

A CRITIQUE OF ROBERT NOZICK'S THEORY OF JUSTICE: ITS EFFECTS ON NIGERIAN SOCIETY

Richman, Buwokuromo Igbagara*

Abstract

This work examines Robert Nozick's theory of justice and its possible effects on Nigeria society. It has been a philosophical quagmire, debate and controversy that philosophical postulations have no practical relevance on any society or human existence. It is on this background this paper aims to evaluate Robert Nozick's theory of justice on its societal benefits to Nigerian society. The scope of the paper is within the confines of socio-political philosophy particularly Robert Nozick's theory of justice and its societal gains in Nigeria. The significance is so enormous that it contributes to scholarship generally and practically beneficial to Nigerian society. The paper employs analysis and reflection as methods to show that Robert Nozick's justice theory has both positive and negative impacts on any society especially in Nigeria. Therefore, it is the finding of this paper that Robert Nozick's theory of justice can guarantee fundamental human rights, societal fairness, human value and the actualization of resource control in Nigeria if the negative impacts are cautiously managed or avoided.

Keywords: Robert Nozick, Theory, Justice, Nigeria, and Society.

Introduction

Situations as well as the social environment determines the response of thinkers at any given time. In other words, every philosophy is a product of an experience or a reaction to an antecedent. Robert Nozick's theory of justice as contained in his famous and most celebrated book: *Anarchy, State and Utopia* is a reaction to John Rawls' theory of justice particularly his "Difference Principle". Rawls in his Difference Principle argues that society must not forget the place of the poor in terms of distribution of goods and services. By implication, those who have goods, property and wealth must redistribute such holdings to those who do not have. Thus, Rawls in his difference principle captures the idea of a fair and liberal distribution of goods, benefits and burdens of social co-operation.

However, Robert Nozick reacts that redistribution of wealth is against the principle of personal entitlement and also violates the Kantian injunction to never to use people as means but always as end. Thus, he argues 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 this background, Nozick propounded the theory of distributive justice in holding. Therefore, the burden of this work is to critically examine Nozick's claims on their societal effects in Nigerian society. The work sets to assess the potential benefits the theory stands to offer and at the same time, exhumes the negative effects it may portend to the society especially in Nigeria.

Biography of Robert Nozick (1938-2002)

Robert Nozick was an American philosopher who was born in Brooklyn in 1938 to a Russian Jewish immigrant family: Max Nozick and Sophia Cohen Nozick at New York. He was the only child of his parents and best known for his contribution to political theory in the form of *Anarchy, State, and Utopia*. Robert Nozick studied at Columbia University, where he earned a Bachelor's degree in philosophy in 1959. Thereafter, he proceeded to acquire M.A in 1961 and bagged his doctoral degree (Ph.D.) in philosophy in 1963 from Princeton University. He lectured as an assistant professor in the same Princeton University from 1962-1965 in Harvard University from 1965-1967 and Rockefeller University from 1967-1969. He became a professor of philosophy at the young age of 30 in Harvard University, named Arthur Kingsley Porter professor in 1985 and finally appointed professor of philosophy at Joseph Pellegrino University in 1998.

After receiving his undergraduate degree in 1959, he married Barbara Fierer. The marriage was blessed with two children: Emily and David. Out of disputes and disagreements, he eventually divorced and later got married to the Veteran Poet Gjertrud Schnackenberg. He became widely known through his 1974 book: *Anarchy, State and Utopia*, which shocked the philosophical world with its robust and sophisticated defense of the minimal state which the state restricts its activities to the protection of individual rights of life, liberty, property and contracts and eschews the use of state power to redistribute income, to make people moral, or to protect people from harming themselves (Mark, 2022:1). On that note, he received a National Award in 1975. This *Anarchy, State and Utopia* came with a lot of excitement because it is embedded with interesting qualities. Unlike other philosophical books at that time, it presented high motivation to the public, the world of politics, and a different pattern of academic writing. The book was a combination of close philosophical analysis, bold personal statements, reports and humor.

