

The origin of the state

Business



Plato said “ a city comes to be because none of us is self-sufficient”. At the beginning of the city-state is the need for humans to sustain life. Meet Kurt. Kurt must provide food, shelter, and clean water for himself in order to survive. Kurt performs these tasks on his own and it consumes all of his time and energy. Kurt soon begins to realize that if he cooperated with others in his immediate vicinity, his life would become much easier. Rather than expend all of his energy trying to provide for himself, Kurt decides to specialize in one craft and trade for all of his other basic necessities. This is what John Rawls characterized as “ a system of cooperation designed to advance the good of those taking part in it”. Kurt is an excellent shoemaker, and he decides to spend all of his time making shoes and trading them for the staples he needs to survive.

Kurt is satisfied and the members of his cooperative are satisfied. Thus, the most basic state comes to fruition. A local economy is born, with merchants and currency to ease trade, and a state of interdependence forms amongst the members of the community. This is what Plato called the “ healthy” state. In such a state no form of government is necessary to ensure that humans can flourish, or that justice can reign.

The healthy state is not possible. Unfortunately, this basic structure is not enough to satisfy human nature. The most basic state eventually becomes what Plato called the “ luxurious” state, which is filled with a “ multitude of things that go beyond what is necessary”. The population begins to grow exponentially and the state’s wealth starts to increase. To ensure continuous

growth, land must be taken either peacefully or more likely by force. Thus, war is originated and armies must be formed.

Life becomes more comfortable for some and others are left to toil and work long hours. Class distinctions are born and we come closer and closer to the modern state of affairs. The healthy state that Kurt once knew now needs some form of government to ensure that all humans can flourish and that justice can be present in all humans' lives. The question I believe the origin of the state can answer is how much involvement the government of a just state should have in the affairs of its people. I wish to refute to claim that the "minimal state" introduced by Robert Nozick is the best and most just form of government, in favor of the conception of John Rawls. Nozick says that the legitimate use of the government's power in the "minimal state" is limited to the "protection against force, theft, fraud [and the] enforcement of contracts.

The government can not coerce its people to pay taxes for anything except for their own protection and may not prohibit any activities for a person's own good or protection". This unlimited form of capitalism produces a just society because it respects private property rights, and individual liberties. Nozick's argument rests heavily on the concept of self ownership. Meet Ken. Self ownership in this sense means that Ken owns himself and therefore, he owns his own body, labor, and the products of the exercise of his labor.

Because Ken owns his body, it is wrong for someone else to hurt, maim or kill him. If they were to do so they would be destroying Ken's personal property without his consent. This is where government must step in to ensure that no

one violates another person's private property rights. Another area where the government is required to step in is for the enforcement of contracts. If Ken agrees to pay someone \$10,000 to paint his house and they agree, then they've made a binding deal. If said person does in fact paint Ken's house and Ken refuses to pay him, then the government must step in to enforce the contract ; and coerce Ken to pay the person who painted his house.

Otherwise, Ken could refuse to pay that person and because they are not allowed to harm his private property, they would be out of luck. Taxation is also a significant part of Nozick's theory. The only taxation allowed in the minimal state is money for the protection of private property by the government. However, according to Nozick, "taxation of earnings from labor is on par with forced labor". If the government can take 40% of the money Ken made while laboring and use it to fund state mandated programs, such as public education, then for 40% of the time that Ken was laboring he was effectively working for the government against his will.

The government through taxation becomes a partial owner in Ken which is unjust because Ken owns himself through the concept of self ownership. This means that the government can not coerce Ken to do anything that he does not consent to do on his own. The last part of Nozick's theory is his entitlement theory, which defines how individuals may justly come to own property. The property that Ken acquires through his own labor is his and cannot be taken away from him by another person or, and especially, by the government. The state then has the obligation to protect Ken's property and to punish those who violate his private property rights. This holds true as

long as the initial acquisition, and transfer of those goods was just ; meaning that the property was not taken by theft, fraud or force.

If the initial acquisition was unjust then a “ rectification of past injustices” must arise. This would include returning all private property back to the original owner. To see why the argument for the “ minimal state” is invalid we must turn to Rawls’s conception of justice, and then to a specific critique of Nozick’s theory. First we must discuss what Rawls called the “ original position”. This ideal involves the members of the state choosing the principles which their government will rule by, behind a “ veil of ignorance”.

Behind this veil the members of the community do not know where they will end up in society. They cannot know whether they will be rich or poor, part of a racial minority or majority, part of a religious minority or majority or any other possibly discriminatory characteristics about themselves. It is important to realize that the “ original position is purely hypothetical”, and that no such meeting actually took place. The value in it is that “ at any time [humans] can enter the original position..

