

## Norwegian Philosophical Essay Competition 2010 – Andreas Dybvik Wuttudal, Fagerlia vgs

*"Individuals have rights , and there are things no person or groups may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do." (Robert Nozick, "Anarchy, State and Utopia".)*

In this quote, Robert Nozick presents the claim that individuals have certain inalienable rights. He does not do anything to support his claim, except plead to the conscience of his readers. It is therefore necessary to decide whether it is even possible for individuals to have inalienable rights at all.

My claim is that there is not any possibility for individuals to have rights without those rights being given to them. The reasoning behind that lies in the use of the term 'rights'. We have man-made rights in society which ensure that we will not be forced to do certain things against our will. These rights concern both labor and possession. These are made into laws and are enforced by the government. Some forms of government do not grant rights to the same extent as others, but it is absolutely vital in democracy. They create these rights to protect the individual from other individuals or groups in the society. Breaking them is a felony and may lead to punishment. It would not be possible to decide which rights an individual had without a set of laws created by the government. Nozick's claim is that individuals have *natural* rights that have existed prior to any form of government. This idea is similar to John Stuart Mill's claim that everyone has a right to property, labor and the fruits of their labor given to them by nature. I will now explore three possible sources of inalienable rights. An omnipotent and omniscient entity like God could have created man and given him rights. We cannot know what these rights are and can therefore not debate them either. It would therefore be pointless to discuss whether they exist. One could claim, like Mill, that nature has given man rights. Again, it would be not be possible to decide which rights one had and which one had not. One could create a list of rights and attribute them to nature, but that would not make it so. Whether or not the rights existed would not be possible to know. To claim that something other than man can create rights for man seems absurd. Could a right change? If not, how was it created? Did it always exist? Did it exist from the very first atom? Why would the rights concern human beings when we have evolved through natural selection like every other animal? One is lead to conclude that human beings do not have special inalienable rights given to us by nature. We have now excluded God and nature as possible sources of inalienable rights. This does not, however, prove that there is no such thing as inalienable rights. It is only a rejection of two explanations. What else could be a source of inalienable rights? The third alternative is that the minute we decide to live in a society we gain certain rights without which it would not be possible to live in a society. This explanation involves a social contract. The social contract is a symbolic contract man agreed to when he decided to live in a society. The key element of a society is that everyone who is a part of it is responsible to keep it going. Because this responsibility is a given and inalienable, it would seem safe to assume that it accompanied inalienable rights. One would not have any benefit of entering a society if it did not ensure some rights. If these rights are an inalienable part of society, they would certainly add credibility to Nozick's statement. However, he claims the state and its officials may not

be able to do anything to any individual without violating their rights. Let's look at imprisonment as an example. Is this a violation of individual rights? Is so, does not the individual have a responsibility to follow the law? The responsibilities of an individual must be as important as their rights. The imprisoned criminal has been punished because he broke his responsibility. If breaches were left unpunished, one could only assume the society would fall apart. Therefore the criminal has to be punished to remain a part of society. The state has in this case a responsibility to take away the rights of an individual to protect the society as a whole. Without the balance between responsibility and rights, society would not function and there would be no inalienable rights.

I will therefore conclude that man's inalienable rights in a society *does not raise a question to*, but justifies the power of the state and its officials.