Abstract should state the problem the subject sets out to deal with, the solution proffered, identify some gaps in the proffered solution and the thesis attempt to fill the gap.	Corrected. See Page viii
5	The typed words should be double line spacing and text should be aligned to both left and right margin	Corrected. See page iii, iv, v,6,7,41
6	The abstract should reflect three segments which are- stating the problem the subject sets out to deal with, identifying some gaps and attempting to fill the gap and its outcome.	Corrected. See Page viii
7	Statement of the problem should be stated clearly.	Corrected. See Page 2
8	Paragraph is too short.	Corrected. See Page 2,3,4,6,7,18
9	No References made in Chapter one.	Corrected. See Page 5

10	There is no Section that explicates unusual or special concepts in chapter one	Corrected. See Page 4
11	Long sentences should be reduced with paragraphs	Corrected. See Page 8,9,10,12,15,32,33,39,48,49
12	Indentation should be given a broader width.	Corrected. See Page 14,17,30,33,34,37.38

Listed above are all the external examinerôs comments/observations and the corrections effected by the candidate after the external examination of his MA dissertation.

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