

# A Comparative Study Of Theory Of Justice: In Reference To Rawls And Nozick

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## Abstract

Understanding the concept of justice is sometimes easy and sometimes difficult. In a civilized society, what can be justice for one is not necessary to be the same for others. Scholars at different times have not only tried to define justice but have also propounded different theories related to justice. Justice that seems appropriate for one area may vary for the people residing in another area. This research paper is focused on the study of such varied characters of justice, and also critically analysed the way in which Rawls and Nozick have depicted justice in their theories of justice.

**Keywords** – Idea of Justice, Comparative study of the idea of justice, Rawls' theory, Nozick theory, Idea of justice: Rawls and Nozick.

## Introduction

Justice is an age-old concept which is in existence since the man has started living in a civilised society and became aware of his rights. Justice comes from the Latin term *jus*, which means "to tie". *Dike* is the Greek word for justice. It has the connotation of being closer to righteousness. Just behaviour, fairness, or the exercise of authority in the maintenance of rights are all examples of justice. Thus, justice has a natural relationship with the system. Therefore, we can say that justice is the name of the system which binds individuals, communities and groups in one thread. Justice is the maintenance of any system because any system is formed or flourishes only after adding some elements to each other.

## Notion of justice -

The notion of justice is as old as political thought. Justice is given various interpretations from time to time. Some writers regard justice as a virtue, whereas others hold it to be synonymous with equality. Justice is an important component of political science, as well as ethics, law, and philosophy. There are

two major concepts of justice in the history of ideas. They are:

### Numerical concept of justice –

The numerical concept of justice ensures that everyone receives the same level of justice. It suggests that those who were once regarded as unequal will now be considered equals. According to Jeremy Bentham, each of them must account for the other. Nobody should have more than one personality.

### Geometrical concept of justice –

Geometrical concept of justice supports proportionate justice. The distribution of professions should be proportional to the individual's competence. Justice, according to the geometrical idea, is equal share to equal and unequal portion to unequal. It means that power and patronage should be distributed in accordance with an individual's worth or contribution. This is favoured by Plato and Aristotle. Flutes can only be handed to people who can play the flute, according to Aristotle. In the same manner, rulers must be capable of ruling. Democratic Justice is a numerical

concept of justice, whereas Aristocratic Justice is a geometrical definition of justice.

### **Growth Of Justice**

Justice in the broadest sense is the principle that people get what they deserve, and the interpretation of what constitutes "deserving" is ethical, rationality, law, religion, and moral correctness based on justice. It is influenced by various fields and perspectives, including concepts. And fairness. From time to time, the state seeks to improve the judiciary by establishing courts and enforcing their decisions.

As a result, the application of justice varies from culture to culture. The ancient Greek philosophers Plato and Aristotle set out early concepts of justice in the Republic and Nicomachean Ethics, respectively. Various hypotheses have been advanced throughout history. According to supporters of God's commandment theory, righteousness comes from God. According to thinkers like John Locke in the 16th century, justice comes from natural law. According to social contract theory, justice arises from mutual consensus among all.

According to utilitarian philosophers like John Stuart Mill, justice is based on the best results for most individuals. Distributive justice theory considers what should be distributed, who should receive it, and how to divide it. According to egalitarians, justice can only exist within the parameters of equality. Justice, especially distributive justice, is a form of justice, according to John Rawls's social contract theory. According to Robert Nozick et al., Property rights that fall into the category of distributed justice and natural law optimize the overall wealth of the economic system. The theory of retaliatory justice argues that cheating should be punished to ensure justice. Restorative justice (sometimes called restorative justice) is a type of justice that focuses on the needs of victims and criminals.

### **Different dimensions of justice -**

Various dimensions of the notion of justice can be discussed as under:

#### **(1) Moral Justice**

Traditionally, the notion of justice has always been considered to be associated with morality. Moral justice is based on the assumption that there are some universally established ultimate principles of natural laws in the world that regulate the relationships of individuals properly. Moral justice is none other than living life on the basis of these principles only. The conduct of an individual in accordance with these principles is a state of moral justice. And the conduct contrary to this is against moral justice.

#### **(2) Legal Justice**

Justice has a significant place in the concept of justice as a basic purpose of a state. In fact, the entire legal process is known as the Judicial system only. Judicial administration includes all those legal principles and practices which must be followed.

