

# ARE JUSTICE AND LIBERTY IN STYLE AGAIN?

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FOR some time, in philosophical circles, such movements as phenomenology and linguistics have ruled the roost, challenged only by mysticism—and traditional philosophic concepts and concerns were eschewed as meaningless.

However, within the last few years two influential books have appeared\*, bringing back all the regalia of such resounding concepts as Justice, Liberty, Morality, Rights. The two authors, John Rawls and Robert Nozick are both professors of philosophy at Harvard University and both young—so they are not even old fogeys.

John Rawls' *A Theory of Justice* has been hailed as a work of first importance, ranking with Locke and Mill. It is a difficult book that requires close study, and even at that, the author does not always make himself clear.

Rawls puts forward the concept of Justice as Fairness and defends it against rival theories such as utilitarianism. He propounds two basic principles, as follows:

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

"Equality of opportunity" falls well on our ears, but Rawls is ambiguous as to how it may be applied. He regards differences in ability as subject to his principle, and therefore differences of income resulting therefrom need to be equalized. His theory appears to support the welfare state concept, and the egalitarian state in a semi-socialistic way.

How Rawls manages to write a long book on this subject and on equality of opportunity without discussing equal access to land and natural resources is difficult to explain, but he does manage it.

Robert Nozick's book, *Anarchy, State and Utopia*, was written partly as a reply to Rawls. It begins promisingly: "Individuals have rights and there are things no person or group may do to them (without violating their rights)." But unfortunately he does not define "rights" nor does he outline what the rights are.

Just as Rawls supports the "liberal" view (in the

sense of state intervention for the common welfare), so Nozick supports the "libertarian" View. He argues for a "minimal state" which limits itself essentially to the police function. Unfortunately here too the thesis suffers from a lack of definition of "the state."

Nozick argues against positions on either side of him: he criticizes the anarchist view that even police functions can be handled privately; and he argues against the state (whatever that is) going further than the police function.

At least, Nozick does get around to the question of land. In discussing Locke's famous theory of acquisition, he asks "which plot does an act (of labour) bring under ownership? . . . Why should one's entitlement extend to the whole object rather than just to the *added value* one's labour has produced?" Here he is getting close, but then the argument is left hanging with this disappointing conclusion: "No workable or coherent value-added property scheme has yet been devised, and any such scheme presumably would fall to objections (similar to those) that fell the theory of Henry George." No explanation or elaboration is offered, not even a footnote, although nearly all his other references are carefully documented and footnoted, even references to comic strip characters. A letter to Prof. Nozick requesting a clarification failed to produce any response. A pity, for it is just in the domain of a "value-added property scheme" that Georgism is so strong.

Both Rawls and Nozick conclude their respective books with descriptions of their ideal societies—Rawls with "a social union of social unions", and Nozick with a variety of ideal communities each following its respective star.

The work of both Rawls and Nozick, I feel, suffers from being too abstract and rarefied. One longs for references to a few facts. Generalizations and hypotheses may very well be the stuff of which philosophy is made, but they need to be checked against the facts of life. It is all very well to posit ideal societies, but it behooves any one who wants to have anything done about it to study how human beings really behave. For example: the "state of nature", referred to by both authors, is a standard convention of philosophy; but why try to figure out the whole thing from an armchair when so much recent research by anthropologists, archaeologists, *et al*, is available?

I am reminded of a saying by a distinguished predecessor of both men, William James, himself a professor of philosophy at Harvard. He said that in this world of sweat and dirt, God cannot be a gentleman; he cannot refuse to get his hands soiled. Both Rawls and Nozick have kept their hands a little too clean and their books have more of the classroom than of the real world about them.

Still it is refreshing to note that two important books have so boldly tackled the concepts of classical philosophy, and it may be that those of us who never gave up Natural Rights, Justice and Liberty may be quite in fashion again.

\**A Theory of Justice* by John Rawls. Harvard University Press, 1971. 607 pages. \$15 cloth; \$4.95 paper.  
*Anarchy, State and Utopia* by Robert Nozick. Basic Books, New York, 1974. 367 pages. \$12.95.