ROBERT NOZICK
Property, Justice and the Minimal State

JONATHAN WOLFF
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I first read Nozick as an undergraduate in 1980. At that time philosophy students usually reacted to *Anarchy, State, and Utopia* in one of two ways. Either they thought its conclusions so repugnant that it should not be taken seriously as political philosophy at all, or they thought its conclusions so repugnant that it was vital (but not very difficult) to show how it fails. Now, in 1990, as a teacher of philosophy, I still encounter these two reactions, but fairly often I also encounter a third: that, broadly speaking, Nozick is right.

My own initial entanglement with Nozick was slightly more complicated. Feeling a strong attraction to individual liberty, and being prepared to believe that a likely consequence of this might well be some form or other of anarchism, I had attempted some preliminary reading into anarchist theory. But I was both dissatisfied with the uncritical vagueness of anarchy's defenders and annoyed by the crass, one-line dismissals of it by its opponents. So I welcomed the chance to read a book with 'Anarchy' in its title as part of my introduction to political philosophy. However, I had taken it for granted that the anarchy referred to would be socialist, or, at the least, egalitarian, and, as I read Nozick, I became increasingly concerned. What was money doing in the state of nature? And private property rights? And free enterprise? It had not even occurred to me that anarchy could be made to yield rampant capitalism. An initial commitment to liberty seemed to lead, not to equality, as I had assumed, but to inequality. Thus I
was forced, for the first time, to face the question of whether I cared more about liberty than equality. I had no firm answer to that question then, and I have no firm answer now. However, as I aim to show here, Nozick, despite his best efforts, does not, in fact, succeed in demonstrating any important inconsistency between liberty and equality. So I can, at least for the time being, put off the question.

I cannot, however, put off the questions of why it is I think Nozick is wrong, and why it is important to show that he is wrong. Fortunately, the second question, at least, has an easy answer. Nozick's views have many affinities with the defence of laissez-faire capitalism which has been part of the 'ruling ideology' of the 1980s. It has not escaped my notice that during my entire university career – both as student and teacher – Margaret Thatcher has been Prime Minister of Great Britain, and ideas like those of Nozick have had, to put it mildly, a huge and destructive effect on the lives of a great many people. It is, perhaps, unlikely that showing the difficulties with those ideas will have much practical effect, yet the task is still worthwhile.

My intention has been to present my case by reason, not rhetoric. This accounts for much of the style and tone of this book. One easy way of writing about Nozick would be in the denunciatory mode of a political pamphlet, revealing outrage after outrage. I wanted to avoid that at all costs, for this is intended to be a work of political philosophy, not polemic. I have tried to set out Nozick's views as fairly as possible – adding extra arguments where I can – and then to show, coolly and calmly, where Nozick is mistaken. Finally, this is a book about Nozick, not about me. Although I have grappled with Nozick partly as a means towards learning the truth for myself, the point of this book is not to display my own views, but to examine Nozick's.

The opportunity to do this came when Mike Rosen suggested that I should write this book. The idea that someone should write a book on Nozick was John Thompson's. I am very grateful to them both for setting me off on this project, and for their encouragement along the way. Lively discussions with Mike, and his perceptive comments on the penultimate manuscript, have also led to many improvements. Jerry Cohen, who first introduced me to Anarchy, State, and Utopia, and convinced me of its importance, also provided immensely helpful comments on the whole manuscript, and of course, his own work on Nozick has been a major influence.
on mine (as it has been on so many). Others who have read the work in various stages, and from whose suggestions and criticism I have profited, include Jonathan Dick, Chris Hull, Miles Sabin, Nick Zangwill, and, especially, Simon Evnine and Elaine Collins. I would also like to thank two anonymous publisher’s readers for their useful suggestions, and Malcolm Budd for his help and encouragement.

My greatest debt in writing this book, however, is to Bill Hart. We have spent innumerable hours talking about the issues discussed here, and at every stage Bill has provided detailed notes on draft after draft. So many of Bill’s suggestions have found their way into the final version that there is no doubt that his presence can be found on almost every page of this book. Perhaps the only thing that has resisted his influence is the title. And that came from John Thompson.
Acknowledgements

Numbers in parentheses in text, e.g. (56), refer to page numbers of Robert Nozick's *Anarchy, State, and Utopia* (Blackwell, Oxford, 1974). References in footnotes to John Locke's *Second Treatise* are given by section number, rather than by page numbers of any particular edition.
Introduction

For almost two decades, debate in analytical political philosophy has been dominated by two highly contrasting works: John Rawls's *A Theory of Justice*, and Robert Nozick's *Anarchy, State, and Utopia*. Rawls, in 1971, presented the case for a form of liberal egalitarianism, while Nozick, in 1974, argued for libertarianism – the free market, absolute property rights, and the 'minimal state'. A vast quantity of critical literature has been generated in response to both Rawls and Nozick, but unlike Rawls, Nozick has won few followers among academic political philosophers. Nevertheless, in practical political terms we have, in the last decade or so, seen a move away from the left-wing welfarism defended by Rawls. It is Nozick who seems closer to the political spirit of the present age.

