

© Springer Science+Business Media B.V. 2017

Mortimer Sellers

and

Stephan Kirste

Encyclopedia of the Philosophy of Law and Social Philosophy

10.1007/978-94-007-6730-0\_194-2

## Nozick, Robert

Alan M. S. J. Coffee<sup>1</sup>

(1)King's College London, London, UK

**Alan M. S. J. Coffee**

**Email:** [alan.coffee@kcl.ac.uk](mailto:alan.coffee@kcl.ac.uk)

## Without Abstract

### Introduction

Robert Nozick (1938–2002) was a prominent American philosopher who made significant contributions to several fields within the discipline. He is most widely known for his first book *Anarchy, State, and Utopia* ( [1974](#) ) in which he defended a libertarian view of the minimal state where the government's remit is confined to the protection of people's individual rights to life, personal freedom, and property ownership and so refrains from pursuing any more general societal or moral goals and from the redistribution of income. Nozick's subsequent book, *Philosophical Explanations* ( [1981](#) ), was also highly influential in the areas of epistemology and metaphysics and has generated much academic comment. His later work discussed topics as diverse as the meaning of life (Nozick [1989](#)), rationality ( [1993](#) ), and objective reality (Nozick [2001](#) ). This entry focuses on Nozick's political philosophy.

### Anarchy, State, and Utopia

The impact of *Anarchy, State, and Utopia* was immediate. Its publication came at a time of renewed public and political interest in the ideas and principles of the free market and laissez-faire capitalism especially in the United States. The book was also written shortly after, and in many ways, in response to John Rawls's *A Theory of Justice* ( [1971](#) ). Rawls's book is often regarded as having revived political theory as a subject within the analytic tradition although Nozick deserves considerable credit for the role his work has played. Both thinkers wrote within the classical liberal social contract tradition that is associated variously with figures such as Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and Immanuel Kant, although where Rawls set out a model of an egalitarian liberalism with a strong emphasis on the welfare-state that appealed to those in the center left of the political spectrum while Nozick's libertarianism had an energizing effect on elements of the political right attracted by fiscal conservatism and limited government.

Rawls's and Nozick's respective positions have served as key landmarks in the field of academic political theory and helped define its landscape. For the last 40 years, for example, both Rawls and

Nozick have featured prominently in many university programs in political and legal philosophy, being taught side by side and in opposition to each other. Unlike for Rawls, however, political questions were not central to Nozick's philosophical concerns. After the publication of *Anarchy, State, and Utopia*, he never returned to political philosophy, and neither did he respond to the enormous amount of critical comment that the book provoked. In later years Nozick did appear to draw back somewhat from some of his earlier conclusions ( [1989](#), pp. 286–287) but only to a limited extent ( [2001](#), Chap. 5).

Perhaps because he did not build on the libertarian position he outlined, Nozick is principally studied today for the direction his arguments pushed political debate rather than because they have attracted a body of adherents. Nozick represents a reference point for many within the field of libertarianism which has grown steadily since the 1970s and which includes both left-wing and right-wing versions, but he does not have many academic followers. This does not in any way diminish the value or importance of Nozick's contribution, a point which he himself anticipates in the preface saying that "there is room for words on subjects other than last words" (p. *xii*). While he defends the integrity of his arguments, at least part of his purpose is to stimulate others to take them further, a task he certainly accomplished.

*Anarchy, State, and Utopia* opens with a very simple, but "strong and far-reaching," claim that "individuals have rights, and there are things that no person or group may do to them (without violating their rights)" (p. *ix*). All subsequent references in brackets are to this book. Nozick then proceeds in three parts that reflect the book's title. He first provides a refutation of the anarchist position that regards the state as being incompatible with these rights arguing also for the inevitability of a minimal or nightwatchman state. He then responds to liberal theorists, in particular, who he thinks would or should share his position on rights, showing that we cannot consistently go beyond the minimal state, because any attempt to redistribute property or income will violate those rights. Finally, in answer to those who find this result bleak or frightening, he argues that on the contrary, this represents an exciting and inspiring prospect in which diverse communities can flourish alongside each other with the consent of their members.

## Individuals Are Inviolable

Nozick's justification of the state starts from a state of nature position that resembles Locke's famous account in the *Second Treatise of Government* in which individuals are said to be free and equal. They are free to act and dispose of their possessions as they see fit (subject to the moral restriction against harming other people's life, liberty, or property), and they are equal to the extent that they do not have to ask anyone else's permission (p. 10).