Thus, the notion of legal justice is used in two senses-

- (i) The codification of the law, i.e., the laws enacted by the Government should be justifiable.
- (ii) Enforcement of the law i.e., the laws enacted should be implemented in a justifiable manner. The justifiable enforcement of laws means that the implementation of laws and awarding punishments for violation of laws should be fair, unbiased and reasonable.

#### **(3) Political Justice**

The political system of a country will always have an impact on the persons living over there, either directly or indirectly. Therefore, all individuals should have equal opportunities to get involved and influence the political system as well as the political powers, which should be exercised in such a way that all persons will be benefited from them. This is considered a political justice which can be achieved in its

purest form only in a democratic system. Apart from the democratic system, the few other means to achieve political justice are—adult franchise; civil liberties of thought, speech, associate and organization etc.; freedom of the press; independence of the judiciary; equality of opportunity for all without any discrimination etc. The notion of political justice implicit that there will be no elite or privileged class in politics.

#### **(4) Social Justice**

Social justice prohibits any kind of discrimination amongst the citizens on basis of their social status and also conveys that each person must ensure appropriate opportunities for self-development based on their potential. The notion of social justice implicitly consists of the fact that the individual must provide with the necessary conditions to pursue a good life and in this context, the political power of the country is expected to establish a society which is based on equality through its legislative and administrative programmes. The concept of social justice is very popular these days.

#### **(5) Economic Justice**

Economic justice is a part of social justice. Some people consider economic justice as equivalent to economic equality. But such a situation is practically impossible in any way. Economic justice means that the distribution of economic resources should not be such as it creates huge economic differences amongst the individuals and results in exploitation of one class or section of the society by another class of people or provides an undue right over the life of the economically weak section of the society. It also contains that the basic necessities of all the people must be satisfied first in the society, and only then the luxurious requirements of others are fulfilled. In order to achieve the goal of economic justice, it is necessary to put certain limitations on the right to personal property.

Although the concept of justice is quite broad, in the early period it would have been limited to

the property only. That's why many principles of justice were limited only to the fair distribution of wealth. But this is not a complete understanding of the concept of justice. Thus, to understand the true meaning of justice, it is needed to study the various definitions and principles of justice.

#### **Meaning and definition of justice**

To define the term 'Justice' is not so easy but certain jurists have tried to define it as follows:

"Justice means to distribute the due share to everybody." -Salmond

"Justice protects the rights of the individual as well as the order of society." -Dr. Raphael

"Justice consists in a system of understandings and a procedure through which each is accorded what is agreed upon as fair." -C.E. Merriam

According to Merriam, "Justice is the sum of the beliefs and processes through which each person enjoys all the rights and privileges that society deems to be appropriate." "

Mill says, "Justice is those moral laws that relate to conceptions of human well-being and is, therefore, more important than any other rule to pursue the way of life." "

In Ruffle's words, "Justice is the system by which individual rights are protected and the dignity of society is also maintained." "

According to Ben and Peters, "Justice means that all persons should be treated equally unless there is a reasonable reason for being discriminated against."

In other words, Justice means securing and protecting of rights of all in a fair way. It stands for harmony among all the people, orderly living and securing of rights of all in a just and fair way.

It is clear from the above definitions that the principle of justice is in its own right. belongs to the society. We cannot even think of the concept of justice outside the society, apart from it and away from it. The meaning of

justice can be found only in the condition of truth, morality and non-exploitation. One aspect of its meaning emphasizes the establishment of order between the two, while the other aspect tries to create rights and duties. In conclusion, it can be said that the meaning of justice includes the elements of responsibility, facilities, rights, order, morality, sense of justice, truth, fair behaviour etc.

### **John Rawls's Theory of Justice<sup>1</sup>**

John Rawls was a great moral thinker and American liberal philosopher of the twentieth century. He was born on February 21, 1921, in Baltimore, Maryland, United States<sup>2</sup>. He died on 24 November 2002 at the age of 81. He published one of his books in 1971. Whose name was 'A Theory of Justice'. His full name was 'John Bordley Rawls'. The name of the greatest liberal American philosopher is considered to be Plato, Aquinas, Comte, Karl Marx and Machiavelli. Rawls was rich in prodigious talent. In order to establish himself, earlier he used to get his ideas printed in newspapers and magazines. Through these magazines, Rawls introduced himself to be an intellectual which is also exemplary. Rawls was a philosopher and political theorist. Whose education was completed at Princeton University. He received the degree of P. HD in 1950. From 1950 to 1960, he also taught at Cornell University. He went to Harvard University in 1962 as a professor. He taught there for 40 years.

