



# International Journal of Research Publication and Reviews

Journal homepage: [www.ijrpr.com](http://www.ijrpr.com) ISSN 2582-7421

## Nozick's Theory of Justice: A Critic of Rawls' Egalitarian Principles

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### ABSTRACT

This article exams Robert Nozick's critic of John Rawls' principles of equality, particularly his rejection of the principle of difference and of state redistribution. Arguing that Rawls' theory contradicts fundamental individual rights, particularly the right to property. For Nozick, any state-enforced redistribution is an infringement on individual liberty. He advocates for a minimal state whose sole mission is to protect these rights without interfering in the distribution of wealth, which he believes should be left to market dynamics. This analysis highlights the limitations of Nozick's view of justice, which, by rejecting any state intervention, leads to increased social inequalities. His approach aligns with a neoliberal logic that prioritizes individualism at the expense of social justice. Thus, a minimal state is ineffective since, under the guise of defending freedom, it actually perpetuates social imbalances.

**Keywords:** Individual rights, Justice, Liberty, Minimal state, Social inequalities, Redistribution

### RÉSUMÉ

L'article examine la critique formulée par Robert Nozick à l'encontre des principes égalitaires de John Rawls, en particulier son rejet du principe de différence et de la redistribution étatique. La théorie de la justice de Rawls, repose sur deux principes fondamentaux : la liberté égale pour tous et le principe de différence, qui justifie certaines inégalités si elles bénéficient aux plus défavorisés. Rawls défend ainsi une conception de la justice sociale qui légitime l'intervention de l'État pour corriger les inégalités économiques. Nozick n'est pas d'accord et c'est pourquoi sa critique considère que la théorie rawlsienne va à l'encontre des droits individuels fondamentaux, notamment le droit de propriété. Pour Nozick, toute redistribution forcée par l'État est une atteinte à la liberté individuelle. Il prône un État minimal dont la seule mission est de protéger ces droits, sans interférer dans la répartition des richesses, qu'il estime devoir être laissée aux dynamiques du marché. Ce travail débouche sur les limites de la justice selon Nozick, qui, en refusant toute intervention étatique, favorise un accroissement des inégalités sociales. Son approche s'inscrit dans une logique néo-libérale qui valorise l'individualisme au détriment de la justice sociale. Alors, d'un État minimal n'est pas efficace puisque, sous couvert de défendre la liberté, perpétue en réalité les déséquilibres sociaux.

**Mots clés :** État minimal, Droits individuels, Inégalités sociales, Justice, Liberté, Redistribution

### INTRODUCTION

In the 20th century, John Rawls redefined the notion of politics in a way unparalleled by any other widely disseminated political theory. Drawing on Kantian premises, his theory helped rethink institutions and their roles, while also stimulating debates around liberalism. Rawls's success stems not only from the novelty and relevance of his theory of justice, but also from the support of numerous supporters and the fierce opposition of detractors such as Michael Sandel<sup>1</sup> and Robert Nozick. The latter helped to publicize Rawls's position on justice and provide new theoretical frameworks and arguments to fuel the debates they themselves sparked.

These two philosophers have single-handedly managed to generate an extremely abundant secondary literature on Rawls's work. Some of these criticisms were legitimate and justified; Rawls's work, gigantic and capital, nonetheless remains imperfect as a whole and has certain weaknesses that these two authors have been able to point out with finesse. Although the debate between liberals and communitarians following the theory of justice has polarized opinions and has lasted over the decades with a well-stocked literature that is constantly being updated, this has unfortunately not been the case for the debate concerning Nozick. A few articles or books have indeed maintained the existence of dissonances between the opinions of these two authors (Rawls and Nozick), but the comparison is very pale if we consider the abundant literature generated by the liberal- communitarian debates . Nozick, on the other hand, is interested in and criticizes Rawls's theory of justice from the perspective of the legitimacy of the redistribution of wealth that Rawls proposes to

<sup>1</sup> See Michael Sandel , *Liberalism and the Limits of Justice* , Cambridge University Press, second edition , 1998.

carry out. Nozick argues that freedom is prior to the structures of society and that it is not these structures of society that are essential conditions for the existence of freedom. According to him, the redistribution of wealth that Rawls proposes is a vast deception <sup>2</sup>.

However, when we talk about Nozick's opposition to Rawls, we risk quickly becoming discouraged since the former did not leave a substantial literature on the question for posterity. This is why Lassalle stated: "If Nozick had continued the debate, responding in this way to his detractors or had made his positions more explicit, we are convinced that his theories would be more widely discussed today and would have aroused greater enthusiasm in the debates in political philosophy <sup>3</sup>."

In opposing Rawls, Nozick furthers his ideal of liberty by rejecting the redistribution of wealth as proposed by Rawls. According to him, taking a portion of an individual's possessions without their consent and redistributing them "randomly" to others under the pretext that they have not achieved the same level of economic stability is blatant theft and does not serve justice. Furthermore, Nozick believes there is no reason why an inventor should have to share their inventions with anyone else. By adopting this libertarian philosophy, Nozick opposes what Rawls is trying to establish.

