



## **Reading Nozick's Critic of Rawls' Theory of Justice**

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### **ABSTRACT**

This paper evaluates Nozick's critic of Rawls' difference principle and his idea of social cooperation. Nozick proposes an entitlement theory as an alternative to Rawls' theory of justice. He makes a case for three principles of justice and discards Rawls' idea of social cooperation. I argue that comparatively Rawls' difference principle is preferable since the question of distributive justice is inescapable. I demonstrate that Nozick's principle of rectification cannot be applied in the real world. I conclude by showing that Nozick's idea of the social non-cooperation situation is a myth.

### **INTRODUCTION**

On the one hand, Rawls' insistence in his first principle of justice on equal basic liberties that may not be infringed upon even for the purpose of promoting socio-economic equality marks him clearly as belonging to the liberal tradition. On the other hand, Rawls' commitment to improve the situation of the least fortunate marks his theory as opting for an egalitarian standard of social justice. This view is sharply criticized by libertarian liberals such as Robert Nozick. Libertarian liberalism maintains that the role of the state is confined to protecting individual rights and private property of individuals.

First, I briefly give the nature of libertarianism in general. Second, I discuss Nozick's libertarianism in detail because he specifically attempts to criticize "theories of distributive justice which do envisage a more extensive state, focusing especially on the recent powerful theory of John Rawls" (Nozick, 1974: xi). Third, I investigate whether Rawls' egalitarian and libertarian liberalisms cherish the ideal of a sharing political community.

#### **The nature of libertarianism**

David Boaz, a contemporary proponent of libertarianism, holds the view that "for libertarians, the basic unit of social analysis is the individual. It's hard

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to imagine how it could be anything else” (Boaz, 1997: 95). While acknowledging the value of society to individuals, Boaz holds that at the conceptual level, society all by itself does not have an independent existence, it is composed of individuals. According to Boaz, since society as a ‘whole’ has no separate existence, only individuals have rights, not society. Summing up his discussion on individualism, Boaz maintains that “libertarianism is the kind of individualism that is appropriate to a free society: treating adults as adults, letting them make decisions even when they make mistakes, trusting them to find the best solutions for their own lives” (Boaz, 1997: 104). Boaz emphasizes that individuals as free and equal persons have a right to make decisions for their own lives.

In line with Boaz, Nozick opts for a minimal state that is confined to protecting the rights of individuals. For Nozick, “the night-watchman state of classical liberal theory, limited to the functions of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts, and so on, appears to be redistributive” (Nozick, 1974: 26). According to Nozick, the night-watchman state is apparently redistributive because it forces some people to pay for the protection of others. The state in Nozick’s view cannot compel some people to be accountable for the protection of other people without violating the rights of the former. The minimal state, therefore, must be confined to the functions of protecting individual rights and private property.

#### **Nozick’s critique of Rawls’ difference principle**

I assume that Rawls’ first principle of justice is acceptable to Nozick because it specifically posits priority to the protection of the rights of individuals, particularly their personal property. He does not comment on Rawls’ liberty principle presumably because it exclusively talks about the importance of individual rights, and that is precisely in line with his libertarian standpoint. The problem arises with Rawls’ second principle of justice, which according to Nozick does interfere with the holdings individuals are entitled to. Nozick challenges the choice the representatives in the hypothetical situation make. Rawls’ two principles of justice are chosen to regulate all basic institutions. Nozick’s critique rests solely on Rawls’ difference principle.

For Rawls, representatives in the original position choose the first principle that requires equality in the assignment of basic rights. Again, they choose the second principle that “holds that social and economic inequalities, for example, inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society” (Rawls, 1971: 14-15). According to Rawls, the difference principle allows the well off members of society to maintain their wealth and enjoy the privilege of exercising authority on condition that their wealth and position of power improve the situation of the worst off members of society.