If we see the major works of John Rawls, 'A Theory of Justice' (1971), 'Political Liberalism' (1993), 'The Law of Peoples' (1999) and 'Lectures on the History of Moral Philosophy' (2000) were more popular and prominent<sup>3</sup>. Of man of Rawls' books, he gained the most fame of 'A Theory of Justice'. Rawls wrote only about the theory of justice until his last moments. But

Rawls' ideas are still shining on the horizon of political thought.

Rawls devoted his entire life to the establishment of the doctrine of justice. He tried to study the views of his earlier thinkers to establish his theory of justice. He studied the works of great thinkers like Aristotle, John Locke and Jacques Jean Rousseau. He also read 'Kant'. But the influence of the compromising Rousseau was more visible. The purpose of reading many of his other thinkers was to strengthen his jurisprudence. Rawls refuted the views of the utilitarians, basing his theory on the ideas of the compromiseists. He accepted the idea of 'Kant', giving a moral basis to his jurisprudence. Tried to present an effective alternative to utilitarianism by taking recourse to the moral thought of Comte. Rawls also studied the ideas of his counterpart thinkers to strengthen his theory of justice.

Rawls wanted the abolition of social inequality. He advocated social justice for the eradication of this social inequality. To reach this point, Rawls has given a detailed explanation in 'A Theory of Justice'.

### **Concept of Justice Theory of Rawls<sup>4</sup>**

Rawls' concept of justice is an important concept in Jurisprudence. Rawls presented it in a new way. By the way, the history of the problem of justice is very old. But there has been a demand for justice at all times. People are always and, every time, concerned about their social life. They want that social life should be free from inequality, there should be no discrimination at the social level. Rawls wants the elimination of this social inequality. The principle of justice was propounded for the eradication of this social inequality. He also got fame in it. Which is described in his book 'A Theory of Justice'.

Rawls's theory of jurisprudence is based on 'what should be the moral and equitable basis for allocating various goods, services, opportunities, benefits etc. among different classes, individuals and groups of society'. Robert Emdur has said that Rawls aims to develop theories that help us understand the basic structure of society.

As per Rawls, the primary subject of the principles of social justice is the basic structure of society, the arrangement of major social institutions into one scheme of cooperation. Rawls considered that these principles are to govern the assignment of rights and duties in these institutions and they are to determine the appropriate distribution of the benefits and burdens of social life. The principles of justice for institutions must not be confused with the principles which apply to individuals and their actions in particular circumstances. These two kinds of principles apply to different subjects and must be discussed separately.

Now by an institution, Rawls understood a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like. These rules specify certain forms of action as permissible, others as forbidden, and they provide for certain penalties and defences, and so on when violations occur. As examples of institutions, or more generally social practices, we may think of games and rituals, trials and parliaments, markets and systems of property. An institution may be thought of in two ways: first as an abstract object, that is, as a possible form of conduct expressed by a system of rules; and second, as the realization in the thought and conduct of certain persons at a certain time and place of the actions specified by these rules. There is an ambiguity, then, as to which is just or unjust, the institution as realized or the institution as an abstract object. It seems best to say that it is the institution as realized and effectively and impartially administered which is just or unjust. The institution as an abstract object is just or unjust in the sense that any realization of it would be just or unjust.

Rawls provisionally stated two principles of justice. According to him they should have been selected in their original position. First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached positions and offices open to all.

By way of general comment, these principles primarily apply to the basic structure of society. They are to govern the assignment of rights and duties and to regulate the distribution of social and economic advantages. As their formulation suggests, these principles presuppose that the social structure can be divided into two more or less distinct parts, the first principle applying to the one, the second to the other. They distinguish between those aspects of the social system that define and secure the equal liberties of citizenship and those that specify and establish social and economic inequalities. The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by the first principle since citizens of a just society are to have the same basic rights.

The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command. While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits.