In this article, we will examine Nozick's arguments against Rawls's redistribution and his difference principle. This brings us to the issue of Rawls's conception of social justice. In his critic of Rawls's theory of justice, Nozick argues that Rawls's egalitarian principles are incompatible with fundamental individual rights. According to Nozick, individuals have natural and innate rights, including the right to property, which cannot be limited by the state. He therefore proposes a minimal state alternative, in which the state intervenes only to protect individual rights and lets the market regulate economic exchanges. However, in doing so, the equality he calls for cannot become real, and the minimal state therefore becomes ineffective. Therefore, must minimal state be abolished to achieve equality? Does Nozickian thought, in harmony with neoliberal philosophy, not serve the over-emphasis on individualism?

This study will be based on a critical analysis of Nozick's writings. This will provide a better understanding of his position on Nozick's critic of Rawls's theory and its implications for social justice. This research will also shed light on current debates on social justice, specifically regarding equality of opportunity. Finally, this study can be considered a contribution to the reflection on the principles of justice and equality of opportunity.

To better understand Robert Nozick's thinking on social justice, our analysis will be structured around three main axes. First, we will examine John Rawls's theory of justice with a view to understanding the motives behind Nozick's critic. Second, we will focus on the core of Nozick's thought after highlighting his criticisms of Rawls's thought. Finally, we will assess the weaknesses of this thought by examining the limitations of Nozick's vision. We will examine the shortcomings and contradictions in his position on the theory of justice, as well as the criticisms made by other thinkers, in order to show that Nozick does nothing but encourage inequality.

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## 1. RAWLS' THEORY OF JUSTICE

Rawls's theory of justice is a normative theory that seeks to answer the question of how to organize society justly. According to Rawls, justice is the primary virtue of social institutions, and it must be guaranteed primarily by the rules that govern life in society. Rawls assumes that individuals are initially in a situation of ignorance that is, they do not know their place in society, their economic situation, or their state of health. In this situation, individuals cannot rely on their personal interests or particular preferences to decide on the principles of justice that should govern society. They are therefore led to reflect impartially and adopt a position known as the "veil of ignorance."

From this position, Rawls proposes two principles of justice: the principle of equal liberty, which guarantees that every individual must have the same fundamental right to liberty, and the principle of equality of opportunity, which guarantees that economic and social inequalities must be justified by a criterion of public utility and that they must be accessible to all regardless of their initial social position. Rawls recognizes that economic and social inequalities can exist in a just society, but they must be justified by a criterion of public utility. According to him, such a justification must be based on the difference principle, which stipulates that economic and social inequalities must be organized in such a way as to maximize the well-being of the worst-off in society.

### 1.1 The veil of ignorance

The concept of the veil of ignorance is central to John Rawls's theory of justice. It allows individuals to go beyond their particular interests and reason impartially to determine the principles of justice that should govern society. The veil of ignorance, as described by Rawls, consists of a situation where individuals do not know their place in society, their economic situation, their health, their preferences, or their beliefs. This means that they cannot base their decisions on principles of justice based on particular interests, but must think impartially, adopting a position that is not influenced by their personal circumstances.

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<sup>2</sup> See Robert Nozick, *Anarchy, State and Utopia*, Basic Books, 1974.

<sup>3</sup> Matthieu Lasalle, *Distributive Justice: The Question of Patents Between Liberalism and Libertarianism*, thesis defended at the University of Luxembourg with a view to obtaining the academic degree of Doctor, 2011, p. 10.

Rawls uses this notion to establish the principles of justice that should govern society. According to him, these principles must be acceptable to all individuals, regardless of their social position or economic status. He writes from this perspective: "the principles of justice are those that the parties would accept by virtue of their position of equality and their situation of mutual ignorance <sup>4</sup>."

The veil of ignorance thus helps prevent individuals from seeking to promote their own interests to the detriment of others, and ensures an impartial approach to determining the principles of justice that should govern society. Rawls writes in this regard: "The original position is one of equality, because no one knows his place in society, his social class or his economic status; nor does anyone know his natural talents or abilities, or the advantages or disadvantages brought to him by the chance of nature <sup>5</sup>." The veil of ignorance is therefore an essential tool for constructing a theory of justice that is acceptable to all individuals. It allows us to go beyond particular interests and reason impartially to determine the principles of justice that should govern society.

However, some critics have pointed out that the veil of ignorance fails to take into account certain social realities, such as gender or racial inequalities. Rawls himself acknowledges this limitation of his theory, writing: "It is true that the original position does not consider differences of sex or race, which are so important in our society <sup>6</sup>." Despite this limitation, the notion of the veil of ignorance remains an essential tool for constructing a theory of justice that is acceptable to all individuals. It allows us to go beyond particular interests and reason impartially to determine the principles of justice that should govern society.

### **1.2 The two principles of justice: equal liberty and just difference**

In his seminal work, *A Theory of Justice*, John Rawls sets out his conception of justice and establishes two principles of justice: equal liberty and just difference. These two principles aim to ensure that society's institutions and policies are just and fair for all individuals.