Robert Nozick's academic interest covers from metaphysics, epistemology, philosophy of science and axiology. Some of his scholarly works to his credit include: philosophical Explanations (1981), the Examined life (1989), the Nature of Rationality (1993), Socratic Puzzles (1997), and Invariances (2001). Nozick was always lively, engaging, audacious and his philosophically ambitious writings revealed an amazing knowledge of advanced work in many disciplines including decision theory, economics, mathematics, physics, psychology and religion.

Robert Nozick was part of the friend-of-the-court-brief that was forwarded to the Supreme Court in 1997, where a group of philosophers outlined their view-points on euthanasia (the right to die). These philosophers in this "philosophers" brief, argue in favor of a person and the neutrality of the government in such issues, required that freedom in death is as essential as freedom in life. Death should come at a person's desire and pace, and not by the will and pace of the state (Encyclopedia.com). Nozick as the Arthur Kingsley Porter professor of philosophy at Harvard, later developed interest in psychology, neuroscience and

metaphysical speculations. Nozick was immensely instrumental to the philosophical evolution of the 21st century with its tremendous effects. Robert Nozick died in 2002 at the age of 63 years from stomach cancer for which he was first treated in 1994.

Philosophical Influences of Robert Nozick

No philosopher philosophizes in a vacuum. Every thinker or philosopher from one way or the other is been influenced by previous thinkers. Such thinkers serve as mentors, philosophical framework or guidance and sometimes as reactions to such speculations. On that note, the following philosophers are necessary for the discussion:

John Locke (1632 – 1704): Robert Nozick was greatly influenced by John Locke particularly in his discussion of the labor theory of property which is known as the Lockean Proviso. In other words, Nozick's Lockean Proviso was an adoption of the Lockean Proviso. John Locke was an empiricist and at the same time a political philosopher. In his Proviso, he states that while individuals have a right to homestead private property from nature by working on it, they can do so only at least where there is enough and as good, left in common for others. John Locke in his *Second Treatise of Government* argues that self-ownership permits the individual the freedom to mix his or her labor with natural resources, converting common property into private property. Locke insists that people need to be able to protect the resources they are using to live on their property and that this is a natural right.

Influenced by this labor theory of property, Nozick used this idea of the Lockean Proviso to govern his initial acquisition of property in the society for its justification which is called Nozick's Lockean Proviso. The Nozick's Lockean Proviso states that although every appropriation of property is a diminution of another's rights to it, it is acceptable as long as it does not make anyone worse off than they would have been without any private property.

The point is that John Locke's theory of appropriation serves as a spring board for Nozick's entitlement theory of justice. By implication, Nozick's *Anarchy, State and Utopia* originated from John Locke's second Treatise on Government which has its root on the natural law doctrine engraved in the state of nature. Nozick's Journey on the justification of private property, and most importantly how to arrive at the legitimate ownership of a property commenced with the examination of Locke's defense of private property (Nweke and Enemu, 2021:67). John Locke in his explanation of initial appropriation avers that acquisition of property begins from an unowned object as originating through someone mixing his labor with it, and this forms the basis of Nozick's principle of justice in acquisition. The important point here is that Nozick may not completely agree or endorse Lockean rendition of private property because Locke's account was far from the libertarian view point, but it forms the spring board on which his theory of private property was built. At least, Nozick can attest to the fact that any adequate theory of justice may contain the seed of Lockean proviso which encapsulate the belief that "enough and as good" must be left for others. The crux of the matter is that Nozick widely accepts Locke's mixing of labor in the defense of private property in his entitlement theory of justice. Therefore, Nozick's

theory of justice has a heritage, stem and a spring board from Locke's theory of appropriation and any disclaimer to that effect is an ingratitude to the other.

John Rawls (1921-2002): John Rawls was an American moral and political philosopher, a contemporary and colleague to Robert Nozick who had great influence on him. Robert Nozick's *Anarchy, State, Utopia* is a response or reaction to Rawls' theory of Justice particularly the difference principle. John Rawls who theorized in reaction to J.S Mills' utilitarianism (favoring the greatest number of the greatest happiness), also committed same offence favoring the worst-off at the detriment of the well-off. Rawls in his difference principle, argues for the liberalization and communization of the wealth and property of the well-off with the worst-off as if no one owns such wealth and property. By the specification of Rawls' difference principle, those who have wealth, property, talents, skills and endowment should communally share the benefits and proceeds from such entitlements. His point was that those who have wealth and property should use them to better the lot of the less-privileged in the society.