Nozick's reaction is that Rawls' representatives in the hypothetical situation talk about groups instead of individuals. Nozick asks: "we should question why individuals in the original position would choose a principle that focuses upon groups, rather than individuals" (Nozick, 1974: 190). If my interpretation of Nozick is correct, his argument runs as follows: the acceptability of Rawls' first principle of justice consists in that it fulfills the fundamental requirement of libertarianism, namely, an exclusive focus on the rights of individuals, and in particular the right to what they are entitled to. Now, the second principle's focus on groups rather than individuals tends to undermine the rights individuals are entitled to, particularly their holdings. A principle that focuses on group is inclined towards absorbing individuals into a group, and consequently strip them of the holdings they are rightfully entitled to. Nozick's other complaint is that Rawls' idea of the worst off group seems to be rather ambiguous. In his discussion of the worst off it is not clear why Rawls does not include "the group of depressive or alcoholics or the paraplegic" (Nozick, 1974: 190). For Nozick, individuals in possession of holdings will not opt for the difference principle because it focuses on groups that may deprive them of the holdings they are entitled to. So, as an alternative, Nozick proposes an entitlement theory, a theory that focuses on protecting individuals' entitlements.

First, Nozick correctly notes that Rawls does not specify who exactly comprises the worst off group. A similar complaint is raised by Kymlicka to Dworkin (Kymlicka, 1990: 76-85). Kymlicka's dissatisfaction consists in that Dworkin does not spell out the naturally disadvantaged for which the rich should be taxed. Maybe Rawls could have clarified in detail and specified the worst off he is talking about. However, in his difference principle, Rawls talks about two groups, that of the well off and that of the worst off people. By the first group, he refers to the talented individuals whereas by the later he means the less talented. If this is the case, it seems unfair to maintain that Rawls does not talk about individuals. The weakness of Rawls in this particular case, as I see it, consists in that he does not tell us who the least advantaged individuals are, not that he does not talk about individuals.

Second, Nozick's main point is that Rawls' difference principle focuses on society rather than on individuals. Society comprises the worst off and the well off people. Since Rawls seems to be more concerned about the worst off in society, Nozick's complaint consists in that the well off individuals are going to be exploited to improve the situation of the worst off members of society. The main issue surrounding the difference principle seems to revolve around the problem of how individuals should relate to society. As mentioned earlier, Nozick is satisfied with Rawls' first principle that talks solely about individuals. But he is discontent with the second principle because its mention of society or groups may be detrimental to the entitlements individuals have a right to.

A self-declared libertarian who cherishes Nozick's individualistic viewpoint describes the relation between individuals and society. For Boaz,

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“at the conceptual level, we must understand that society is composed of individuals. It has no independent existence” (Boaz, 1997: 95). This amounts to saying that we cannot talk about society independently of individuals because it is an entity composed of individuals. In other words, just as a whole cannot exist without parts, so society cannot exist without individuals.

Boaz makes an important observation about the formation of the community, and why individuals combine to form a community. He specifically maintains that by a community he only means a community of free individuals in voluntarily chosen associations. According to Boaz, “Individuals do not emerge from community; community emerges from individuals... To fulfill their needs and desires, individuals must combine with others” (Boaz, 1997: 131).

In his overall writings, Rawls is in full agreement with Boaz so far. In defense of Rawls here I maintain that the question Rawls attempts to answer is the following: once the community has emerged from individuals, who is responsible for the maintenance of the community? Given that society has no independent existence, Rawls with his difference principle claims that individuals themselves must be accountable for its sustenance. The individuals' aim to form a community is to meet their needs and desires. Aware that some individuals cannot attain their goal on their own because of the natural disadvantages that accompany them, Rawls arranges his difference principle such that in their pursuit of fulfilling their needs and desires, the naturally talented individuals must work together with the less talented individuals so that all may ultimately attain their common goal, that is, realization of their basic needs.

In view of satisfying Nozick's worry about the mention of 'group', I do not think Rawls would find it inconvenient to re-formulate his second principle. Instead of saying that 'social economic inequalities are to be arranged so that they are reasonably expected to be to everyone's advantage', he can say: social and economic inequalities are to be arranged so that they are reasonably expected to be to every individual's advantage. In fact, there is no difference.

Showing his discontent about theories of distributive justice, Nozick exclaims:

“I lack a good explanation of why the usual theories of distributive justice are so recipient oriented; ignoring givers and transfers and their rights is of a piece with ignoring producers and their entitlements. But why is it all ignored” (Nozick, 1974: 168).

Nozick cannot apply this critique to Rawls' theory of distributive justice without misconceiving Rawls' difference, a principle that does not ignore Nozick's givers, transferers, and producers whom Rawls allow to continue enriching themselves.