The first principle of justice is equal liberty. According to Rawls, "each person shall have an equal right to the most extensive system of fundamental liberties equal to that of all others <sup>7</sup>." This principle ensures that every individual has the same rights and opportunities to realize their life goals. These include freedom of thought, conscience, religion, speech, association, and movement.

The second principle of justice is that of just difference. Rawls asserts that economic and social inequalities must be justified only if they benefit society as a whole, especially the most disadvantaged. He writes: "Economic and social inequalities are just if and only if they are attached to positions and functions open to all under conditions of equal opportunity and provided that they benefit the most disadvantaged <sup>8</sup>."

These two principles of justice are linked and must be respected jointly. Equal liberty ensures that everyone has the same rights and opportunities, while fair difference allows for the justification of economic and social inequalities, provided they benefit all members of society, especially the most disadvantaged.

Rawls uses these principles to establish the foundations of a just and equitable society. He writes: "The goal of justice is to maximize the system of equal liberties and rights, compatible with a system of just differences <sup>9</sup>." Thus, according to Rawls, a society is just if it guarantees equal opportunity for all individuals, while allowing economic and social inequalities, provided they are justified and benefit society as a whole.

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## **2. NOZICK'S CRITIC OF RAWLS'S EGALITARIAN PRINCIPLES**

Nozick's thinking, as presented in his major book, challenges Rawls' theory of justice. This section therefore presents elements of Nozick's critic of Rawls and sets out Nozick's views on social justice.

### **2.1 Rejection of forced redistribution**

Robert Nozick sets out a liberal conception of justice that opposes the forced redistribution of wealth. According to him, justice does not require forced redistribution, as this would violate individuals' property rights. Nozick believes that each individual has a natural right to their property, acquired fairly, without outside intervention. According to him, "any transfer or exchange voluntarily made between two persons, each of whom regards the other as an equal, is just <sup>10</sup>." Thus, Nozick defends the principle of non-interference, which implies that the state should not intervene in voluntary economic exchanges between individuals. When the individual has obtained their property fairly, they remain the absolute master of it.

Nozick argues that the initial acquisition of property must be just, and that any property acquired illegitimately (e.g., through theft or fraud) must be returned to its rightful owner. "If an individual acquires a resource through improper access, there can be no legitimate initial property right arising from that acquisition <sup>11</sup>." This quote emphasizes that acquisition through improper access is illegitimate and cannot justify an initial property right. According

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<sup>4</sup>John Rawls, *A Theory of Justice*, Éditions du Seuil, 1971, p. 11

<sup>5</sup>*Ibid.*, p. 118.

<sup>6</sup>*Idem.*

<sup>7</sup>*Ibid.*, p. 60.

<sup>8</sup>*Ibid.*, p. 72.

<sup>9</sup>*Ibid.*, p. 293.

<sup>10</sup>Robert Nozick, *Anarchy, State and Utopia*, Paris, Presses Universitaires de France, 1974, p. 159.

<sup>11</sup>*Ibid.*, p. 175.

to Nozick, improper access includes all forms of unjust appropriation, such as theft, fraud, extortion, or forced expropriation. In other words, if a person acquires property unjustly, they cannot claim a property right to it. He also argues that any attempt to redistribute legitimately acquired property, through redistributive policies or excessive taxes, violates individuals' property rights. This is in line with Rothbard's view that "the acquisition of property is legitimate if it has been acquired in a just manner, that is, through labor, gift, or barter. Illegitimate property is that which has been acquired by force or theft <sup>12</sup>." This view of Rothbard states that the acquisition of property is legitimate if it has been acquired in a just manner, that is, through labor, gift, or barter. Indeed, according to this conception of property, an individual has the right to claim ownership of a good if he or she has acquired it through just and legitimate means that do not violate the rights of others. Thus, labor can be considered a legitimate source of appropriation, as it implies that the individual has invested his or her time and resources to produce or improve a good. Gift giving is also considered a legitimate source of acquisition, as it implies that the original owner has chosen to voluntarily give the property to another individual. Similarly, barter can be considered a legitimate source of acquisition, because it involves two parties voluntarily exchanging goods, each considering the value of the good they acquire to be greater than or equal to that of the good they give up.

For Nozick, forced redistribution is a violation of individuals' property rights because it involves taking from some to give to others. According to him, "taxing some individuals to redistribute their income to others is tantamount to treating them as means to other people's ends, which contradicts their dignity as autonomous <sup>13</sup>beings." Thus, forced redistribution violates each individual's natural right to their justly acquired property. Since the individual has freely acquired property according to their talents, which is now theirs to possess, they should not be dispossessed of it in the name of any redistribution. As we see, Nozick defends the idea that "distributive justice implies that people should have the freedom to do what they want with their possessions <sup>14</sup>." In the name of freedom, the individual decides to whom they want or do not want to give what belongs to them.

