

State Power and the Common Good: A Critical Appraisal Of Robert Nozick's Conception of The Minimal State

Ishmael. U. Gwunireama

Department of Philosophy
University of Port Harcourt, Nigeria
ishmael.gwunireama@uniport.edu.ng

Tamunosiki Victor Ogan

Department of Philosophy,
University of Port Harcourt, Nigeria
tamunosikivictor@gmail.com

ABSTRACT

Nigeria's political leaders either do not understand the ends of the state or have derailed from them—the common good. As a result of this gap, they have resorted to breaches of the covenants under the social contract in pursuit of self-aggrandizements. What is more, the state rather monopolises coercive power and then proceeds to use this power arbitrarily, thereby violating the rights of citizens. It is in reaction to this that Robert Nozick proposed the minimal state as a paradigm for ensuring the common good and protecting the rights of citizens. The minimal state functions as a right watch man with the powers necessary to protect citizens. State power is a means to enhance the common good. It is the contention of this work that Nozick's idea of anarchy appears utopian and betrays the hallowed principle of the rule of law in a democratic society. However, it is a directive framework to emphasise that the state exists to promote the common good of citizens and not for the personal aggrandisement of the custodians of the covenant that birthed the state.

Keywords: *State Power, Common Good, Robert Nozick, Minimal State.*

INTRODUCTION: THE NATURE OF STATE POWER

Robert Nozick conceives of the minimal state as a socio-political entity whose function is to bring about the overall happiness of the citizens. His conception of the meaning, nature, and purpose of the state is coloured and shaped by his general understanding of the well-being of the citizens, fundamental human rights, and distributive justice, which are elements of the common good. The concept of state power is a central theme in socio-political philosophy. It is indeed the hallmark of politics and governance in an organised society. It is synonymous with sovereignty. It is the supreme coercive power that defines the way of life of individuals within a state and binds them to the will of the state (Laski, 1967). On his own part, Jean Bodin (1992) defines state power as "the absolute, perpetual, indivisible, complete, unlimited, and supreme power of a state over the citizens" (p. 21). It connotes the unlimited power of the state to make laws and enforce them. In other words, "the sovereign gives order to all but receives order from none" (Bodin 1992, p. 22). Sovereignty, in the main, means supremacy, which entails the power of the state to make laws and enforce them with all the means of coercion it cares or deems expedient to employ.

The application of state power involves interest articulation and interest aggregation by state and non-state actors. To be sure, the reconciliation of the authority of the state with the liberty of the individual in order to promote social good on the largest possible scale is the fundamental concern of socio-political philosophy. Thus, state power finds expression in the politics and governance of organised political systems. It is in view of the foregoing

that a government is said to be an agency or machinery through which the political will of the state is formulated, expressed, and attained. In this way, the government becomes the vehicle or apparatus of state power. At any rate, state power is simply the springboard of governance. Its application is manifestly evident in the operational workings of the three constitutive organs of government, namely: the legislature, executive, and judiciary. Thus, state power is meaningful to the extent that it ensures the balance of power, relations of power, and, of course, enhances the realisation of national interests. What is more, it is also the harbinger of nation building, national integration and a recipe for national cohesion (peaceful and harmonious co-existence, especially in a multicultural and pluralistic society like Nigeria). At the bottom line, it is imperative to stress that state power represents supreme political authority which a sovereign state has to make and enforce laws, policies, and programmes within the confines of its territorial jurisdiction without any form of foreign interference or external control, subject however, to the dictates of natural law, which governs international obligations that all civilised nations subscribe to as providing a framework or theoretical construct for achieving fundamental objectives and directive principles of state policies.

WHAT IS POLITICS

As stated earlier, the nature of politics/governance of a well-ordered society is one of the major concerns of social and political philosophy. It is a defining feature of man and his society. It is however, important to note that there is no consensus or unanimity among scholars as to what politics is all about. Nonetheless, in an attempt to provide a working definition of politics, David Easton (1957) succinctly puts it that, “Politics refers to the authoritative allocation of values for the society” (p. 1). The foregoing assertion presupposes that politics is principally concerned with the determination of power, influence, leadership and competition or even conflict arising from decision making in relation to the allocation of values and resources in the civil society. For Harold Lasswell (1950), “politics is the determination of who gets what, when and how” (p. 1). He locates politics in the civil order wherein individuals, groups and states compete for influence, power and authority. Thus, politics is a domestic term as it features in the decision of the family head, the pronouncement of the community leader, the school authority, the religious leader (cleric) and the policy statements of the political class. All these are manifestations of politics as they deal with the control of values and distribution of resources. All the same, D.D. Raphael (1990) in his work *Problems of Political Philosophy* wittingly opines that:

Politics concerns the behavior of groups and individuals in the matters that are likely to affect the course of governances e.g in voting, in forming and running political parties or in exerting influence (through pressure groups) on those responsible for the conduct of government (pp. 11-22 Emphasis supplied)

Here, politics is conceived basically as a competitive game which involves a set of rules for regulating such competitions or conflicts in the political system. It is characterized by legitimate social interaction, and encourages calculated devices from the normative standards of acceptable political behaviour. Consequently, it deals with the meaning, scope and structure of interpersonal, intergroup and international quest for, and balance of, power. In a nutshell, it is simply the struggle for power. In Okwudiba Nnoli's parlance, “Politics deals with the process of striving to share power among states or groups within a state” (1994, p. 5).