Although Nozick is aware of the fundamental importance of fully justifying and articulating these core moral principles, he recognizes the enormity of the task and sets it aside for later (pp. *xiv*, 9). He never did come back to this question. Whereas for Locke these principles can be explained theologically, this route is not available to Nozick. Instead Nozick makes an appeal to a Kantian underpinning, expressed in the second formulation of Kant's Categorical Imperative that you should "act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only" (pp. 30–32). Accepting this principle, Nozick says, means that "individuals are inviolable" (p. 31). More fundamentally, it means that people are individuals. There is no "social entity," he argues, only "individual people with their own individual" and separate lives

(pp. 31–32). Nozick rejects the utilitarian position that allows the interests or happiness of an individual to be sacrificed for the increased happiness or welfare of others.

The term “libertarian” may seem to be primarily about liberty. Nevertheless, as Nozick develops his account, it is the prior idea of rights, and in particular of a form of property rights, which provides the grounds for that freedom. It follows from the moral premises given above that individuals are self-owners (although Nozick does not himself use this term in the presentation of the argument). Our bodies, our talents, our labor, and the fruits of our labor are all our own and cannot be appropriated by others against our will. The moral rights we have set limits on what can legitimately be done to us. Rights serve as what Nozick calls side constraints on people’s behavior, not telling them what to do but preventing them from violating the self-ownership of others. So strong are these constraints that they take precedence over other concerns including helping those in need.

## Backing into the State

Although Nozick draws on many of the concepts and resources of the social contract tradition in political theory, he does not appeal to the notion of a social contract itself. Instead he offers an invisible hand explanation and justification of the minimal state based on the principles of free market competition. While Nozick’s approach shares with the contract model the idea that the state arises from the voluntary actions of individuals, it differs in that there is no intention in the citizens’ minds to come together to form a central agency. Instead, the minimal state is the outcome of a series of separate, rational, and uncoordinated decisions by individuals. People do not so much create the state as “back into it without really trying.”

A corollary of Nozick’s thesis on rights is the right to protect oneself and one’s property against aggressors and to punish violators including by extracting compensation for any damage or loss suffered. This is an important right but one that is very difficult and dangerous to enforce. Since few individuals would have the time or resources to successfully defend their rights acting alone, it makes sense for people to band together to form voluntary associations to share the work involved and to take advantage of each other’s abilities. Eventually, specialists would arise forming private firms dedicated to providing professional protection services in exchange for a fee. As rival firms compete for business, a dominant provider eventually emerges, whether as an individual firm or a consortium. This entity would become a monopoly since in the high-stakes business of protection, people will not accept less than the best services.

Following Max Weber, a defining feature of the state is often seen as that it has a monopoly on the legitimate use of violent force in a geographical area. The dominant provider is not yet in that position. This is because there will inevitably be people who hold out against paying for its services. Since these independents represent a potential threat to the protection provider’s paying clients – even if no actual rights violation has taken place – the agency has a legitimate reason to forcibly bring all holdouts under its rules. While this may seem like a violation of the independents’ rights, Nozick argues that this can be avoided so long as they are compensated by receiving the firm’s protection services, subject to the condition that they are charged no more than they would have paid anyway. The outcome is what Nozick calls the nightwatchman state, a corporate entity with the sole right to administer the functions that uphold people’s rights by defending them against aggression, resolving disputes, and protecting their property rights. Other functions normally associated with government, such as the provision of services such as education, the development of infrastructure systems, or the creation of a safety net for those who find themselves in need, are beyond the state’s remit. The state cannot force these functions on people without infringing their rights, and neither can it tax them to

raise the necessary funds. Whereas the state is justified in imposing a fee for its role as protector, taxation for any other reason violates our self-ownership. According to Nozick, taxing what we earn from working is “on a par with forced labor” because it means that we are compelled to work a certain number of extra hours just for the benefit of others (p. 169). Going further, he argues that this gives those for whom we are required to work a property right in us that makes them our part owners (p. 172).

## Liberty and Patterns

Nozick’s arguments on the impermissibility of redistribution through taxation place him in opposition to the prominent idea of “distributive justice,” according to which the state has a moral obligation to reallocate portions of people’s wealth to others who are more deserving or in greater need. Nozick suggests (with special reference to Rawls’s “difference principle”) that such a concept of justice treats the resources to be distributed as falling like “manna from heaven,” unattached to anyone (p. 198). In reality, he responds, these resources come with a long history. Everything of value has first to be variously made, found, developed, created, enhanced, and invested in. These kinds of activities, Nozick maintains, give the people involved special attachments to their resources.