Nozick also believes that forced redistribution can lead to injustices. Indeed, forced redistribution involves a form of coercion, which can be unfair if it aims to take from the richest to give to the poorest without considering their individual choices. Nozick writes: "Forced redistribution can lead to unexpected and unintended consequences, such as the loss of incentives to work hard and innovate, and the creation of a society that rewards idleness and dependency <sup>15</sup>." Nozick's logic argues against any form of laziness into which redistribution can plunge individuals.

Robert Nozick develops a theory of corrective justice based on the theory of individual rights. According to Nozick, corrective justice aims to repair violations of individual rights and restore fairness. For him, the role of the state is to guarantee corrective justice by ensuring respect for individual rights and punishing violations of these rights. Nozick explains that "corrective justice is the treatment of what has been wronged <sup>16</sup>." He believes that corrective justice must aim to restore fairness by remedying past injustices. To this end, Nozick emphasizes the importance of reparation and compensation, which allow for the restoration of violated rights and the reestablishment of fairness.

## 2.2 Criticism of the idea of "just difference"

Robert Nozick criticizes the idea of "just difference" put forward by John Rawls in his Theory of Justice. According to Rawls, economic inequality can be just if it benefits the least advantaged in society. This idea of "just difference" is supposed to guarantee a form of economic equality and social justice. However, Nozick opposes this idea of "just difference," considering it unfair and counterproductive.

Nozick considers the idea of "just difference" to be unjust because it implies that some individuals must be sacrificed for the well-being of the less advantaged. According to him, "Rawls's theory of justice assumes that the better-off can be sacrificed for the sake of a greater good <sup>17</sup>." Thus, "just difference" implies a form of sacrifice of the most productive and talented individuals for the benefit of the less advantaged, which is unjust.

Additionally, Nozick believes the idea of "fair difference" is counterproductive because it discourages innovation and wealth creation. According to him, "Rawls's theory fails to recognize that the incentive to innovate and create wealth is an important component of economic prosperity <sup>18</sup>." Indeed, if the most talented and productive individuals are not rewarded for their efforts, this can discourage innovation and wealth creation, which ultimately negatively affects society as a whole, including the least advantaged.

Robert Nozick in his work highlights the principle of procedural justice. According to him, a decision is just if it is the result of a fair and impartial process, regardless of its content or consequences. For Nozick, procedural justice is therefore a necessary condition for social justice and the legitimacy of political institutions. Nozick explains that "the procedures followed to reach a decision, and not just the outcome of the decision, are morally important <sup>19</sup>." For him, a decision is just if it is the result of a fair and impartial process, which guarantees each individual equal treatment before the law. Nozick thus highlights the importance of transparency, publicity and participation in the decision-making process. He believes that all individuals must have the opportunity to make their voice heard and defend their interests, without being subjected to discrimination or unfair pressure.

Nozick therefore opposes the idea of an arbitrary or authoritarian decision, which he considers unjust and contrary to individual freedom. For him, "the decision taken must be the result of a process of free and fair deliberation, respectful of the rights of all individuals concerned <sup>20</sup>." He considers that

<sup>12</sup>Murray Rothbard, *The Ethics of Liberty*, Paris, Les Belles Lettres, 1982, p. 43.

<sup>13</sup>Robert Nozick, *Anarchy, State and Utopia*, op. cit., p. 169.

<sup>14</sup>John Christman, *The Politics of Persons*, Cambridge, Cambridge University Press, 2009, p. 147.

<sup>15</sup>Robert Nozick, *State, Anarchy and Utopia*, op. cit., p. 171.

<sup>16</sup>Robert Nozick, *State, Anarchy and Utopia*, op. cit., p. 151.

<sup>17</sup>*Ibid.*, p. 231.

<sup>18</sup>*Ibid.*, p. 230.

<sup>19</sup>Robert Nozick, *State, Anarchy and Utopia*, op. cit., p. 231.

<sup>20</sup>*Ibid.*, p. 232.

procedural justice is therefore a necessary condition for social justice and the legitimacy of political institutions. Thus, "justice consists of not violating the rights of individuals. Social justice is not a question of redistribution, but of respect for these fundamental rights <sup>21</sup>." Any justice that would go against this logic would be injustice.

### 2.3 The defense of individual freedom

In his book *Anarchy, State, and Utopia*, Robert Nozick ardently defends individual freedom as a fundamental value of society. According to him, every individual has the right to dispose of their body and property as they see fit, without being subject to unfair or excessive constraints. Nozick thus opposes the idea of state intervention in the private affairs of individuals, which he considers liberticidal and unacceptable.

For Nozick, "individual freedom is the essence of any just society <sup>22</sup>." He believes that every individual has the right to live their life as they see fit, without being subject to external constraints. This individual freedom includes private property, which Nozick considers an essential element of individual freedom. According to him, every individual has the right to own property, to dispose of it as they see fit, and to pass it on to their heirs. This private property is therefore an inalienable right, which cannot be violated without infringing on individual freedom.