The implication of Rawls' argument is that the liberalization of wealth and property is against the principle of personal liberty and ownership of the rich, which served as a spring board for Nozick's theorization. The arguments projected by John Rawls in support of the difference principle ignited a reply from Nozick. According to Robert Nozick, Rawls difference principle deconstruct the separateness of persons, which is the individuality of the human person. The principle is dehumanizing, callous and a cheating to the hardworking rich in the society. It is like the scenario of "monkey works, baboon chop". The difference principle seems to be using the better endowed as a resource for the less well endowed, which is against the Kant's categorical imperative because the rich is used as a means to the poor. Rawls' difference principle tantamount to making someone engage in a forced-labor and afterwards, use his wages or output for another. If people do not deserve their natural rights, they may still be entitled to them. This led Nozick to propound the entitlement theory of justice as a remedy for Rawls' difference principle and as a kind of refutation to John Rawls' thought (Nweke and Enemu, 2021:71). Thus, Robert Nozick's entitlement theory of justice is allusive and a reaction to Rawls' difference principle. Therefore, if a foundation of a building cannot be separated from the building itself, Robert Nozick's theory of justice cannot be disconnected or detached from John Rawls theory of justice, particularly the difference principle.

Immanuel Kant (1724-1804): Another significant influence to Robert Nozick was Immanuel Kant. Kant was a German philosopher born in 1724 at Konigsberg. His major influence to Robert Nozick was his principle of "individual inviolability" which abhors any man to be used simply as means to an end. To him, it is an offence against human dignity to use a human being simply as an instrument to attain one's ends.

To this end, Nozick adopted this principle all through his *Anarchy, State and Utopia* in his Entitlement theory of justice. Nozick used Kant as an inspiration and borrowed the idea that individuals are ends in themselves. By Kant's Categorical imperative, he became conscious of the uniqueness and the separateness of persons which annuls the sacrifice of individual right and property to anyone. Thus, he argues that the primary function of even the state be limited to the narrow functions of protection against force, theft and fraud. This principle of inviolability of the human person prompted him to argue against the idea of redistributing wealth. An individual by its unique nature is entitled to whatever he has if he had acquired it in a genuine manner or if it were transferred to him. Therefore, he is at liberty to do whatever he wants with it and society and government have no legitimate right to intrude on such right or property. If such happens, the individual has been used as a means to an end which is anti-Kantian on his categorical imperative which forms the basis of Nozick's Entitlement theory of justice. The philosophical influence of Immanuel Kant to Robert Nozick cannot be over-emphasized.

Robert Nozick's Theory of Justice

Robert Nozick was one of the most rated and influential socio-political thinkers who contributed immensely to the discourse on justice in the contemporary era of philosophy. Just as other thinkers, whose philosophies were occasioned by their political circumstances, Nozick's entitlement theory of justice was a reaction to John Rawls' theory of justice particularly his difference principle that anchors the idea of justice as fair and liberal distribution of the benefits and burdens of social co-operation without paying attention to the right of personal entitlement and human dignity. Nozick in his dissatisfaction, challenges some of the tenets of Rawls' difference principle. Nozick in his tirade challenges Rawls' liberalization and communication of talents as disgusting and inhumane, because it diminishes the dignity and self-respect of the autonomous being. He also challenges Rawls' distributive pattern of justice as arbitrary from the moral point of view because one can be entitled to something without deserving to have it. Thus, a person may be entitled to some benefits without deserving them. Lastly, using the better-off to benefit the worst-off is to violate the Kantian injunction never to use people as means but always as ends. The above highlighted points propelled Nozick to propound his entitlement theory of justice as an emendation to the Rawls' theory of justice.