The import of the foregoing is that it focuses attention on the relationship between individuals or groups in the society with regard to the quest for influence and power. It is a mechanism/ instrument of social control underpinning the process of power acquisition and the pursuit of control, influence, etc. Raphael (1990) further avers that:

The whole process of political behavior turns on the fact that there is the set of institutions called government for regulating the affairs of society...such societies have some patterns of regulation that is analogous to law and government in societies that are backed by power.... And the politics of a state consists of making, applying, interpreting and enforcing the system of law or rule and the activities of influencing the former (pp. 25-26).

There is no gainsaying that politics refers to all activities whose main purpose is one or more of the following: to reshape or influence governmental structure or processes, to influence or replace governmental office holders, to influence the formation of public policies, to influence the implementation of public policies, to generate or strengthen public awareness of, and response to, governmental institutions, processes, personnel, and policies or to gain a place of influence or power within government. Recall that government is nothing more than the broad task of ordering a society- the making and enforcement of rules for the society. It is the organization in a state which has monopoly over the lawful use of force in the sense that only the political institutions and agencies can legitimately use force or permit people to use force as well as regulate the lawful use of force (Nwosu, 2018). Thus, it is the part of the total organization which is concerned with the maintenance or establishment of social order within a territorial framework by the organized exercise of coercive authority through the use or possibility of the use of physical force (A Fortes, & Evans-Pritchard, 2015). It is intended to bring about social order and control on the political scene.

THE COMMON GOOD

The notion of the Common Good is an essential attribute of good governance in a well-ordered society. Good governance is fundamental...since it implies peace within the polity and confidence by all that their needs are important to leaders (Amalu and Adetu, 2018). It designates that which is beneficial to all and sundry. It is nothing but public good. Thus, the Common Good is a welfarist ideology that seeks to promote the well-being or existential condition of all members of the civil society. In view of the foregoing, it can be variously referred to as public interest, public good, common interest, general welfare, social good, amongst others. Attempting to properly situate the notion of the Common Good in its right perspective, Iniobong Udoidem (1988) in his masterpiece entitled, *Authority and the Common Good in Social and Political Philosophy* brilliantly writes that “The common good therefore could be said to be that which all human beings whether as individuals or a group desire by nature” (p. 96). The import of the foregoing is that the Common Good represents that which can be commonly desired, either by individuals desiring the same thing, or desiring it a group. In any case, it entails desiring the good and actualizing same satisfactorily. On his own part, Jacques Maritain sees the Common Good from the point of view of moral discipline and civilization. For him, the ethical dimension of the Common Good is that it entails the maximum possible development of citizens (Udoidem, 1988). As he puts it:

(The Common Good) includes sociological integration of all the civic conscience, political virtues and sense of right and liberty, of all the activity, material prosperity and spiritual riches, or moral rectitude, justice,

friendship, happiness, virtue and heroism in the individual lives of its members. For these things are, in a certain measure, communicable and so revert to each member, helping him to perfect his life and liberty of person. They all constitute the good human life of the multitude (Madsen & Strong, 2009, p. 111).

The import of the above conception of the General Will is that it is an aggregation and reconciliation of the particular will of a single individual and the collective will of all members of the society. It avoids the extremes of both particular and collective wills. It is the sum of the aggregation/harmonization of all conflicting interests or opposing paradigms in the civil order. Rousseau adds that, "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole" (Rousseau, 2012, p. 53). The General Will is the composite aggregate of the reconciliation between a particular will, on the one hand, and collective wills, on the other hand. It tends to maintain a balance between these two extremes in terms of interest articulation and interest aggregation especially as it concerns matters of public importance.

Jeremy Bentham and John Stuart Mill provide a theoretical foundation of morals and politics using the matrix of utilitarianism. Thus, utilitarianism is an ethical cum political theory which holds that action should be directed towards achieving the "greatest happiness for the greatest number of people". Bentham (1969) holds that, "Act always to promote the greatest happiness for the greatest number of people" (p. 106). This means that government policies, programmes, and legislations must be based on the foundation of measurable human happiness with the over-all objective of promoting the common good. Thus, the Common Good tailors towards the avoidance of pain and maximization of happiness. Mill (1969) opines that:

The happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator (p. 2).