## Veil of ignorance

In making a virtual decision, Rawls demanded that the individual work under the "veil of ignorance." There they are unaware of their gender, class, religion, or social status, whether they are powerful, wise, or stupid. The state or duration of history in which they live. Rawls then assumed that such a society would exhibit two important characteristics. First, those in their original position will agree that everyone should have equal rights to certain fundamental freedoms. For example, those basic freedoms are something that others can enjoy. Second, social and economic inequality and unequal treatment are only accepted if they are fundamentally open to all and benefit the poorest in society.

People, for example, will agree that doctors should be paid more than usual. Because it encourages people to pursue a medical career and benefits everyone in the long run. After lowering the curtain, everyone could be at the bottom of the social ladder. According to Rawls, justice has two components: freedom and equality, preferring freedom over equality. Rawls has been criticized for failing to explain why freedom should be prioritized over equality, or why natural abilities should be considered collective assets.

## Rawls and Utilitarian theory<sup>5</sup>

Rawls first refuted the idea of utilitarianism and provided a functional basis for his theory of justice presenting his theory of justice. Rawls embodied the traditional compromised notion of law at a higher level by defining justice as justice. Rawls said that considering the issue of fairness, there is the issue of fair and equitable distribution of basic goods and services. These are the most important rights and freedoms, powers and opportunities, income and wealth, and means of self-esteem. Rawls called it pure procedural justice. Rawls believes that it makes no sense to imagine social justice without a fair

distribution of primary commodities such as goods and services.

## Criticism of Jeremy Bentham's Utilitarian Theory by Rawls

The utilitarian theory of Jeremy Bentham speaks of the 'Greatest Happiness of The Greatest Number'. In relation to their idea of Bentham, John Rawls says that this principle hinders the equitable distribution of primary goods. In the pursuit of identifying the maximum happiness of maximum people, Bentham forgets to tell how much harm is being done to that particular person. Therefore, criticizing this theory of Bentham, he said that "no matter how much the happiness of happy people is increased, it cannot equalize the misery of unhappy people."

Rawls refuted the utilitarian theory and replaced it with the theory of 'justice as justification'. Rawls believes that in Bentham's theory the claims of minorities are crushed by the majority. One cannot infringe upon the liberty of another for the pleasure of the majority. Rawls is of the view that we should follow the law of precedence. Because the oppressed are oppressed less by the lack of primary resources, but more by the oppressive regime. So, system change becomes necessary to change their future<sup>6</sup>.

## Social Contract Theory and Rawls

Rawls, on the other hand, has based his theory of justice on compromising views. For this reason, Rawls' theory of justice is also called the compromise justice theory. He believes that the best alternative to the traditional utilitarian theory is the social compromise theory. Because it is based on the agreement between free and free individuals, in which men and women come together to make a social agreement. Rawls' concurrence is based on the 'basic condition of equality'. In this, individuals are rational and live life on the principle of equality. Whereas the people of the natural state

of the compromising Hobbes were wild or wild. Here Rawls emphasizes the original position. It is this situation which can be helpful in the formulation of impartial principles of justice. Because of being armed with prejudices, one cannot bargain or compromise<sup>7</sup>.

Thus, Rawls has accepted justice as 'justice as justification' by imagining the idea of the original condition. In the virtue of this, justice should be the priority of the behaviour of social institutions so that social justice can be reached its objectives.

### **Justification by Rawls**

To justify his theory, John Rawls has produced two rules -

- (1) Everyone should have an equal right to the most basic freedom and the same will also be available to others, and
- (2) Social and economic inequalities should be abolished in such a way that
  - 
  - the least privileged persons get maximum benefits, and
  - positions and conditions are open to all under proper equality of opportunity.

Both the above principles mean that the inequalities of property and power should be made practical in such a way that they are in conformity with the equal liberty desired under the first principle. But even when the society attains the desired level of prosperity, those people who are getting social and economic benefits from the society have to maintain more and more of their equal liberties.

Rawls has given more priority to the first principle than to the second principle. This is because people below a level of 'affluence' cannot exercise their freedom effectively. But even after attaining that level, people give importance to freedom even more than social and economic things. At the same time, they

also start giving importance to spiritual and cultural interests and political participation. They believe that independence also helps in achieving self-esteem.

Rawls's Social and Political and Society's concept means that it envisages a constitutional democracy in which there is political and intellectual freedom, an egalitarian society. In Rawls' theory of jurisprudence, liberty is not absolute. But they do want the proper use of freedom. Freedom is not absolute. But such restrictions can be imposed for the sake of peace and security in the society and high economic development in economically backward societies. These restrictions are not insignificant either. When we conclude after studying Rawls's theory of social justice, we find that Rawls' basic belief is also that the state will not interfere with the basic liberties of the individual.