According to Nozick, anyone who acquired what he has through these means is morally entitled to it. Thus, the entitlement theory of justice states that the distribution of holding in a society is just if (and only if) everyone in that society is entitled to what he has. In other words, Nozick's theory of justice implies that whether a distribution is just or not depends entirely on how it came about. To Nozick, a more adequate theory of justice would fulfil the requirements or enumerate three principles of justice in holdings. Thus, he declares that if the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holding:

- (i) A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.

- (ii) 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.
- (iii) No one is entitled to a holding except by (repeated) applications of 1 and 2 (Nozick, 1974:151).

Nozick believes that a holistic principle of distributive justice would simply say that a distribution is just if everyone is entitled to the holdings they possess under the distribution. However, it is quite unfortunate that not everyone follows these stipulated principles as some would steal from others, defraud, enslave, deprive, seizing their product and preventing them from their legitimate entitlements. In consequence, the third principle of rectification is necessary. Therefore, the summary of the three principles are as follows:

- a. A principle of justice in acquisition.
- b. A principle of justice in transfer.
- c. A principle of rectification of injustice. These are the corner-stones of his theory of justice.

a. The Principle of Justice in Acquisition:

Nozick's principle of justice in acquisition deals with the initial acquisition of holdings which accounts for how people first come to own unowned and natural world property. To Nozick, this is the original acquisition of holdings, the appropriation of unheld things. This includes the issues 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 (Nozick, 1974:150). In other words, the principle of justice in acquisition involves issues of how unheld property came into possession initially. Thus, Ficker (2014:53) explains:

According to Nozick, the principle of justice in acquisition requires that any "person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding. In other words, anyone who acquires a holding justly may assert rights to that holding. For example, if I acquire land, money or moose milk justly, then I can enforce my rights to my holding. Accordingly, without violating my permission, no other person can take or use my holding without violating my rights.

The basic point of Nozick is that a possession is justly held if it was acquired in a just fashion originally or initial in acquisition.

Nozick's principle of justice in acquisition appeals to "Lockean Proviso" where individual can legitimately claim possession of the natural world. Thus, Locke explains his Proviso:

Whatsoever then he remove out of the state that nature have provided, and left in, he hath mixed his labor with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the communal, State of nature hath placed it in, it hath by this labor something annexed to it, that excludes the common right of other men: for this labor being the unquestionable property of the laborer, no man but he can have a

right to what that is once joined to, at least where there is enough, and as good, left in common for others (Nnaji for and Ifeakor, 2016:172-173).

The emphasis of John Locke is that while individuals have the right to homestead private property from nature as the first occupant of a possession by working on it, they can do so only at least where there is enough and as good, left in common for others.

In adoption, Nozick adopts the Lockean Proviso by saying that justice in acquisition emphasizes the just appropriation process of previously unowned property. To him, a person who acquires a holding justly is entitled to that holding. For instance, if one cuts a tree, carving the wood and fabricating a chair makes the carver the owner of the property. Therefore, Nozick's principle of justice in acquisition clearly stipulates an original acquisition of holding or the appropriation of things not previously acquired.

b. The Principle of Justice in Transfer:

The principle of justice in transfer explains how one person can acquire holding from another including voluntary exchange and gift. In other words, it states that whatever is justly held can be freely transferred from one person to another. Thus, Shenge and Mchia (2021:180) explain Nozick:

The second principle of the entitlement theory is the principle of justice in transfer, which describes the legitimate process of transformation from one distribution of goods into another distribution of goods. According to Nozick, such transfer action is just if, and only, if both parties voluntarily undertake it. This second principle preserves justice whenever initially just distributions change in accordance with the principle of justice in transfer.

Nozick's position was that it is just for a holding to be transferred from one person to another in as much as such holding was justly acquired. Nozick in this second principle still used Locke's principle to justify his position. Thus, Locke asserts:

Again, if he would give his nuts for a price of metal, pleased with its colour, or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life he invades not the right of others, he might heap up as much these durable things as he pleased; the exceeding of the bounds of his just property not lying in the largeness of his possessions, but the perishing of anything uselessly in it (Nnaji for and Ifeakor, 2016:175).