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Nozick overstates his claim when he says that Rawls' difference principle is recipient oriented. According to Rawls, the least advantaged earn their living not by being mere recipients. They participate actively in the production of goods beneficial to themselves as well as the fortunate members of society. Rawls does not ignore the talented members of society. His difference principle is arranged such that they continue to increase their production and retain their entitlements as rightfully theirs on condition that their production contributes to the welfare of the least talented. As a matter of fact, the more talented individuals need the less talented individuals to maintain their position. It is hard to see how the more talented people can maintain and improve their situation without the assistance of the least talented. Thus, as far as Rawls is concerned, it is not the case that his difference principle is recipient oriented.

### **Nozick's principles of justice**

Discontent with Rawls' theory of justice, Nozick proposes an entitlement theory as a preferable theory. According to Nozick, individuals are robbed of the holdings they are entitled to. Justice, Nozick maintains, simply requires that a person must get from others who give to her in exchange for something, or as a gift. An endeavour to improve the situation of the worst off does not fall within the domain of justice. In short, the well off may freely decide to improve the condition of the worst off, not as something demanded by justice, but just by showing an act of charity. It is for this reason that Nozick sets out to substitute Rawls' principles of justice with his principles of justice in holdings. His principles run as follows:

A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding. 2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding. 3. No one is entitled to a holding except by (repeated) applications of 1 and 2 (Nozick, 1974: 151).

Nozick outlines his entitlement theory of justice in holdings as follows: the holdings of a person are just only if such a person possesses them legitimately by the principles of justice in acquisition and transfer. In the case whereby anyone of these two principles is violated, Nozick maintains, the principle of justice in rectification must be implemented as compensation to those upon which injustices have been done. He explains his principles of justice in holdings thus:

First, Nozick calls his first principle the principle of justice in acquisition. Individuals have a right to acquire unheld things, and once they have rightfully acquired them, they are entitled to hold or possess them as rightfully theirs. Farmers, for instance, are entitled to acquire crops as the fruit of their labour. Once a farmer has rightfully acquired the crop, she can

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exchange it for money. In this sense, Nozick maintains, there is no question of redistribution. The point that Nozick stresses is that nobody has a right to interfere with the individuals' acquisitions of holdings except the individuals themselves who are the rightful owners of these holdings.

Second, Nozick calls his second principle the principle of justice in transfer. This principle deals with a just transfer of holdings from one person to another, and devises a procedure by means of which a person can acquire a holding from another person holding it. According to Nozick, if a distribution arises from another just distribution by legitimate means, such a distribution is just. The principle of justice in transfer is the legitimate means of exchanging or donating holdings. Nozick mentions three ways by means of which holdings can be legitimately transferred: first, the rightful owner may exchange her holding in exchange for something; second, she may transfer her holding to her child to inherit it; and third, she may pass her holding to another person as a gift. In all these cases, the persons who receive the holdings are legitimately entitled to possess them as their own.

For Nozick, individuals are in no way obliged to acquire and transfer their holdings such that they may improve the situation of the worst members of society. In as far as justice is concerned, individuals must legitimately acquire and transfer their holdings as explained above, and that suffices. This view differs drastically from Rawls' who maintains that individuals are entitled to acquire holdings to maintain and improve their positions on conditions that the situation of the worst off members of society is improved. However, Rawls specifies that the well off people gain in his arrangement.

Third, Nozick calls his third principle the principle of justice in rectification. This principle stipulates that individuals are not entitled to holdings on two conditions: if they have not been legitimately acquired and if they have not been legitimately transferred. If the holdings have not been justly acquired or transferred a rectification must be made for these injustices. This amounts to saying that those upon whom injustices have been made when holdings were acquired or transferred must be compensated. Unfortunately, Nozick does not explain how this rectification should be carried out for the victims of injustice. The questions that Nozick asks concerning his principle of rectification illustrate that this principle is hard to apply in concrete reality. Given the real situation in the United States where some indigenous people are still fighting battles, Nozick's failure to apply his principle of rectification shows that it is hard to apply it in concrete reality.