Nozick therefore opposes any form of state intervention in the private affairs of individuals. For him, the State should only intervene to guarantee individual rights and protect citizens against external aggression. He thus rejects the idea of a forced redistribution of wealth, which he considers a violation of private property and individual freedom. According to him, "taxes, if used to finance the redistribution of wealth, are a form of coercion that violates individual freedom <sup>23</sup>." Individual freedom implies the right to private property. This right is fundamental and no one has the authorization to violate it regardless of the reason given. "Property rights are fundamental rights that cannot be violated, even for reasons of social utility <sup>24</sup>." It is clear that the individual's possession is his own and he has all the rights over it. Violating property is going against the natural laws that give the individual the privilege of enjoying what he owns. Respect for individual freedom, which implies respect for property, promotes the fulfillment of being.

Property can be seen as a source of autonomy because it gives individuals the power to control their environment and decide how to use their resources. For example, business owners have the freedom to make business decisions without being subject to the authority of a third party. Similarly, homeowners can choose how to decorate and arrange their property without having to seek anyone's approval. This autonomy can also contribute to self-realization and personal satisfaction. It is therefore clear that "property," believes Jean-François Revel, "is the most concrete expression of freedom, because it allows everyone to dispose of their life and their possessions as they see fit <sup>25</sup>." What truly allows freedom to manifest is the possession of one's property. For a person who does not own their property cannot claim to be free. In reality, when you lack property, you feel deprived of your existence. Living without knowing that what you own is effectively guaranteed plunges us into a state of permanent fear. This can be a serious blow to our physical, even psychological, stability. Nozick is not against this idea because, for him, property must be guaranteed unconditionally. It must be guaranteed since it is the *sine qua non* of individual freedom. Commenting on it, Michael Sanders writes: "Nozick insists on the importance of individual freedom, which he sees as a necessary condition for human flourishing. He considers private property to be a corollary of this freedom <sup>26</sup>." Being free is an excellent way to flourish. The search for human flourishing presupposes that, beyond the defense of one's freedoms, one respects natural rights. For Nozick, natural rights are the fundamental rights that each individual possesses simply as a human being, and which cannot be violated without there being an injustice. The theory of natural rights is therefore central to Nozick's thinking, because it allows us to define the limit between what is just and what is not.

Nozick explains that natural rights are inherent in every individual, and that they are fundamental to the protection of their dignity and freedom. In his book, he states that "natural rights are the fundamental rights that protect each person against attacks on their dignity, freedom, and property <sup>27</sup>." The concept of natural rights is not new to Nozick. Several texts before him evoke this notion, and he is simply continuing the tradition.

Indeed, this notion was further developed in the United States Declaration of Independence in 1776, which stated that all human beings are created equal and have inalienable rights such as life, liberty, and the pursuit of happiness. For many political thinkers, including John Locke <sup>28</sup> and Thomas Jefferson, natural rights are considered inalienable because they are granted by nature or God <sup>29</sup>, not by governments or political authorities. Jefferson said along these lines: "All men have natural rights, inherent in their persons, and cannot be deprived of these rights without their consent <sup>30</sup>." Governments are responsible for protecting these rights, but they cannot arbitrarily take away or restrict them except in exceptional circumstances. The inalienable nature of natural rights is often considered a key element of democracy and the rule of law, as it ensures that the fundamental rights of individuals are protected from abuse of power and arbitrary violations. This also means that natural rights are universal and apply to all human beings, regardless of their nationality, race, gender or religion.

<sup>21</sup>Ronald Dworkin, *A Matter of Principle*, Harvard, Harvard University Press, 1985, p. 96.

<sup>22</sup>*Ibid.*, p. 15.

<sup>23</sup>*Ibid.*, p. 169.

<sup>24</sup>Ayn Rand, *Philosophy: Who Needs It*, New York, Signet, 1982, p. 192.

<sup>25</sup>Jean-François Revel, *Neither Marx nor Jesus*, Julliard Editions, Paris, 1970, p. 13.

<sup>26</sup>Michael Sandel, *Justice: What's the Right Thing to Do?*, Farrar, Straus and Giroux, New York, 2009, p. 206.

<sup>27</sup>Robert Nozick, *State, Anarchy and Utopia*, op. cit., p. 28.

<sup>28</sup>Locke believes that the issue of rights predates any state, and that states must simply respect them. He says, "The rights of man are not creations of governments. Nor are they subject to their disposition. Rather, they are prior to governments and must be recognized by them." John Locke, *Second Treatise of Civil Government*, 1690, Chapter 2, §6.

<sup>29</sup>This conception is completely different from that of positive law. Indeed, contrary to what the defenders of natural law think, those who defend positive law believe that law is the product of men in society, or rather of governments.

<sup>30</sup>Thomas Jefferson, *Declaration of Independence of the United States*, 1776.

### 3. Nozickian Theory of Justice: An Encouragement of Social Inequality

#### 3.1 Problems with Nozick's Natural Rights Theory

Robert Nozick's theory of natural rights, as presented in Nozick's Theory of Justice, has been widely discussed and criticized by other political philosophers. Some issues have been raised about this theory that call into question its validity and relevance.