### **Robert Nozick's Theory of Justice**

Robert Nozick is an American political theorist who has been a colleague of John Rawls, whose thinking is known as 'libertarianism'. As we know that Rawls' book "A Theory of Justice" was published in the year 1971, which the theory of social justice has been analysed by Rawls. Criticizing Rawls' theory, Nozick published his book "Anarchy, State and Utopia" in 1974. Nozick, criticizing Rawls, says that liberty and equality cannot exist together, both cannot be reconciled, and by doing so Rawls made a big mistake. Rawls in his theory has talked about 'living a dignified life' and distribution of 'primary things is essential for the complete development of the individual', which are the basic needs of every individual. But Nozick is of the opinion that if we insist on liberty then equality will end and if equality is emphasized then freedom will be in danger<sup>8</sup>.

In such a situation, Nozick lays special emphasis on freedom in his thinking. This is the reason why Robert Nozick is known as the 'libertarian thinker'. Nozick has made special

mention in his thinking on 'the state and its functions, private property and the principle of justice'. Nozick's theory of justice or "Nozick's Entitlement Theory of Justice". Nozick's concept of justice is also procedural, but Nozick's concept is different from Rawls' concept of justice. Nozick's concept of justice is called the "Entitlement Theory of Justice". Nozick opposes the concept of distributive justice as wrong. He believes that the origin of the goods to be distributed is not accidental. There is a long historical process behind its origin in which mutual transactions, use of labour force, and mutual consent have been prominent.

There has been no interference of any external or central power in its origin, nor will any economy be able to operate properly due to external interference. Because the level of transaction of goods is determined voluntarily by the intensity of the 'consumption need'. In this situation, Nozick believes that it would be fair to receive an item in a just manner if the circumstances of receiving that item are also just. Nozick here specifically refers to the property as a commodity and tries to justify the individual's right to private property. In such a situation it would be appropriate to get a brief introduction to Nozick's views on the right to property.

### **Thought of the Nozick on right to property<sup>9</sup> –**

to solve the various problems arising from the concept of distributive justice Nozick takes help from Locke's views. Rawls has also followed locked in his theory "concept of justice". Nozick, like Locke, accepts the concept of the natural state and the natural rights of the individual. According to him, a person has some natural rights in his natural state, which the person brings with him at the time of birth. The state came into existence to protect these natural rights. Like Locke, Nozick also talks about the natural rights of the individual, but

Nozick considers the most important right to be the 'right to property', and justifies the right to property on the basis of acquiring property, under which they mainly mention three parties, which is –

- i. Acquisition of property must be justifiable
- ii. transfer of property must be justifiable
- iii. Principle of Amortization of Unjustified Property

### **I. Just principle of acquiring property**

If any property does not belong to anyone, that is the natural property and if one person acquires that property, it would be just.

Here Nozick talks about acquiring natural property and converting it into private ownership, hence this property is called original property. The question is how to acquire natural property, Nozick follows Locke. Nozick, like Locke, states that all things in nature belong to all, so man can acquire it, and establish ownership of it by labour because labour is the personal property of man. But Nozick has talked about two types of limitations in the way of acquiring wealth by labour –

Firstly - only that property should be acquired as much as it can be consumed, that is, the property should not be destroyed.

Secondly, that much should be earned by labour from nature so that it can be saved for others also, that is, there should be no accumulation of wealth unnecessarily.

In the second limit imposed by Nozick, we get a glimpse of Mahatma Gandhi's statement, in which he said that the resources available on earth are sufficient to satisfy the needs of man but not to satisfy his desires.

### **2. Just principle of transfer of property**

Under this principle, Nozick refers to the process in which the ownership of a property can be changed. That is, a process by which the

property owned by one person can be the right of another. For this Nozick talk about two ways - first mutual transaction and second, gift. **First** by reciprocal transaction or exchange Nozick means 'voluntary exchange', in which the person is also expected to get some benefit in exchange for the property of which he is renouncing his right. For example, when a person buys goods from a shop, there is a process of exchange where the person sacrifices money to maximize his satisfaction through consumption of the purchased goods, whereas the shopkeeper sacrifices the goods to maximize profit-generating self-satisfaction'. **Second** gifts, which Nozick considers to be a just way of voluntarily transfer of property.

