

The Essential

# ROBERT NOZICK



by Aeon J. Skoble

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*by Aeon J. Skoble*

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# Introduction

## Who is Robert Nozick?

Robert Nozick was a professor of philosophy at Harvard University. Though he wrote on topics as varied as epistemology, free will, decision theory, and the meaning of life, he is most famous for his contributions to political philosophy, primarily his 1974 book *Anarchy, State, and Utopia*. Published just a few years after his Harvard colleague John Rawls' book *A Theory of Justice*, Nozick's book helped establish normative political philosophy in the Anglo-American analytic tradition as a legitimate and robust field within academic philosophy. It also helped establish the classical liberal or libertarian perspective as a viable alternative to redistributive egalitarian liberalism and to socialism. Nozick was not the first or only philosopher to argue for this perspective, but he was the most famous to do so, and at the most renowned institution, and the book is generally regarded as comprehensive and well-argued. Praise for its clear and accessible writing style crossed ideological lines, and it won the National Book Award in 1975.

Nozick was born in Brooklyn, New York, in 1938, and received his undergraduate degree at Columbia University in 1959. During his time at Columbia, he was active in socialist politics, but during his time there and in graduate school at Princeton University, he was exposed to a variety of political perspectives, and he notes in the preface to *Anarchy, State, and Utopia* that it was discussions with friends that “led me to take libertarian views seriously enough to want to refute them, and so to pursue the subject further” (p. xvi). Broadly construed, this would include ideas such as individual rights, the need for limits on government, and the wealth-growing mechanisms of a free market system.

What we would today recognize as libertarianism would have been unlikely to come up in a standard philosophy curriculum at the time Nozick was a student, other than in a historical context through the works of John Locke and John Stuart Mill. But libertarian ideas were being discussed in economics departments, and Nozick mentions being exposed to thinkers such as Ludwig von Mises, Friedrich Hayek, Milton Friedman, and Murray Rothbard, whose economic liberalism overlapped political liberalism. The other place a student of Nozick's generation would have been exposed to what we would now call libertarian politics is in the works of the philosophical novelist Ayn Rand, although Nozick was not a self-identified Randian. But in academic philosophy, there was no significant representation of the classical liberal tradition during his student days.

*Anarchy, State, and Utopia* changed that. Despite many philosophers' disagreements with Nozick's arguments, the arguments could not be ignored. Around the same time as Nozick started publishing, other libertarian philosophers emerged on the scene as well, notably John Hospers and Tibor Machan, but none was as prominent or influential as Nozick. Agree or disagree, *Anarchy, State, and Utopia* makes thought-provoking arguments that cannot be simply waved away. A glance through the notes and bibliography is instructive: Nozick was very well read in economics and sociology. Names familiar to economists, such as Coase, Alchian, Schelling, and Sen, are all participants in the dialogue Nozick creates. Rothbard in particular had taken the economics of free markets to what he saw as their logical conclusion: individualist libertarian anarchism. Nozick specifically cites a 1968 discussion with Rothbard as having "stimulated my interest in individualist anarchist theory" (p. xv). Putting together his study of philosophy and various social sciences led him to the conclusions in, and the writing of, *Anarchy, State, and Utopia*. That someone who was once active in socialist politics would go on to scholarly work that was critical of socialism should not be regarded as surprising, if one understands that philosophy is not dogmatism. Nozick pursued the ideas where they led, and sometimes this meant coming to conclusions that were at odds with what he once believed.

Nozick's conclusions aren't merely divergent from what he had formerly thought, of course; they were contrary to what most people would have thought in 1974 (and indeed to what most people think today). But philosophers

frequently come to conclusions that most people find odd. This is true of almost all well-known philosophers, but in political philosophy there is an added dimension to this: while most people don't have strong opinions about metaphysics and epistemology, most people do have strong opinions about politics. Nozick knew this, and wanted to forestall any suggestion that his book was a polemic: "My emphasis upon the conclusions which diverge from what most readers believe may mislead one into thinking that this book is some sort of political tract. It is not; it is a philosophical exploration of issues, many fascinating in their own right, which arise and interconnect when we consider individual rights and the state" (p xii).