The first problem raised is that natural rights theory does not provide a clear answer to the question of the justification of natural rights. Why should the rights to life, liberty, and property be considered natural rights? Nozick does not provide a satisfactory answer to this question, which makes his theory less convincing.

A second problem is that natural rights theory can lead to conflicts between individual rights. For example, the right to property can conflict with the right to life if the owner uses their property in a way that threatens the lives of others. How can these conflicts be resolved? Nozick does not provide a clear answer to this question.

A third problem raised is that natural rights theory does not provide a satisfactory answer to the question of economic inequality. If property rights are considered natural rights, this means that economic inequalities resulting from the exercise of these rights are also considered just. This may seem problematic, as it would allow significant economic inequalities without this being considered injustice.

Finally, the fourth problem raised by some critics is that natural rights theory does not sufficiently take into account the social and political dimension of rights. Indeed, individual rights can only be exercised in a given social and political context, which can influence their exercise and validity. Nozick's natural rights theory does not sufficiently take this dimension into account, which may limit its relevance in certain situations.

#### 3.2 The question of distributive justice towards the persistence of inequalities

The question of distributive justice is one of the central concerns of political and moral theories, particularly among philosophers such as John Rawls and Robert Nozick. While Rawls proposed a theory of distributive justice centered on the principle of equality, Nozick, on the other hand, rejected the idea of forced redistribution and proposed an approach based on individual freedom. However, it is worth asking whether Nozick truly ignored the question of distributive justice.

First, it should be noted that Nozick did indeed propose an approach to distributive justice, but one that contrasts with Rawls's. According to Nozick, distributive justice simply implies that individuals are treated fairly with respect to what they have justly acquired. He asserts that individuals have a right to ownership of their acquisitions, whether obtained through labor, exchange, or gift, as long as these acquisitions are just and do not harm others. According to him, economic inequalities are therefore acceptable if they are the result of free and just transactions between free individuals with equal rights.

Nozick thus opposes the idea of forced redistribution, which he believes violates individual rights. He argues that if economic inequality is the result of fair transactions, then it should not be corrected by forced redistribution. According to him, forced redistribution is a form of theft because it takes from individuals what they have fairly acquired and gives it to others. He considers forced redistribution incompatible with individual freedom and reduces individuals to the status of slaves of the state. However, some of Nozick's critics, such as G.A. Cohen, have raised problems with his theory of distributive justice. In particular, they have pointed out that economic inequality can be the result of structural factors that are not fair, such as acquired advantages or initial inequalities. According to them, these factors can perpetuate economic inequality, even if individual transactions are free and fair. Thus, they argue that distributive justice involves not only a fair distribution of individual acquisitions, but also a fair redistribution to correct structural inequalities. By opposing distributive justice, Nozick only encourages inequality. In this logic, Richard Arneson believes that "Nozick's theory is a sophisticated justification of injustice"<sup>31</sup>. "As we see, injustice is emphasized in Robert Nozick's theory of justice.

Nozick assumes that economic inequality is the result of free and voluntary interactions in the marketplace, but this approach ignores the effects of historical injustice. As Charles W. Mills pointed out in his book *The Racial Contract*, "Nozick's theory is not only based on a theoretical assessment of property rights, but is also based on a historical assessment that assumes existing property relations are legitimate"<sup>32</sup>. "Current economic inequality can be traced back to historical injustice, such as colonialism, slavery, and racial discrimination, which have created persistent economic imbalances. Nancy Fraser explains that "economic inequality is not simply the result of individual choices and market forces, but is deeply rooted in social structures and power relations that have been shaped by history"<sup>33</sup>. "Human history has established injustices, and Nozick only encourages them. Even if Nozick believes that individuals have an equal starting standard of living, it should be remembered that this is illusory. In a society where individuals face systemic barriers such as poverty, discrimination, and unequal access to education and employment, starting equality is not possible. As Samuel Freeman shows, "economic inequality has often been the result of discriminatory practices that have prevented some groups from accessing the same opportunities as others, and Nozick's theory does not provide an adequate response to this reality"<sup>34</sup>.

<sup>31</sup>Richard Arneson, *Nozick's Entitlement Theory, Ethics*, 1991, p. 348.

<sup>32</sup>Charles W. Mills, *The Racial Contract*, Cornell University Press, 1997, p. 112

<sup>33</sup>Nancy Fraser, "Contradictions of Capital and Care", in *New Left Review*, vol. 103, p. 123-138, 2017, p. 133.

<sup>34</sup>Samuel Freeman, *Justice and the Social Contract: Essays on Rawlsian Political Philosophy*, Oxford University Press, 2007, p. 162.

Ultimately, Nozick's theory fails to address the effects of historical injustice on current economic inequality. As Martha Nussbaum states, "Nozick's theory fails to adequately address the social justice issues that lie at the heart of current economic inequality<sup>35</sup>." It is important to recognize the impact of historical injustice on current economic inequality and to implement policies and programs that work to reduce these inequalities.