Nozick's point of inheritance from Locke is that as long as a holding was acquired justly in the initial acquisition, the owner of such holding can legitimately transfer such property to whoever he pleases so far as it was not carried out under duress, or not executed by theft, force or fraud. Hence, justice partly depends on how a holding was acquired initially and how it was later transferred from one person to another.

c. The Principle of Rectification of Injustice:

Nozick's principle of rectification of injustice states that if the current distribution of holdings are as a result of unjust acquisition, then a distribution which would have arisen had the transaction been just must be rectified. This principle covers the rectification of past injustices caused by the failure to comply with the first two principles. Thus, Nozick made his point clear:

Not all actual situations are generated in accordance with the two principles of justice in holdings: the principle of justice in acquisition and the principle of justice in transfer. Some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude others from competing in exchanges. None of these are permissible modes of transaction from one situation to another (Nozick, 1974:152).

Nozick's point is that the existence of past injustices emanating from the violating of the first two principles in holdings necessitates the principle of rectification of injustice. In other words, a distribution is just if it passes the just test procedure or process otherwise it would require rectification (Adie and Effenji, 2018:80). It is the argument of Nozick that the perpetrators of injustice be obliged by the state apparatus or the judicial court to ensure that wrongly acquired holdings are restored to the legitimate owners.

The general outlines of the theory of justice in holdings are that the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer, or by the principle of rectification of injustice. If each person's holdings are just, then the total set (distribution) of holdings are just. Therefore, anyone who acquired what he has through these means is morally entitled to it or the distribution of holdings in a society is just so far as everyone in that society is entitled to what he has.

Robert Nozick's Positive Impacts to Nigerian Society

Robert Nozick was one of the most impactful socio-political thinkers who ever lived. His impacts to contemporary society especially to Nigerian society are enormous. Some of his remarkable contributions to Nigerian society are discussed below:

- i. **Respect for Fundamental Human Rights:** Robert Nozick was an advocate for the respect for fundamental human rights. This trait for the respect for human and property rights made him to pontificate on how distributive justice can be achieved in any society. Thus, Salahuddin (2018:1) observes that "central to Nozick's work is individuals' rights which are evident from his audacious statement on the preface to his book that individuals have rights and there are things no person or group may do to them (without violating their rights). To him, people are born with fundamental individual rights and as such, they are not to be trampled upon and liberalized. In other words, these individual rights are paramount and that there is no need for a system to achieve moral equilibrium. He argues that every individual possesses the natural rights to life, liberty and property which are sacrosanct and must be respected at every point.

Meticulously, Nozick's respect for individual rights serve as a springboard for the governmental agencies particularly the three organs of government to operate with decorum in their routine duties. In essence, fundamental to human existence is the respect and observance of individual rights which can bring about peace, harmony and progress in Nigerian society. Also, Nozick's relevance to Nigerian society would play out in present democratic condition whereby the voting rights of the people are always violated by the electoral empire and the judiciary. Votes are not counted at the polling units, instead, counted and declared at tribunals and regular courts. Therefore, Nozick's call for the respect of individual rights is open for all governmental agencies particularly the judiciary to embrace in order to strengthen our decomposing democracy and its dividends.

- ii. **Adherence to Fairness and Justice:** Every community, or state such as Nigeria yearns for a fair, stable and just society. Unfortunately, this burning desire of the country has been a mirage over the time. In other words, lack of fairness, equity and justice has been the problem facing the country which have resulted into societal problems such as chaos, disorder and wars. The question is: how do Nigeria escape from this predicament? The answer is to embrace Robert Nozick's analysis of the idea of justice which include his principle of justice in acquisition, justice in transfer and rectification of injustice which is the solution to our social problems. In other words, following from the legacies of Robert Nozick as an apostle of justice, his postulations are indispensable to a serene and stable society as desired in Nigeria. When justice is equitably dispensed as espoused by Nozick, even political and economic misfortunes can be averted. Thus, Nozick's entitlement and equitable justice is a pre-requisite to a stable and productive society which can even guarantee a holistic development in Nigeria.
- iii. **Recognition of Human Value and Dignity in Nigerian Society:** Robert Nozick is a pacesetter for human value and dignity. To him, it is an offence against human dignity to use a human being simply as an instrument to attain one's ends. He believes in the principle of "individual inviolability" which abhors any man to be used simply as means to an end. An individual by its nature is unique and special and as such, be recognized as a human being. Thus, he argues that the primary function of even the state be limited to the narrow functions of protection against force, theft, and fraud. Meticulously, Nigerian political leaders should emulate the good gesture of Nozick to recognize and respect the good citizens of the country because they have the same human nature. Politicians should recognize the fact that the populace (voters) they deceive during electioneering campaigns are still human beings that deserve the dividends of democracy because the power belongs to the people. By Nozick's specifications, every acts of electoral deception, violence, thuggery, failure and other dubious characters of politicians to achieve their goal be jettisoned and embrace Nozick's philosophical teachings of human value and dignity in Nigerian society.