Nozick would go on to write five other books, none especially concerned with political philosophy. This has led to some speculation that he had abandoned libertarianism, but in interviews from later years he made it clear that he continued to think of himself as a libertarian, and that he simply had wanted to explore other areas of philosophy rather than revisiting the same ground. "I never stopped self-applying [the label "libertarian"]. What I was really saying in *The Examined Life* was that I was no longer as *hardcore* a libertarian as I had been before. But the rumors of my deviation (or apostasy!) from libertarianism were much exaggerated. I think this book makes clear the extent to which I still am within the general framework of libertarianism."<sup>1</sup> And indeed, he notes in the preface to *Anarchy, State, and Utopia* that he expects others to pursue these sorts of inquiries (p. xiv). He was diagnosed with stomach cancer in 1994, but was able to keep working until passing away in 2002 at the relatively young age of 63. Nozick's last book, *Invariances*, was published in 2001. He had been a Fulbright Scholar at Oxford University, President of the American Philosophical Association, and was Pellegrino University Professor at Harvard, their highest honour.

What follows is part of the Fraser Institute's Essential Scholars series, in which the key ideas of important thinkers in the classical liberal tradition are explained for the general reader, and in particular students, who might like to

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<sup>1</sup> Interview with Julian Sanchez, July 26, 2001. <http://www.juliansanchez.com/an-interview-with-robert-nozick-july-26-2001/>

know more about these arguments. I have endeavoured to explain the most important ideas and arguments Nozick makes with this in mind. My principal hope is to be of some assistance, but my secret hope is that you will go on to discover a copy of *Anarchy, State, and Utopia* yourself. All in-text references to page numbers are to that book. I am grateful for helpful comments on the manuscript from James Stacey Taylor and Donald Boudreaux.

## Chapter 1

# Theory of Rights

Nozick begins *Anarchy, State, and Utopia* with the claim “Individuals have rights, and there are things no person or group may do to them (without violating their rights)” (p. ix). Incautious critics sometimes take this to mean that Nozick simply assumes rights and then proceeds from there, but he does have an argument for rights. For better or worse, this doesn’t appear until the third chapter of the book, but it is there. He understands rights as “moral side constraints upon what we may do” (p. 33). If there were no other beings, we would be free to do whatever we wanted to do, constrained only by the laws of physics. Morality comes into play when we are considering our interactions with others. Hence, the reality of other people creates limits on our actions. These limits are not the same as the limits imposed by physics. Whether there are other people or not, I am not free to defy the laws of gravity or inertia, or to be in two places at once. Those, too, are constraints on my action. Moral constraints are things I *could* do but that it would be *wrong* to do. Saying “I can’t be in two places at once” and “I can’t murder Bob” are grammatically similar, but have very different meanings: I physically *could* commit murder, but it would be bad if I did. So rights are a moral concept that establish the boundary conditions of *justified* action (as opposed to the boundary conditions of physically possible action). Smith’s rights are thus the boundary conditions on Jones’ actions.

Nozick understands this model of side-constraints as rooted in the “fact of our separate existences” (p. 33). As distinct individuals with our own lives, no one could naturally have a claim over the life of another. Individuals are not to be regarded as means to others’ ends; they are ends in themselves. A hammer, for example, is a tool that exists in order to help people do things, it doesn’t have its own independent reason for existing apart from this. It doesn’t exist for its own sake. But people do exist—they are ends in themselves, not the means

to another's ends. "Individuals are inviolable" because each is a person with his or her own life to live. So it is the fact that "there are different individuals with separate lives" that produces the side constraint that no one is entitled to use another as a tool. Using a person as a means to another's ends "does not sufficiently respect and take account of the fact that he is a separate person and that his is the only life he has" (p. 33). So a person's rights just are the flip side of the others' constraints: That Jones is morally constrained to respect the separate personhood of Smith, and thus can't act upon Smith nonconsensually, implies that Smith has the right not to be used in this way. Since Nozick sees rights as boundary conditions on the permissible treatment of others, he argues that to reject this conception of rights would entail either a rejection of all morality entirely—no one has any constraints at all on how they may treat others—or else a rejection of the idea of the reality of the uniqueness of each person.