### 3-3- Articulation of libertarianism and minimalism: a sacralization of methodological individualism

In the contemporary intellectual landscape, an emerging trend is emerging: the sacralization of methodological individualism. This approach transcends disciplinary boundaries to place the individual at the center of analysis, giving them paramount importance in understanding social, political, and cultural phenomena. In this essay, we will explore the foundations of this sacralization, its implications, and the challenges it raises for our understanding of the modern world.

The idea of methodological individualism focuses on the proper way to explain social phenomena. According to this thesis, a social phenomenon is truly explained only when one traces it back to the individual actions of the people involved, considered individually. This approach, which consists of explaining social phenomena through individual actions, has been practiced for a long time. However, it takes on a more formal dimension when it is named and institutionalized in the field of social sciences, particularly in sociology. Two terms are often used to refer to this perspective: "methodological individualism" and "individualist method," which closely overlap.

The triumph of the term "methodological individualism" over its competitors is attributable to the impact of an article and note by John William N. Watkins<sup>36</sup>, which ignited an ongoing controversy about the nature of historical and sociological knowledge. Arthur Danto<sup>37</sup>, Ian Jarvie<sup>38</sup>, and Steven Lukes<sup>39</sup> played a key role in defining the contours of this debate, leaving the impression that by the end of the 1960s, all perspectives on methodological individualism had been explored. Meanwhile, Ludwig von Mises<sup>40</sup> continued to champion this approach, while Schumpeter's posthumous *History of Economic Analysis*, published in 1954, reiterated Mises's 1908 distinction between political and methodological individualism. Mises maintained his argument that methodological individualism is insufficient to explain social phenomena, arguing that it is wrong to reduce them solely to individual actions. He proposed to label this tendency "sociological individualism," emphasizing that social phenomena involve complex combinations of individual actions<sup>41</sup>.

With neoliberalism, the individual reaches its peak; it is now sacred. There is "something that subsists beyond freedom and towards which we must strive: the individual himself. [...] the word individualism therefore seems, for us, preferable to the word liberalism<sup>42</sup>," argued the French economist Louis Baudin in August 1938, during the Walter Lippmann conference held in Paris, a key moment in the rereading and reshaping of liberalism, and often considered the true "birth certificate" of current neoliberal thought. Over time, liberal thought has undergone a profound metamorphosis, abandoning its traditional theoretical foundations to embrace a new conceptual horizon. Once fueled by the burning flame of freedom, it has now pivoted towards a new axis, placing the individual at the center of its discourse. This transition marks a major turning point where the emphasis is now placed on the autonomy and self-determination of each person. The individual, once relegated to the background, is now propelled to the forefront, called upon to follow his or her own life paths, to explore his or her desires, to defend his or her values, and to pursue his or her deepest aspirations: "this is the whole philosophy of individualism<sup>43</sup>," argues Friedrich Hayek (1946), one of the founding fathers of contemporary neoliberalism, in his seminal work *The Road to Serfdom*. The initial liberal project emerges as an emancipatory political vision, highlighting the individual in all his or her diversity. According to Hayek, it places primary importance on individual aspirations, unique life paths, and ways of existing specific to each individual. He goes on to say: "From this, the individualist concludes that the individual must be left, within determined limits, free to conform to his or her own values, rather than to those of others." To recognize the individual as the final judge of his own ends, to believe that as far as possible his own opinions should govern his actions, such is the essence of individualism<sup>44</sup>.

In the dynamics of contemporary neoliberal governance, a revolution is taking place in the way societies are organized, where the individual emerges as sovereign, relegating the state to a more subdued role. This shift to a horizontal management of subjectivities reinforces a growing individualism, or even what some might call hyper-individualism<sup>45</sup>, a concept closely linked to libertarian ideals. The emphasis is now on individual aspirations to the detriment of the collective and institutional structures that traditionally guarantee social cohesion and the legitimacy of power. This development underlines the diversity and variety of individual lifestyles, with each person free to define their own path and enjoy their own pleasures. This notion of "modes of enjoyment" reflects the heart of neoliberal political philosophy, where liberty and equality remain central values, but plurality emerges as a third essential

<sup>35</sup>Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, The Belknap Press of Harvard University Press, 2006, p. 51.

<sup>36</sup>The two texts are unified in a 1953 edition. It corresponds to Watkins, 1973. Watkins, "Ideal Types and Historical Explanation," *The British Journal for the Philosophy of Science*, III-9, pp. 22-43. DOI : 10.1093/bjps/III.9.22. Watkins, "The Principle of Methodological Individualism," *The British Journal for the Philosophy of Science*, III-10, pp. 186-189. DOI : 10.1093/bjps/III.10.186.

<sup>37</sup>Arthur Danto, 1965, *Analytical Philosophy of History*, Cambridge, Cambridge University Press.

<sup>38</sup>Ian Jarvie, *Concepts and Society*, London, Routledge & Kegan Paul, 1972, p. 154-159 and 173-178.

<sup>39</sup>Steven Lukes, *Individualism*, Oxford, Blackwell, 1973, chap. 17.

<sup>40</sup>Ludwig Von Mises, *The Ultimate Foundation of Economic Science: An Essay on Method*, Princeton (NJ), D. Van Nostrand Co., 1962, p. 80-83.