Nozick raises important questions, questions that show the problems involved in his principles of justice in holdings. He notes that the existence of past injustices violates the first two principles of justice in holdings. If the existence of past injustices is notable, what remains is how the rectification of injustices in holdings is to be made. But Nozick does not tell us specifically how the rectification is to be made to the victims of injustice. However, the questions he raises are important since they help us to fairly assess his principles and see how they fare with Rawls' principle of justice. Nozick asks,

If past injustice has shaped present holdings in various ways, some identifiable and some not, what now, if anything, ought to be done to rectify these injustices? What obligations do the performers of injustice have toward those whose position is worse than it would have been had the injustice not been done?... How, if at all, does things change if the beneficiaries and those worst off are not the direct parties in the act of injustice, but, for example, their descendants?... How far back must one go in wiping clean the historical slate of injustice? What may victims of injustice permissibly do in order to rectify the injustices being done to them, including the many injustices done by persons acting through their government? (Nozick, 1974: 152).

The existence of past injustices that Nozick holds that violate his first two principles of justice in holdings, can be proven beyond reasonable doubt basing oneself on historical evidence. First, the American society with its long standing practices of slavery and racism has led to the unjust acquisition of holdings. Given that such holdings were illegitimately acquired, their transference, whether by way of exchange or inheritance were equally unjust. Second, colonial powers illegitimately acquired minerals and practiced unjust means of cheap labour to acquire such minerals. Third, the present inequalities observable in South Africa are to a great extent caused by injustices that prevailed under the apartheid system. Some South Africans have inherited holdings that were illegitimately acquired, and some have been the victims of apartheid to date, and as a result they remain worst off. According to Nozick, all the people who have illegitimately acquired the holdings, and all those to whom the holdings have been transferred do not deserve to possess such holdings because the procedure they have followed violated his first two principles of justice in holdings.

However, the problem is much more complex because it is not the case that all the people presently in possession of holdings have acquired them illegitimately. Some have not violated Nozick's first two principles of justice in holdings, and so they are rightfully entitled to possess them. But it is hard to differentiate those who have violated his first two principles in holdings from those who have not violated them. With the abolition of slavery, colonialism, slavery, racism, apartheid, victims of past injustices may be traceable. But it is hard to distinguish those to whom holdings were illegitimately transferred because they were unjustly acquired from those to whom holdings were legitimately transferred because they were justly acquired. Therefore, Nozick's principle of rectification cannot be applied because we cannot easily distinguish those who have illegitimately acquired holdings and consequently transferred them illegitimately from those who have acquired them legitimately and transferred them justly because they followed the procedure stipulated in Nozick's first two principles of justice in holdings.

Hailwood confirms that given that some subsequent holdings are illegitimate, "we cannot tell how to rectify the subsequent injustices" (Hailwood, 1996: 45). He cites the historical example of the slave trade to illustrate the problem Nozick's principle of rectification is confronted with.

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Nozick too admits the impracticability of his principle of justice in rectification that is expected to be applied in his minimal state. He maintains that:

These issues are very complex and are best left to a full treatment of the principle of rectification. In the absence of such a treatment applied to a particular society, one cannot use the analysis and theory presented here to condemn any particular scheme of transfer payments, unless it is clear that no considerations of rectification of injustice could apply to justify it. Although to introduce socialism as the punishment our sins would be to go too far, past injustices might be so great as to make necessary in the short run a mere extensive state in order to rectify them" (Nozick, 1974: 231).

Confronted with choosing between two evils it is always preferable to choose the lesser evil. Nozick regards socialism that could better rectify past injustices as the greater evil that must be avoided. But he sets out to commit the fallacy of inconsistency by accommodating an extensive state that is incompatible with his entitlement theory that confines itself to a minimal state.

Critics of Nozick maintain the view that his principle of justice in rectification cannot be operable. For Wolff, "if Nozick's view is that we should remedy all wrongs which, according to entitlement theory, have occurred, then the prospect is mind-boggling" (Wolff, 1991:115). Lyons (1982: 355- 379) correctly holds that, if Nozick is taken seriously, a great part of the United States should be returned to the American Indians. Bader also maintains that cases that involve the destruction of the property that is acquired illegitimately are problematic for the principle of justice in rectification. "This is because the objects to which people were entitled have been destroyed and consequently cannot be returned to their rightful owners. There is nothing for the principle of rectification to do in such cases" (Bader, 2010: 105). Failure to implement the principle of rectification explicitly implies failure to rectify past injustices whereby Nozick's first two principles have been violated.