One school of thought that might be inclined to reject this conception of rights is utilitarianism, a view on which what is morally significant is total aggregate utility (understood as pleasure or happiness). For utilitarians, there aren't constraints on the permissible treatment of others *per se*, it's just that the total goodness achieved must outweigh the bad. With such a theory, it would not make sense to talk about the inviolability of persons, since we can easily imagine situations in which sacrificing one would benefit several others. Nozick therefore explicitly addresses utilitarianism, arguing that it implies wildly counterintuitive results. Since utilitarianism calculates utility subjectively, we can imagine a "utility monster" who "gets enormously greater gains in utility from any sacrifice of others than these others lose" (p. 41). This would make it morally required to sacrifice everyone to the monster in order to maximize total utility. In addition to running afoul of our intuitions about the equal dignity of all persons, this makes the theory self-undermining; implausible at least, if not internally inconsistent.

It won't even do, Nozick adds, to think in terms of aggregating amounts of respect for persons, such that we respect the rights of some large group at a cost of failing to treat some other group of persons as inviolable. Rather, each individual person is to be regarded as an end and not a means, and no person should be used as a tool for others' purposes. He gives the example of violating the rights of an innocent person to prevent a mob rampage which would itself

yield many rights violations. He argues that this is to misunderstand the point of side constraints. It's not that we figure in the rights of others while evaluating end states in which the rights of some are traded off for the rights of others; rather the rights of others *determine* how you may treat them. Otherwise, they are not actual moral side constraints.

Ultimately, Nozick argues that we can ground the inviolability of persons in the human capacity for self-directedness. "A person's shaping his life in accordance with some overall plan is his way of giving meaning to his life; only a being with the capacity to so shape his life can have or strive for a meaningful life" (p. 50). So it is our capacity for formulating life plans and acting on them that the moral side constraints protect. This is why recognizing the reality of other persons implies the impermissibility of using them as means to others' ends. Minimally, we would each see this as implying *our own* inviolability, and it takes only a little maturity to see why this must extend to others.

So, the claim advanced on the first page of *Anarchy, State, and Utopia's* preface is not without foundation after all: people have rights as a matter of their status as distinct individual human beings with the capacity for self-directedness, and that means that some things that one might do to another will be in violation of those rights, which, while physically possible, are morally impermissible. The connection between "rights" as a moral concept and "rights" as a political concept is found in Nozick's observation that groups of persons cannot be morally justified in doing something that the individuals that comprise the group are not justified in doing. That is, if Smith is not morally justified in violating Jones' rights, then a large group of which Smith is a member (or leader) will also be not morally justified in violating Jones' rights. Although it is true that an individual may sacrifice something for the sake of her own greater good (say, skipping a party to study for an important exam), "there is no *social entity* with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others uses him and benefits the others" (pp. 32-33). Individuals acting jointly can't be justified in doing something they couldn't morally do on their own. So the rights that people have as moral side constraints against the predation of other individuals will turn out to be the rights that delineate the proper scope of government as well.



## Chapter 2

# The Minimal State

A robust theory of rights such as the one Nozick outlined poses a significant challenge to political philosophy. If people's rights cannot be overridden, then most forms of government we're familiar with lack moral legitimacy. This might imply the moral necessity of anarchism. While for some people, that sounds like a conclusion so obviously wrong it requires no answer, Nozick thinks it worth taking seriously. "The state" seems like it necessarily violates rights: rulers of various stripes lay down the law and force people to comply on pain of fine, imprisonment, or death. Some laws might map onto some people's predispositions anyway, but the coercion is there nonetheless. For example, maybe I think it is prudent to wear a seat belt when driving and would do it even if there were no laws compelling it, but as it happens, there *are* laws compelling it, which means coercion is being deployed even if *my* choices are not in this instance coerced. I could not change my mind, and others who think differently are coerced already. And the state's operations are financed coercively, via taxation. Since this, too, is coercive, individualist anarchists have a point which we cannot simply ignore: the state is coercive in its very nature, and this is morally problematic for anyone who takes rights seriously. So Nozick sees it as incumbent on himself to explain how some sort of state could be possible without violating people's rights.