<sup>41</sup>Joseph Schumpeter, *History of Economic Analysis*, London, Routledge, 1986 [1954], p. 854-855.

<sup>42</sup>S. Audier, *The Lippmann Colloquium. The Origins of "Neo-Liberalism"*, Paris, Le Bord de L'eau, 2012, p. 428.

<sup>43</sup>Friedrich Hayek, *The Road to Serfdom* [1946], Paris, PUF, 1985, p. 49.

<sup>44</sup>*Idem*.

<sup>45</sup>We use the term "hyper-individualism" here, as individualism is now excessive and pushed to the extreme: the prefix *hyper* comes from the Greek "huper", which denotes a superior position - above or beyond - but also great intensity, excess.

pillar. This plurality, now in the foreground, aligns perfectly with consumerism and the market system, echoing libertarian ideals that advocate free enterprise and unfettered individual choice.

Hypermodern ideology, as presented by libertarianism, makes the individual a supreme value: he is, as Louis Dumont shows, an "independent, autonomous, and therefore essentially non-social *moral being*", who carries our supreme values and is found first and foremost in our modern ideology of man and society<sup>46</sup>. He is himself a value, in that he is the bearer of moral values, independence and autonomy. And, Dumont continues, "there are two kinds of society. Where the Individual is the supreme value, I speak of *individualism*; in the opposite case, where the value is found in society as a whole, I speak of *holism*"<sup>47</sup>. Neoliberalism is in line with the first economic system, but it radically transforms it. From now on, the whole of society is subject to the primacy of the individual considered as a value in his own right, thus embodying the renewal of liberal thought. This individual is both a citizen enjoying fundamental rights and an economic actor guided by their personal interest. At first glance, they appear to enjoy greater latitude and freedom. However, this apparent autonomy is counterbalanced by a proliferation of standardization processes and control mechanisms. At the heart of the neoliberal paradigm is a project of standardizing subjective behaviors aimed at shaping a specific type of subjectivity. This standardization takes the form, in particular, of promoting the "virtues" of corporate culture. Through the fiction of the individual as self-entrepreneur, invited to adopt the practices of a company by setting strategic objectives, neoliberal governance seeks to produce the type of subject that corresponds to their needs. In short, neoliberalism brings about a profound transformation by encouraging individuals to perceive and behave like companies, with the ultimate goal of serving the interests of the economic system.

In a neoliberal framework, the individual is elevated to the status of supreme value, while social discourses encourage an ever more pronounced individualism. Subjective construction in the neoliberal context aims to create the narrative of a new individual whose formation will serve the cogs of the neoliberal machine as a whole. Etymologically, the word "fiction" comes from the imperial Latin "fictio", meaning "action of shaping, creation", but it also takes on, in medieval Latin, the meaning of an "action of feigning" and a "deception"<sup>48</sup>. From this perspective, we understand that fiction is intrinsically linked to the act of creation and shaping, to the construction of an imaginary that, for us, contributes to shaping our subjectivity. Fiction plays a crucial role in this process by offering the subject potential resources, by providing a foundation, even a substance, for their psychic reality. Moreover, it can also propose and generate a space of truth for this subject.

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## 5. CONCLUSION

In conclusion, Robert Nozick's theory of justice is radically opposed to that of John Rawls. It is based on the principles of individual liberty and private property, and rejects the idea of forced redistribution to achieve material equality between individuals. Natural rights are central to his thinking, and he asserts that individuals must be able to freely dispose of their person and property. Nozick offers a defense of individual liberty that is fundamental to his theory of justice. According to him, the state cannot legitimately impose forced redistribution, as this would violate the natural rights of individuals. The state must limit itself to protecting the rights of each individual and not seek to correct economic and social inequalities. He also defends the idea of corrective justice, which allows for the redress of injustices committed against individuals or groups, without seeking to achieve material equality.

However, Nozick's theory has been criticized for its limitations. Some criticize it for failing to take into account initial inequalities and differences in abilities that may exist between individuals. Others believe that its defense of individual freedom is insufficient to guarantee equitable social justice. Indeed, Nozick considers economic inequalities acceptable as long as they result from free and voluntary transactions between individuals.

Despite its limitations, the debates between Rawls and Nozick were important for contemporary political philosophy. They helped to highlight the fundamental differences between different conceptions of social justice. Rawls's theory influenced much work on social justice and redistribution, while Nozick's helped strengthen the place of private property and individual liberty in political debate.

Ultimately, the debates between Rawls and Nozick showed that the question of social justice is complex and requires careful consideration. Different conceptions of justice can be radically opposed, and it is important to consider the limitations and criticisms of each theory in order to construct a more just and equitable vision of society.

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<sup>46</sup>Louis Dumont, *Essays on Individualism*, Paris, Editions du Seuil, 1983, pp. 34-35.

<sup>47</sup>*Ibid.*, p. 35.

<sup>48</sup>A. Rey, *The historical dictionary of the French language*, volume 1, Le Robert, Paris, 2012, p. 1342.



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