Undoubtedly, Nozick is confronted with a problem of reinforcing his principle of justice in rectification. On the one hand, if he does not endorse this principle because he cannot identify those who have violated the first two principles of justice in holdings, he does injustice to the victims of past injustice that has made them worst off. On the other hand, if he endorses this principle as a compensation to the victims of past injustices because he knows that some have violated the first two principles though he cannot identify them, he does injustice to those who have not violated the first two principles of justice in holdings. In this case, he robs them of the entitlement which is rightfully theirs, a right he is committed to protect. Consequently, it is hard for Nozick's principle of rectification to be operable.



To the problem posed by Nozick, my interpretation of Rawls' difference principle is a preferable lesser evil. It seems to me that Rawls is not unaware of the existence of past injustices, injustices which to a certain extent have shaped present holdings in various ways. Since it is now hard to identify those who have violated Nozick's first two principles of justice in holdings and the descendents to whom illegitimate holdings have been transferred, Rawls proposes a solution that may benefit both the benefactors of past injustices and the victims of past injustices. Of course, Rawls' difference principle does not aim at redress; rather, it redistributes resources for both parties.

All individuals presently in possession of holdings must work in collaboration with the have-nots in view of improving the conditions of the later. For Rawls, all must work together in social co-operations if they want to lead a complete life. The arrangement must be such that everybody must gain from the deal. Inevitably, this cannot be considered to be the most just solution because some people have not violated the first two principles of justice in holdings. However, given that the terms of arrangement is such that they will maintain and improve their situation, they can agree to collaborate. Similarly, the solution cannot be regarded as being perfectly just to the victims of injustice who might have not been in the situation in which they now find themselves had these injustices not occurred. Anyway, given that it is hard to identify the people who have violated the principles of justice in holdings, the people, if known, could be forced to rectify, and given that they will gain, they too can agree to an arrangement that will at least make them better off.

#### **Nozick on Rawls' idea of social cooperation**

In his endeavour to protect the well off people regarding their entitlements, Nozick thinks that Rawls' idea of social cooperation is untenable since it is problematic in distributive justice. For Rawls, The intuitive idea is that since everyone's well-being depends upon a scheme of cooperation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing cooperation of everyone taking part in it, including those less well situated (Rawls, 1971: 15).

According to Rawls, the idea of social cooperation is not a matter of choice. Life is such that individuals find themselves engaged in a scheme of cooperation, a scheme that enables them to meet their needs. For Rawls, people can lead a complete life only if they work in cooperation. Given that they know that they cannot achieve this by themselves alone, they have no choice but to join social co-operations. However, it is important to note that as to which social cooperation one joins, it is a matter of individual choice. Now, the problem Rawls is confronted with is that of distributing the benefits of social cooperation. He refers to people who work together and how they will distribute their resources fairly. Rawls, then, proposes the principles of

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social justice since “they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation” (Rawls, 1971: 4). Rawls supposes that by implementing his principles of social justice people will have a fair share in the benefits of social cooperation.

However, Nozick is dissatisfied with the idea of social cooperation because it is accompanied by the unwanted problem of distributive justice. He asks: “Would there be no problem of justice and no need for a theory of justice, if there was no social cooperation at all, if each person got his share solely by his own efforts?” (Nozick, 1974: 185). To avoid the question of distributive justice that comes into being because of the idea of social cooperation, Nozick suggests that individuals should work separately so that no one may interfere with one another’s shares and efforts. For Nozick, in the social noncooperation situation... each individual deserves what he gets unaided by his own efforts; or rather, no one else can make a claim of justice against this holding. It is pellucidly clear in this situation who is entitled to what, so no theory of justice is needed. On this view social cooperation introduces a muddying of the waters that makes it unclear or indeterminate who is entitled to what (Nozick, 1974: 185-186).

Nozick’s main discontent consists in that the claim of justice interferes with individuals’ own efforts and holdings they are entitled to. Thus, he finds it preferable to opt for a social non-cooperation situation that provides individuals the opportunity of enjoying being in full possession of their own entitlements. Rather than indulging in a theory of justice, that makes it indeterminate who is entitled to what, Nozick suggests as an alternative the entitlement theory as the correct theory, a theory that gives individuals their entitlements without unfairly distributing them to non-rightful owners.