Of these two channels, Nozick considers 'reciprocal transaction or exchange as the best medium' and considers the transfer of property through gift as the secondary medium.

### **3. Principle of amortization of unjust property-**

The amortization principle deals with the situation in which the property has not been transferred by a law recognized by society. It is possible that property may have been acquired by any method which is not recognized in society, such as by coercion, theft, taxation or snatching, etc. Nozick says that such transfers, whether they have happened in the past or in the present, need to be rectified. He talks about the constitutional action against this transfer. Along with this, Nozick also says that if a person breaches a contract, then it is also unjust. Therefore, the property acquired by breaching the contract will be taken back, and legal action will also be taken against it. Under this statutory action, Nozick also includes compensation and liability, which will be the person who has acquired the property through unjust means, towards the person from whom the property has been taken.

In this way, Nozick provides remedies through its three principles related to the right to property, respectively, -

- i. the disclosure of personal property,
- ii. the transfer of the property of personal ownership, and
- iii. the remedy in the event of unjust ownership.

Here the logic makes it clear that even if the inequality increases after full compliance with the above three principles, then the inequality is not wrong. It would be pertinent to make it clear here that there is no place for any kind of interference of any external factor to acquire or transfer property and there is no need for any kind of acceptance from any other institution like the state. The combined principle of all these has been called the entitlement theory of justice by Nozick.

### **Nozick and State**

Nozick considers the right to property as the best human right in natural rights and accepts the origin of the state to protect this property right. Nozick talks about the natural state following the lock, in which it talks about many problems faced by natural rights such as infringement of rights or establishing ownership of property by disobeying recognized laws. To do, for the solution of which talks about the origin of a limited state. Because it does not accept the protectionist role of the state like the compromise ideas. Nozick states that these states would be limited in the sense that they would neither protect nor monopolize the exercise of power to all citizens of their territory. This is the reason why Nozick does not call it a sovereign state<sup>10</sup>.

In this way, he introduces the concept of the limited state as a unit to solve the problems arising before the natural rights. He recognizes that the infringement of rights can be avoided if the limited state is constructed and implemented properly, and it also says that the

State shall have no role other than to act against persons who violate the law or breach the agreement.

Nozick believes that the economic inequalities that arise in society as a result of the equitable accumulation of wealth will be fully justified. Which makes it clear that Nozick advocates the right to property. He says that no matter how equitable the distribution of property may be, if the process of its distribution is not just, then that distribution will not be just. In this way, he refutes the socialist ideology but capitalism. Now a natural question arises here what will the limited state of Nozick not be able to do? It would be appropriate to link the answer to this question with the right to property.

### **Nozick and Welfare State**

Nozick describes the taxes imposed by the state as unjust and calls them bonded labour. He says that the state takes property from the people and distributes it among other people, that is wrong, Nozick accepts so much that the state can levy the tax for the operation of all its systems but not distribute it amongst citizens. He says that the state has no right to collect any tax for the benefit of the poor.

Nozick agrees at one level to even assume that if wealth is distributed equitably, then inequality will end? Nozick says, never. Nozick says that the working people will again be ahead and the lazy people will again lag behind, due to which economic inequality will be re-established in the society. Another argument in this regard is that those who are getting wealth through distribution will become more passive and lazier, so there will be no justification for the redistribution of wealth. In this way, Nozick denies the public welfare state. Here we come to the conclusion that Nozick does not confer to the limited state over any right to free/voluntary activities of the individual. Thus, Nozick presents the concept of a limited role state,

against Rawls's public welfare state, an active and positive role state<sup>11</sup>.

### **Communities: Rawls and Nozick**

Nozick accepts the existence of various small communities within the state, like pluralist political thinkers. They say that the presence of these communities becomes inevitable due to the absence of a state in a monopoly on power, which is recognized by the meagre state. Nozick says that it is essential for everyone to live in a community. Here a question arises whether the compulsion of the individual to live in community life does not suppress his free will. In response to this, Nozick himself has argued that just as a small state does not have a binding power because it is not sovereign, so is the community, But the community does not have also binding power, so it also cannot obstruct the free will of the individual.