- iv. **Promotion and Encouragement of Individual Talents and Skills:** Robert Nozick promotes and encourages individual talents and skills in any society especially a developing nation like Nigeria. He argues that it is when people put in their skills and talents to the manufacturing sector that development can emerge within any society. In other words, he does not support Rawls' difference principle where goods and services are lavished and redistributed as if they fell from heaven to the society. The point is that Nozick's arguments on the impermissibility of redistribution through taxation places him in opposition to the prominent idea of distributive justice, according to which the state has a moral obligation to reallocate portions of people's wealth to others who are more deserving or in greater need. Nozick suggests (with special reference to Rawls' difference principle) that such a concept of justice treats the resources to be distributed as falling like "manna from heaven", unattached to anyone. In reality, these resources come with a long history; everything of value has first to be variously made, found, developed, created, enhanced and invested in (Coffee, 2017:5). In this connection, what necessarily triggers development in any society is diligence and tenacity which are the fruits of talents and skills. Indolence is antithetical to any meaningful development to any society. Therefore, any well-meaning individual in Nigerian society should endeavor to embrace the teachings of Nozick so that the Nigerian economy can experience rapid growth and development through individual talents and skills.
- v. **Attainment and Actualization of Resource Control Struggle in the Niger Delta Region:** Robert Nozick's theory of justice is a veritable instrument in the attainment and actualization of resource control struggle in any society. This forms the crux of the entire discussion. In fact, this is the most important contribution of Nozick to Contemporary Society particularly to Nigeria. The greatest offer of Nozick to the Contemporary Society particularly to the Niger Delta Region would be the actualization of resource control.

Robert Nozick's Negative Impacts to Nigerian Society

It is a glaring point that Robert Nozick has done a wonderful job by postulating a heuristic theory of justice capable of solving so many problems in the contemporary society especially in Nigerian society. However, it would look non-philosophical and partial to commend a thinker's assumptions without pointing out some inconsistencies and aberrations that may lead to a disastrous society. Below are some of the negative effects the theory may affect Nigerian society:

- i. **Nozick's Theory of Justice may Promote Egoism in Nigerian Society:** Robert Nozick's theory of justice may likely take Nigerian society to egoism if care is not taken because its arguments tilt towards callousness, indifference and personal aggrandizement. Everything about Nozick's theory of justice is property-based. Thus, his justice demands that while I have the right to protect mine, others also have the right to protect theirs which may lead to egoistic society if Nozick is taken seriously.