. by arguing for the principles of justice in accordance with these restrictions”. With such a system in place, the members of the state would ensure that every member of society had a basic set of individual human rights, and were treated fairly with equal social and economic opportunities. The members of the state would reach this conclusion because “ no one should be advantaged or disadvantaged by natural fortune or social circumstances”. To ensure this equality of social and economic opportunities, wealth and power would be distributed according to the “ difference

principle” in which all inequalities work to the benefit of the least advantaged members of society. The “ difference principle” calls forth a progressive tax system that taxes the rich to provide for the health, education and welfare of the poor.

To better portray the truly just state I will attempt to refute Nozick’s claims. First, the truly just state protects against force, theft and fraud, and enforces contracts between members of society ; however it does not enforce a total conception of self ownership. Second, taxation does represent a partial ownership of one’s labor, it does not represent any true form of forced labor, however. Forced labor involves total control over one’s action while partial ownership involves a means toward the betterment of society as a whole. Rawls said that “ an injustice is tolerable only when it is necessary to avoid an even greater injustice”.

Thus, taxation is justified because it is used to avoid great injustices such as arbitrary social and economic disadvantages. Also, in the just state no man is forced to labor at all, so the concept of any form of forced labor is invalid. Lastly, Nozick’s entitlement theory. As discussed before, if the initial acquisition of property was unjust, according to Nozick, those wrongs must be rectified. In Galvin Chia’s essay, No Man an Island : Refuting Robert Nozick’s Libertarian Political Philosophy, he says, “ In a historical context, there have been many instances in which the appropriation of property has been carried out through force, coercion or in otherwise unjust (by Nozick’s standards) fashion”.

For instance, the European conquest of America, behind the ideal of manifest destiny, in which the native population was effectively wiped out and had their land stolen from them. Such cases in which the initial acquisition was unjust have “remained unrectified to this day”. In order to rectify these past wrongs, almost all of North America would have to be given back to the indigenous population, and a “more-than-minimal state would be required to ensure that those specific past wrongs were righted. This quandary “remain[s] unresolved by Nozick – it is unclear how historical injustices such as these could be resolved”. Now we must return to the origin of the state to realize why Rawls’s conception of justice is the best theory put forward thus far.

The city-state began as a simple cooperative, and became a state of disproportionate luxury and wealth. Because of human beings’ intrinsic nature and self-interest, justice could never reign in the community unless a government was installed. The problem with Nozick’s conception of the just state is that justice is not present at all. Henry David Thoreau said that the state will never become “free and enlightened” until the “state comes to recognize the individual as a higher and independent power”. The foundation of Nozick’s argument is based on this view that the individual is the most significant being in society, and thus, individual liberties are all that matter.

The foundation of Rawls’s argument is based on the view that the individual is the most significant being in society, BUT that human beings still live in groups. Thus, “the principle of equal liberty [is put] prior to the principle regulating economic and social inequalities”. Rawls ensures that every individual has a set of basic liberties, (individuals are not given complete

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autonomy however) and that justice is also present in the community, by the government making life as fair as humanly possible. To understand this difference, we must understand that liberty and justice are two very different things. To understand this contrast, we must first understand that what makes an individual is decided primarily by factors outside of that individual's control.

These are the social and economic advantages and disadvantages that form humans' lives. The conception of liberty is to allow what nature has spawned to reign free, and completely respect an individual's free will. This involves basic liberties such as free speech and the freedom of the press ; along with freedom from coercion, such as taxation. The conception of justice is to ensure, as Aristotle said, that every man gets what he deserves. Sam Harris in his novel, *The Moral Landscape*, said " No human being stands as author to his own genes or his upbringing, and yet we have every reason to believe that these factors determine his character throughout life. Our system of justice should reflect our understanding that each of us could have been dealt a very different hand in life".

No man is truly entitled to his social and economic background that made him who he is. Thus, justice calls not for a leveling equality, but for the rectification of social and economic disadvantages ; so that no man is beaten down by arbitrary factors in which he has no control over. The rich man cries " LIBERTY" because he is selfish. He does not want to be coerced into helping those less fortunate than himself, because he believes he is completely entitled to his possessions. The poor man cries " JUSTICE" because he is selfish.

He requires help from government coercion in order to survive, and has no use for liberty, because arbitrary factors have denied him material wealth. In a materialistic society, such as the one we live in, the rich man will always be taken care of, and thus has no reason to cry at all. The truly just government answers to the poor man's cry, because any one of us could have been in his position.