Commenting on this argument made by Nozick, Emily R. Gill states that though its minimal state as an ideal structure is minimally oppressive, this ideal seems difficult and impossible to fulfil the aspirations of many people. Therefore, in his structure for the ideal, there is very little wide freedom available in the one with which he walks.

### **Criticism of Nozick's theory of justice**

Robert Nozick's book is a proponent of capitalism in contemporary political philosophy. Nozick's book has been written as a critique on egalitarianism, in which instead of equality, liberty rather than freedom has been advocated. We have already mentioned that Nozick talks of a watchdog state i.e., a limited state and opposes public welfare and taxation. Nozick thus emerged as a prominent spokesperson for political liberalism, yet he could not remain free from criticism. Nozick's theory of justice has been criticized in the following ways: -

The first criticism of Nozick could be said to emphasize procedural justice, but he, like John Rawls, failed to universalize procedural justice. His theory of justice is suitable only for the capitalist state. He has over-simplified his theory of justice, which has made his theory less effective. On this basis, he becomes a supporter of privatization and capitalism by separating the state from the political and the general public, over which State has no control. Critics refer to Nozick as a 'devotee of oddity'.

As another criticism of Nozick, it is said that Nozick is a ruthless thinker because he says that one who is poor, is poor because his fate is poor, they are worth that. So the state imposes taxes to remove their poverty. Why should he take others' money on the basis of it and give it to them? He also says that the tax should be levied by the state as much as is necessary to meet the need for security. On this, critics say that poverty is not someone's hobby. Therefore, poverty alleviation is the duty of the state. Necessary steps should be taken by the state to break the vicious cycle of poverty. That is why critics consider this principle of Nozick inhuman and immoral.

### **Conclusion**

Hobbes, a philosopher and follower of a social contract theory of law, says that man was living a barbaric life in ancient times. There was an atmosphere of anarchy all around and people used to determine justice and injustice on the basis of power or strength. But with the development of a civilized society, a contractual agreement came into existence for the formation of a state, in which the people submit their rights to the state and in return took the promise of their security. But Rawls has a completely different opinion on this matter. Rawls said that when a person has a weapon in his hand, there is no scope for any contract in such a situation. Rawls largely agreed with Locke's ideas, in which Locke had described the early period as the golden period and after that people became violent then an atmosphere of anarchy came. After that, the people contracted.

But this is a conflicting opinion. Because when a contract is concluded with a weapon in hand, then there is no scope for justice. Thus, probably the initial phase of civilization must have undoubtedly been a golden period as this was the time when people of the society would have come closer and the peaceful and justified contracts would have been reached between them. There must have been a fair and equitable distribution of property that took place among the people. Such property of this period, on which no one's right was established, Nozick has called the original property and considers this original property to be distributed among the people or acquired by the people through their efforts and skills or other legal means. Nozick also considers it an injustice to collect the property from the more affluent people of the society in the form of tax or else and then distribute it among the weaker sections of the society.

Nozick has commercialized the State i.e., Least State in which by Least State he means a commercial undertaking. In this way, he considers the state as a separate instrument from administrative, political etc., which protects the rights of the people, nothing more than this. Nozick tribute the thought of Rawls's positive interference with a public welfare state, which is a major criticism of Nozick in the modern era. In this context, Nozick says that the concept of the public welfare state is still 100 years old. Even before that, welfare works have been done, which should be edited from time to time by the society instead of the states. They say that the state is promoting corruption by taking public welfare work into its own hands. Many unethical tendencies are being encouraged. There is the bureaucratization of politics and administration.

Therefore, even after giving the above arguments in support of his theory, Nozick could not escape criticism because in the modern era the universal concept of state is the concept of the public welfare state.

Undoubtedly, justice is a broad concept and it can't be limited to the ideas of Rawls and Nozick. It is extremely difficult for anyone to deduce the real meaning of justice. Because justice is a dynamic concept and the definition of justice always varied according to the changing circumstances. For the followers of the natural ideology religion and morality are justice. Whereas in analytical ideology, the enforcement of the law according to the will of the sovereign is justice. And for the judiciary, the enforcement of the verdict in the form of order, decision, decree etc., is justice.

But justice can't be confined to any such narrow ideology. Justice is something in which a man is born with his free thoughts, has complete liberty to express them and then dies with complete dignity. If justice is a fair distribution of financial resources, then the same extends to the special and additional facilities given to the poor sections of the society.

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