Contrary to Nozick’s idea of a social non-cooperation, Boaz holds the view that “individuals benefit greatly from their interactions with other individuals, a point usually summed up by traditional philosophers as ‘cooperation’... Life would indeed be nasty, brutish, and short if it were solitary” (Boaz, 1997: 96). In their pursuit of success in life, Boaz maintains that human beings can achieve very little if they do not cooperate in various ways. It is the duty of the government, Boaz maintains, to create an environment in which individuals can cooperate fairly when pursuing their goals, and to secure their rights and properties (Boaz, 1997: 132).

In Rawls’ view, the idea of social cooperation is to be derived from the sociability of human beings, that is, the social nature of mankind. For Rawls, human beings have in fact shared final ends and they value their common institutions and activities as good in themselves. We need one another as partners in ways of life that are engaged in for their own sake, and the success and enjoyments of others are necessary for and complementary to our own good (Rawls, 1971: 522-523).

According to Rawls, our nature is such that we need one another as co-workers to strive for our common goal which is for our mutual advantage. It is through social union that individuals participate cooperatively for the

realization of their common goal, that is, the satisfaction of their needs and desires. Rawls maintains that individuals with their similar or complementary capacities cooperate in pursuit of their successes and enjoyments.

It is inconceivable how in Nozick's 'non-cooperation situation' individuals can, on their own attain any success and enjoyment. Just as factory owners need labourers to attain their goal, that is, satisfaction of their needs and desires, so do labourers need factory owners to attain their goal. In other words, entrepreneurs need labourers, and likewise the latter need the former. Nozick's non-cooperative situation is similar to Hobbes' hypothetical state of nature that was purely imaginary. It is surprising that Nozick should think of such a situation in contemporary industrial and contractarian society.

However, Nozick seems to be aware that it is nearly impracticable to imagine a situation whereby individuals can work separately so that they may get their fair share without any intervention. That is why instead of talking about 'individual non-cooperation situation', he talks about 'social non-cooperation situation'. If his non-cooperation situation has a social dimension, an element of partnership that is unavoidably contractual is inescapable. In this situation, the issue of distributive justice is not a problem as Nozick maintains but a solution to who gets what, in particular, how much each gets fairly. Given that justice stands for fairness, rather than interfering with individuals' own efforts and holdings, it ensures that each gets what her labour deserves.

Nozick is dissatisfied about the idea of social cooperation since it is likely to hamper the seemingly secured and well protected situation of the well off individuals. He specifically points out that, "entering into such social cooperation, beneficial to those less well off, would seriously worsen the position of the well off group by creating relations of presumptive equality between themselves and the worst off group" (Nozick, 1974: 223). Nozick's argument can be summed up as follows: Rawls' egalitarian liberalism aims at attaining equality for all members of a well-ordered society, and this is detrimental to the holdings of the well off group. However, Rawls himself admits that the desire to attain equality, say, in social primary goods, is an impracticable presumption. So, Rawls suggests the idea of social cooperation as a compensation for the existing and unwanted inequalities among the members of a well-ordered society. For Nozick, such an idea is solely introduced in view of enriching the less well off group. If the aim of social cooperation is to improve the situation of the badly off people, Nozick argues, the position of the well off group is likely to be worsened for if one group loses, the other gains. Then, if social cooperation is beneficial to the badly off group, it is detrimental to the well off group. So, the well off will not opt for social cooperation since it endangers their situation.

Nozick's exclusive concern about the well off group mistakenly makes him think that Rawls is exclusively concerned about the badly off people. I have shown that Rawls claims that his difference principle is arranged such

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that everyone, that is, the well off and the worst off gain from the social cooperation. Rawls goes to the extent of allowing inequalities that maintain and improve the position of the well off group only on condition that such inequalities improve the situation of the least fortunate. In short, the difference principle is arranged such that the well off are assured of not losing. The people who could plausibly complain about the difference principle could be the worst off because by becoming better off most of their need and desires are still wanting. The difference principle is such that it enables the well off group to satisfy most of their needs and desires by maintaining and improving their situation. If the difference principle is arranged so as to ensure the well off group that will definitely gain, it is hard to see how their situation can be 'seriously worsened'.