Nozick argues instead for an “entitlement theory” of justice in holdings that recognizes this relationship. His version has three principles, addressing questions of justice in acquisition, in transfer, and in the rectification of previous injustices in acquisition and transfer. The acquisition principle governs the initial appropriation of the presumptively unowned natural resources involved. Here Nozick proceeds in a Lockean fashion, albeit with significant modifications. An important difference with Locke is in how he understands the latter’s proviso that when we appropriate natural resources, we must leave “enough and as good in common for others” (p. 175), which Nozick reinterprets as meaning that we must not leave others worse off than they were before, a condition that he regards as having been fulfilled in a free market society. From the initial acquisition, transfers are just so long as they are voluntary.

Nozick’s entitlement theory only reflects the history of transactions behind the current level of holdings without requiring that these holdings conform to any “pattern” such as equality, desert, or prioritizing the worst off in society. The attempt to maintain a particular pattern of distribution that reflects a given conception of justice, he argues, is incompatible with people’s fundamental freedom to do whatever they want with their income and assets. In his famous phrase, Nozick declares that “liberty upsets patterns,” a claim he demonstrates using a thought experiment in which paying customers willingly pay an additional fee on top of the normal entrance price for the opportunity to watch the basketball player Wilt Chamberlain who ends up considerably richer as a result (pp. 160–164). Assuming that the initial holdings were considered just according to a given pattern, then people’s freely made choices will end up distorting that pattern, meaning that if the pattern is to be maintained, our free actions will have to be curtailed.

## Conclusion - A Framework for Utopia

If the libertarian state appears cruel or barren, Nozick aims to dispel that impression. Although welfare provision out of taxation is not morally permitted, that does not mean that Nozick believes that we should be indifferent to people’s sufferings. It only means that we cannot force others to

contribute toward helping them. More generally, the libertarian structure does not require anyone to live like buccaneering free-market capitalists. Individuals are free to come together to form communities, societies, and communes that operate under whatever principles and ideals they believe in, and they are free to leave them and to join others. Rather than offering a single ideal of utopia that only appeals to certain kinds of people, the framework model offers a potentially unlimited number of coexisting utopias as people wish to create them.

An additional advantage of the libertarian framework – which he says serves as an independent argument in its favor – is that it acts as a “filtering” device through which we can observe real communities being lived in and tried out, discovering both how well they work and which ones suit us best personally (pp. 312–317). Given the complexity of human beings and the societies they create, Nozick argues, there is no a priori method by which we can arrive at this knowledge. What we should do instead is allow individuals to experiment for themselves and learn from their experiences.

## Cross-references

[Freedom](#)

[John Rawls](#)

[Libertarianism](#)

[Property Rights](#)

[Rights](#)

[Robert Paul Wolf](#)

## References

### Works by Nozick

Nozick R (1974) *Anarchy, state, and utopia*. Basic Books, New York

Nozick R (1981) *Philosophical explanations*. Belknap Press, Cambridge, MA

Nozick R (1989) *The examined life*. Simon and Schuster, New York

Nozick R (1993) *The nature of rationality*. Princeton University Press, Princeton, NJ

Nozick R (1997) *Socratic puzzles*. Harvard University Press, Cambridge, MA

Nozick R (2001) *Invariances: the structure of the objective world*. Harvard University Press, Cambridge, MA

## Secondary Literature

Bader R (2010) Robert Nozick. Continuum Press, London

Bader R, Meadowcroft J (eds) (2011) Cambridge companion to Anarchy, State, and Utopia. Cambridge University Press, Cambridge

Cohen G (1995) Self-ownership, freedom, and equality. Cambridge University Press, Cambridge, UK

Friedman M (2011) Nozick's libertarian project. Continuum, London

Lacey A (2001) Robert Nozick. Princeton University Press, Princeton

Locke J (1960) Two treatises of government. Cambridge University Press, Cambridge

Paul J (1981) Reading Nozick. Rowman and Littlefield, Totowa

Rawls J (1971) A theory of justice. Harvard University Press, Cambridge, MA

Schmidtz D (2002) Robert Nozick. Cambridge University Press, Cambridge

Stringham E (ed) (2007) Anarchy and the law. Transaction Publishers, New Brunswick

Weber M (2004) The vocation lectures. Hackett Publishing, Indianapolis

Wolff J (1991) Robert Nozick: property, justice, and the minimal state. Stanford University Press, Stanford