Here, Mill's conviction is that general happiness is the supreme good given the fact that each person's happiness is a good to that person and the general happiness, therefore, becomes a good to the aggregate of all persons. All these are geared towards the advancement of the common good.

NOZICK ON THE STATE, STATE POWER AND THE COMMON GOOD

Nozick's conception of the nature and character of the political state stems from his deep commitment to the sanctity of human rights. His obsession for anarchism i.e. non-state, drives from his belief that the existence of a state might pose an obstacle on the path of individual rights. Nozick (1974) expresses his major concern for human rights protection vis-à-vis the state thus, "individuals have rights and there are things no person or group may do to them without violating their rights" (p. iii). It is against this backdrop that Nozick attempts a logical justification of anarchy and makes a clarion call for the institution of a *minimal state-as* the only justifiable state which does not violate individual's rights. Thus, a minimal state, according to Nozick, is one that functions essentially as a "night watchman", with powers limited to those necessary to protect citizens against violence, theft, and fraud. The state would not have been necessary but for its function of protecting lives and property. For Nozick (1974); "Some anarchists have claimed not merely that we would be better off without a state, but that any state necessarily violates people's moral rights and hence is

intrinsically immoral” (p. 6). The striking question that confronts us in appreciating Nozick’s understanding of the state is: Why does Nozick view the state as intrinsically immoral? The anarchists’ objection, in Nozick’s estimation, involves the idea that the state by its nature monopolizes coercive power and then proceeds to use this state power arbitrary, thereby, violating individual’s rights. By logical extension, since these actions are immoral, and they are performed by the state, the state is therefore immoral.

Nozick’s vision of legitimate state power thus contrasts markedly with that of Rawls and his intellectual associates. Recall that Rawls argues that the state should have whatsoever power that are necessary and requisite to ensuring that those citizens who are least well-off as well-off as they can be in terms of their basic rights and freedom. It is apposite to note that Nozick’s account of state power and distributive justice is basically a reaction or response to the Rawlsian theory of justice as fairness. Nozick insists that Rawls’ principle which holds that an unequal distribution of wealth and income is acceptable only if those at the bottom are better off than they would be under any other distribution is grossly inadequate. In Nozick’s assessment, such claims rest on a false conception of distributive justice. On the contrary, Nozick posits that his envisioned minimal state is all-inclusive and opines that it is compatible with the reality of fundamental human rights of individuals. Consequently, he maintains that the said minimal state shows promise of fostering the attainment of specific goals and core values of all interest groups. Thus, every group would enjoy the same freedom to realize its own idea of a good society. This, in the main, constitutes a “framework for Utopia”, according to Nozick.

Moreover, Nozick conceives state power as a means to enhancing the common good of all. The only reason a state should exist is because it is instrumental to the realization of public good or general welfare of all citizens. Consider the logical schema below:

$$\begin{array}{l} \text{State power (X) is a means to the common good (Y)} \\ \text{X is a common good (Y)} \\ \therefore X \text{ is } Y \text{ i.e. if } X \supset Y \end{array}$$

The above syllogism shows that state power (X) has instrumental value while common good (Y) is an end in itself. Hence, the common good has absolute, intrinsic value. Thus, the state is meaningful to the extent that it serves as a proviso for enhancing the common good of all citizens. Further buttressing on the meaningful nature of the state Ariche and Awurumibe (2017) writes thus “It is the duty of the state to ensure that the citizens are protected and crimes prevented. The state ensures peace, order and security of lives and properties” (p. 78).

CRITICAL EVALUATION

There is no gainsaying that Nozick’s original contributions to the province of social and political philosophy consists of his articulation of state power, distributive justice, and the Common Good. He deploys his creative ingenuity and novelty to addressing a fundamental issue which is the purpose of the state. The argument as to whether the state is an end in itself or a means to individual ends has been a signature issue and subject matter of great debate in social philosophy. In other words, whether the state exists for man or man exists for the state has been an age-old controversy. On the score of this, Nozick aligns himself with the deliberation or anarchist (*laissez faire*) persuasion. It appears that Nozick’s prescriptions seem to be unrealistic in terms of applicability in the social setting. In other

words, his idea of anarchy betrays the principle of rule of law in a democratic society but it is only when the tenets of democracy are strictly applied.

CONCLUSION

In this paper, we have argued that Nozick's analysis and understanding of state power represents an attempt to formulate alternative models of enhancing the common good and distributive justice. His notion of the minimal state provides a theoretical construct for establishing a just and ideal social order where social justice will thrive and reign supreme. To be sure, he offers a guide for promoting good governance. In sum, Nozick's idea of state power and the Common Good have deep implications for politics and governance which find expression in public policy making in contemporary Nigeria body-politic. A case is, therefore, made that government policies and programmes must be formulated and implemented in pursuance of the Common Good and not the private good of state actors as this would lead inexorably to anarchy.

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