I assume that Nozick's dissatisfaction about the idea of social cooperation is that this idea is introduced as a compensation to the worst off people because Rawls claims that "the greater advantages of some are in return for compensating benefits for the less favored; and no one supposes that those who have a larger share are more deserving from a moral point of view" (Rawls, 1971: 536). But, it is important to note that here Rawls talks about the naturally advantaged and naturally disadvantaged people. His point is that the rich naturally talented people do not deserve to be where they are, just as those disadvantaged by nature, such as the naturally handicapped, do not deserve to have been born in the situation in which they find themselves. This being the case, the former must assist the latter since the latter's natural disability deprives them of the opportunity to work for themselves. It is by mere brute luck that some people are born handicapped; they do not deserve to have been born that way. So, the naturally talented well off are morally obliged to assist the naturally disadvantaged.

In as far as the idea of social cooperation is concerned, contrary to Nozick's viewpoint, Rawls' concluding remarks show that the rich members of a well-ordered society benefit more than the worst off. For Rawls, "although in theory the difference principle permits indefinitely large inequalities in return for small gains to the less favored, the spread of income and wealth should not be excessive in practice, given the requisite background institutions" (Rawls, 1971: 536). The first part of this passage clearly stipulates that as long as inequalities are allowed, the worst off gain less than the well off group. If large inequalities are permitted, the more favoured people gain more. Therefore, as long as the difference principle allows inequalities, it is hard to see how the position of Nozick favoured people can be seriously worsened.

In his later work, Rawls specifically talks about the idea of social cooperation. According to Rawls, the idea of social cooperation carries with it fair terms of working together. That is to say, participants find such terms reasonably acceptable, only if everyone else would accept them. For Rawls, "fair terms of cooperation specify an idea of reciprocity: all who are engaged in cooperation and who do their part as the rules and procedure require, are to benefit in an appropriate way as assessed by a suitable benchmark of

comparison” (Rawls, 1996: 16). Rawls’ idea of social cooperation is not introduced to exploit the well off group. Rather, it is arranged such that both groups benefit appropriately.

The arrangement in Rawls’ social cooperation is considered to be fair only if all the participants will benefit appropriately, that is, each will get her fair share. To ensure that these fair terms of social cooperation are in accordance with the demands of a conception of political justice, Rawls suggests principles of right as useful tools to be deployed in regulating the arrangement of background justice. With the principle of right specifying fundamental rights and duties, Rawls maintains that, “the benefits produced by everyone’s efforts are fairly distributed and shared from one generation to the next” (Rawls, 1996: 16). In as far as the idea of social cooperation is concerned, Rawls does not talk in favour of the badly off group at the detriment of worsening the situation of the well off group. Rather, he maintains that the terms of social cooperation are fair on condition that everyone, namely, the well off and the worst off benefit from the cooperation.

When he further explicates his idea of social cooperation, Rawls states that it inclusively implies reciprocity and mutuality. He maintains that, Social cooperation is always for mutual benefit and this implies that it involves two elements: the first is a shared notion of fair terms of cooperation, which each participant may reasonably be expected to accept, provided that everyone else likewise accepts them. Fair terms of cooperation articulate an idea of reciprocity and mutuality: all who cooperate must benefit, or share in common burdens, in some appropriate fashion judged by a suitable benchmark of comparison (Rawls: 1996: 300).

This being the case, it is unfair to Rawls to maintain that his idea of social cooperation entails favouritism. The terms of reciprocity and mutuality imply that all the participants join hand to improve their respective situations. It is not the case that ‘social cooperation introduces a muddying of the waters that makes it unclear or indeterminate who is entitled to what’. On the contrary, the claim for distributive justice clarify that everyone must have a fair share. The terms of social cooperation are such that the participants share fairly the benefits and burdens of their labours. If each participant gets her fair share, it is not the case that the idea of social cooperation makes it unclear who is entitled to what. As a matter of fact, Nozick’s well off individuals cannot maintain and improve their situation without being engaged in a social cooperation.

Nozick’s discussion on the idea of social cooperation is confusing and contradictory. Earlier he opted for non-cooperation and later he talks about individuals cooperating while working separately. He now maintains that “people cooperate in making things but they work separately; each person is a miniature firm” (Nozick, 1974: 186). In this case, he thinks it will be easy to identify the products of each participant. As a result there is no need to apply Rawls’ theory of justice. So, an application of an entitlement theory gives each participant what she deserves.