The two works are strikingly different in style, as well as in content. Few would say that Rawls is an easy writer to read, and *A Theory of Justice* is written in a careful, qualified manner which makes it, by Rawls's own admission, 'a long book not only in pages'.¹ *Anarchy, State, and Utopia*, on the other hand, is self-consciously 'flashy' and deliberately provocative. Nozick seems always to find the brilliant example, the memorable turn of phrase. Part of his declared purpose is to unsettle the reader, and depending upon one's mood *Anarchy, State, and Utopia* can often be amusing or annoying to read. But it is always engaging.

Perhaps significantly, Rawls's project in political philosophy is clearly his life's work. Not only did he publish a number of important papers leading up to *A Theory of Justice*, but in the last
twenty years he has continued to publish substantial developments
and further defences of his views, taking up and answering or
acknowledging the most important criticism. For Nozick, howev­
er, political philosophy has taken up only a few years of his
academic life. Since Anarchy, State, and Utopia he has barely
returned to the subject, and so his critics remain unanswered.
Nozick's attention has, more recently, been given over to many
other topics, some of which are represented in his huge and eclectic
Philosophical Explanations, published in 1981. This work ranges
over problems in the philosophy of mind, ethics, epistemology,
and metaphysics, and the sections of the book on knowledge and
scepticism have in particular received a great deal of critical
attention. Subsequently Nozick has worked on topics such as
Indian philosophy, spiritual leaders, and the nature of wisdom.
Only in his most recent book, The Examined Life, published in
1989, has Nozick discussed again some of the themes of Anarchy,
State, and Utopia. Here Nozick briefly indicates that he has
modified his views, and no longer considers himself a libertarian.
For now, however, in so far as political philosophy is concerned,
the words 'Nozick' and 'libertarianism' remain inextricably linked.

In this work I shall concentrate on an examination of Anarchy,
State, and Utopia, although Nozick's other writings will be
discussed where they are relevant to his political philosophy. Part
of my task will be to reconstruct Nozick's arguments and conclu­
sions to make them as coherent as possible. This is not always a
simple matter, for Nozick's intellectual enthusiasm shows itself in
a tendency to take up at length any interesting side issue, and thus
it is not always clear what is the argument and what the
digression. Further, vital premisses of arguments can be scattered
over many pages, or missing entirely, and Nozick makes little
attempt to summarize or clarify his arguments, or, often, even to
show how the separate parts are related. This is partly a consequ­
ence of Nozick's decision to present a 'philosophical exploration
of issues' rather than a full-scale philosophical treatise. Thus he
offers only an outline of his theory; an outline which, in many
respects, still remains to be filled in. Thus I shall try to clarify
Nozick's reasoning and make good the gaps where necessary and
possible, so that we might appreciate the force of the arguments,
and subject them to rigorous examination. One cost of this
approach is that, inevitably, many of Nozick's fascinating con­
tributions to moral and political philosophy, such as his case for
vegetarianism, and his assault on the deterrence theory of punishment, must remain undiscussed here. However, I hope the benefits of a clear view of the main arguments make this sacrifice worthwhile.

To understand the significance of Nozick’s project it is necessary to set it against competing approaches to the problems of political philosophy. One task of the political philosopher is to take values appropriate to the political sphere, such as liberty, equality, happiness, and freedom from need, and to examine their inter-relations. Are these values compatible or do they exclude each other? Does the achievement of one bring with it the achievement of another? What should we do if and when these values conflict? Some political theorists, like the utilitarians, claim that one value is fundamental, and the other values are at best secondary or derivative. Other theorists argue for a plurality of ultimate values, and these plural theories come in two forms. Some allow a hierarchy of values, so that, even where independent values clash, there will be a determinate answer to the question of which one, politically, should be preferred. Rawls, for example, admits the independent value of both civil liberty and economic equality, but he argues that any conflict between them should be dealt with by giving civil liberty priority. On the other hand, some theorists judge that there can be ineliminable conflicts of value. These ‘conflict’ theorists suggest that sometimes there simply is no determinate answer to the question of what should be done when certain values collide.

In expecting more of political philosophy than the conflict theorists, hierarchical pluralists have the additional task of explaining how there can be more than one fundamental value, without these ever issuing in insoluble conflicts. Single-value theories seem in a way more elegant and more powerful, promising a decision procedure to cover every situation, basing every decision on fundamentally the same grounds. Given these advantages, it is not surprising that the burden of establishing a single-value theory is a heavy one. The selected value has first to be shown to be of overwhelming fundamental importance, and second, must not itself generate insoluble conflicts. So, for example, the utilitarian argues that happiness is the sole good, and that we should be interested only in maximizing quantities of happiness.

Part of the argument of this book is that we should see Nozick as presenting, at root, a single-value political philosophy, based,