- ii. **Nozick's Theory of Justice is against a Liberal and Egalitarian Society:** It is a fact that society itself is an aggregate of people living together in a community or nation, having a common traditions, institutions and collective activities and interests. Hence, the need to help one another cannot be completely ruled out even in Nigerian society. The necessity to redistribute wealth and resources to help and empower deserving members and those who are in need is an undeniable fact in African society. We must recognize the fact that Nigeria as a country has the historical origin from Africa with a culture of liberalism, selflessness, and communization of wealth and property. In Africa, wealth, property, talents, skills, and natural endowments are communal entities and as such communally shared and other times, redistributed to deserving members in the society. Hence, Nozick has been criticized for not having provision for equality and the underprivileged in his entitlement conception of justice (Adie and Efenji 2018:84). Therefore, we must come into consciousness that Robert Nozick theorized from an alien tradition or background with the hallmarks of egoism, callousness, heartlessness, indifference and divisive lifestyle antithetical to African liberalism, altruism, communalism and egalitarianism. Thus, while we emulate the positive side of the theory, we should be careful and economical with the extremity of the theory.
- iii. **Nozick's Theory of Justice in Initial Acquisition may lead to Land and other Communal Disputes:** According to Nozick, the principle of justice in acquisition deals with the account of how people first come to own unowned property and the natural world. In other words, individuals can only be just if they acquire property that have not been previously owned by anybody and is not taken by theft, coercion or fraud. The question is: how do anyone ascertain original acquisition when some holdings have a very long history? Or how do we even justify any holding in the world owing to the fact that Adam and Eve have originally acquired everything and there was no proper transfer to that effect? The fact is that most current holdings are historically traceable to property that were once the spoils of war, inheritance, obtained by tricks, force and intimidation from pristine histories. Therefore, the authenticity of first and original acquisition can hardly be ascertained. If we are to go by Nozick's theory of justice in acquisition, there is no parameter to measure original/initial acquisition. The sources of what we presently use are unknown because they have long and vague histories. For the fact that we cannot retrace the histories of holdings by going about asking for the justification of our holdings, Nozick's principle is untenable. It would be too embarrassing and awkward to go from person to person asking the authenticity of our holdings. Some of our holdings were inherited either from our fathers or grandfathers whose the genuineness of their sources are unsure. So, there is no way to know whether they were justly acquired or not. Therefore, if the history of every holding must be investigated and ascertained, it may leads to several disputes and crisis in the society because so many persons may lose their holdings for lack of merits and records. To this

effect, Nozick's principle of justice in initial acquisition is not necessary to avoid disputes, crisis, chaos and acrimony in the society. Hence, his theory is impracticable because history can be lost in transmission or falsified.

- iv. **Nozick's Entitlement Theory may lead to Indirect Injustice:** Nature didn't not give everyone equal talents, skills and endowments in the society. In other words, some people are by natural justice more talented, skilled or more opportune in terms of capabilities and potentials and others are cheated to be untalented, unskilled and less endowed. Hence, we have the pairs of the rich or poor, tall or short, intelligent or dull, talented or untalented, privileged or less-privileged in the society without any anybody's fault or making. Therefore, following natural justice to be entitled to one's talent, skill and endowment alone, leaving the cheated less-privileged ones in their bad conditions in the society would constitute indirect injustice. The society by social justice should compensate social and economic inequalities to the greatest benefit of the least advantaged in the society. Thus, the need to accommodate redistribution in the society is sacrosanct to compensate the natural justice suffered by the least advantaged in the scheme of things.
- v. The last shortcoming to be mentioned here is the fact that Nozick's construction of his entitlement theory does not have original foundation. His entire entitlement theory of justice is laid on the foundation of Locke's theory of property. In that connection, he inherits all the weaknesses of the Lockean theory of property which has flawed and contaminated his theory of justice to a large extent.

However, these negative impacts of Nozick observed in his theory of justice do not in any way destroy his entire philosophical edifice or postulations. They were observed so that they would not serve traps or exposed as deterrents in utilizing the theory.

Conclusion

The simple truth is that Robert Nozick's theory of justice has both positive and negative impacts to any society especially in Nigeria. The positive impacts are for the profiting of the society especially in Nigeria if they are observed in moderate tenacity, while the negative impacts serve as cautions in applying the fundamentals of the theory. The philosophical advice is that the good side of the theory should be embraced and applied in the social and political life of the country. Then the likely negative impacts of the theory should be seen as guides and cautions to the leaders of the country. The three arms of government particularly the judiciary should respect personal entitlement and discharge their duties with the principles of fairness, equity and justice.

***Richman, Buwokuromo Igbagara**

Department of Philosophy
Federal University, Otuoke
Bayelsa State, Nigeria
richmanbi@fuotuo.ke.edu.ng

08063917618

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