### *Reading Nozick's Critic of Rawls' Theory of Justice*

Nozick's discussion on the idea of cooperation that is hypothetical is hardly applicable in concrete reality. His main claim that in a system of full cooperation there is no more need for a theory of distributive justice, than in a manufacture can hardly be operable in a real world of relationships within a modern and complex cooperation of production. In fact, Nozick's view could be applicable in Locke's theory of private property where individuals simply mixed their labour with unheld things. Inevitably, there the idea of social cooperation could introduce 'a muddying of the waters that makes it unclear or indeterminate who is entitled to what'.

First, it is not clear how individuals can work cooperatively and separately at the same time. Nozick's insistence that individuals should work separately derives from his fear that his rich individuals are likely to be cheated if they enter into a social cooperation. But it is inconceivable that 'working cooperatively' and 'working separately' can ever be compatible. Either individuals can work cooperatively or separately, the two are clearly incompatible. With the exception of hermits, people under normal circumstances live in societies and must work cooperatively to meet their needs respectively. In fact, the nature of 'society' is such that individuals cannot be identified with Leibnizian monads that can exist separately and independently. Nozick's entitlement theory is to a great extent influenced by a monodological conception of the person, a conception according to which individuals can work separately, independently, and become self-sufficient with their holdings as the products of their own labour.

Second, I have already shown that according to Rawls, it is not the case that social cooperation is solely beneficial to the worst off group. The condition he lays for the terms of social cooperation is that everyone, including Nozick's well off group gain from the deal.

Third, given that the fair terms of cooperation involve and articulate the ideas of reciprocity and mutuality, it is hard to imagine individuals working separately, each becoming a miniature firm. The ideas of reciprocity and mutuality imply that while working together to attain their goals individuals also show mutual concern for the well being of their partners. As a matter of fact, social cooperation simply involves mutual assistance in working towards a common goal: every member gets what he or she is entitled to.

Fourth, I assume that Nozick misinterprets the idea of mutuality to imply that only the well off people should work together with the badly off group solely to improve the latter's unwanted situation. In this case, social cooperation becomes beneficial only to the least favoured group and the well off situation is likely to be worsened. But I have shown that the terms of social cooperation do not sanction such an arrangement; rather, both groups must gain from the cooperation. Perhaps, Nozick is unaware that the worst off need the well off just as the well off need the worst off. The two groups must agree to work together and the terms of agreement must be reciprocal and mutual such that each group gain from the deal.

Later, Nozick corrects himself and maintains that "political philosophy presented in *Anarchy, State, and Utopia* ignored the importance to us of joint

and official serious symbolic statement and expression of our social ties and concern and hence... inadequate” (Nozick, 1993: 32). In his later work Nozick confesses that in his major work he mistakenly ignored that individuals cannot function properly without Rawls’ idea of social co-operations.

## CONCLUSION

Nozick’s libertarian liberalism is too individualistic in that it is exclusively concerned with securing and protecting the rights of the well off individuals and tends to shun the duty of such individuals to their community. In Nozick’s entitlement theory the main aim is to ensure that the rights of individuals to their entitlements is protected.

Nozick’s entitlement theory is clearly one-sided. He exclusively sets out to protect the holdings of the well off talented people and ignores the worst off least talented people. He is insensitive to the plausible egalitarians’ claim that the talented well off people do not deserve to be where they are since they are there by mere brute luck; and that the worst off least talented people do not deserve to have been born devoid of the talents Nozick’s people are by sheer luck endowed with. It is not by choice but by brute luck that one is born talented.

Comparatively, Rawls’ justice as fairness is preferable to Nozick’s entitlement theory. Contrary to Nozick’s exclusive one-sided individualism, Rawls with his difference principle and idea of social cooperation at least attempts to include the worst off least talented people. His view of a well-ordered society is that in which the participants have certain shared final ends and regard the scheme of cooperation as a good in itself. However, as I have shown elsewhere in my other work, it is hardly conceivable that Rawls’ individualistic liberty principle can be reconciled with his claim to our obligation to commit ourselves to communal responsibility. But compared to Nozick’s theory, Rawls’ is a lesser evil that could be taken if there was no third alternative.

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