One of the common rationales given for government is that even if we have rights, we may find it difficult to protect those rights against predators, and therefore it is in our interest to have some sort of agency to enforce rights claims, and both deter and punish violators. (This argument might sound familiar to readers of seventeenth century philosopher John Locke, and Nozick refers to this approach explicitly.) In most societies, this is the rationale for courts and

police departments. But, Nozick observes, there are lots of things we would have a hard time doing ourselves and therefore defer to others. It would be difficult for most people to own and fly airplanes, so instead we look to airlines to operate them, and then book passage. So protecting and enforcing rights claims can also be understood as a service provided by an external agency. Nozick says that we have a right to defend our own rights, and it's therefore morally permissible to ask for and receive help in doing so, and this means that "groups of individuals may form mutual-protection associations: all will answer the call of any member for defense or for the enforcement of his rights" (p. 12). But this is inefficient in several ways—for one, it's never clear just when one is "on call" to render the assistance, and for another, it's even less clear whose side Smith should be on if the dispute is between fellow members Jones and Brown. So Nozick sees the more likely model to emerge as being protective *agencies*. And indeed, anarchist theory says just this: people are free to contract with various agencies for protection of their rights. If they find the arrangement unsatisfactory, they switch to a different agency, just as they might switch from one insurance company to another.

The anarchist's concern is that "the state" represents a monopoly protective agency, a coercively-maintained monopoly. This means that if you find your rights inadequately protected, or that the protection is too costly, or the protective agency is itself a violator of your rights, you have no recourse. So anarchist conceptions typically postulate non-monopolistic (or "polycentric") legal services, and hence, no state. While Nozick intends to rebut this, it's important to note that he thinks it is a serious problem for anyone who takes rights seriously, rather than something to be dismissed out of hand. He says, "The night-watchman state of classical liberal theory, limited to the functions of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts, and so on, appears to be redistributive" (p. 26). In other words, if we had a minimal state, one genuinely limited to protecting rights, it would still violate rights by being coercively funded. So the choices are, see that this is the case and embrace anarchism, or show why it is not actually the case. Nozick's approach is the latter.

In order to address this concern, and show that a minimal state could be legitimate, Nozick asks us to imagine something in between, which he labels an

“ultraminimal state.” The ultraminimal state also maintains a monopoly on the use of force, but provides the service only to those who subscribe to its service. People who don’t subscribe do not receive the protection. The only difference between this ultraminimal state and the minimal state is that the latter covers everyone and funds the additional work with what amounts to redistribution: even those who don’t pay get coverage courtesy of those who do. If this redistribution is legitimate, why not do the same thing with many other services? It seems to undermine itself, leaving the inviolability of rights as a hollow symbol. So, Nozick, says, that means we would need to show how a single monopoly protective agency that covers everyone could arise *without* violating rights.

Following anarchist logic, Nozick begins with the idea of competing, non-monopolistic protective agencies. But then, he argues, the likely evolution of these firms would be a series of mergers, resulting ultimately in there being only one, or at least one in any distinct geographical area. If the competing firms agreed all the time, they’d be likely to merge for the sake of efficiency, and if they fought a lot, either one would emerge as dominant, or they would merge for the sake of avoiding costly conflict. “Out of anarchy, pressed by spontaneous groupings, mutual-protection associations, division of labor, market pressures, economies of scale, and rational self-interest there arises something very much resembling a minimal state or a group of geographically distinct minimal states” (pp. 16-17). Since membership in the (competing) protective agencies would be voluntary, mergers between the companies don’t constitute rights violations. So, Nozick argues, we can imagine a process by which a monopoly provider of the rights-protection service could emerge non-coercively.

This “dominant protective agency” is starting to look like a “state.” But Nozick thinks that to fully show this, we must examine some additional conditions. “To get something recognizable as a state we must show (1) how an ultraminimal state arises out of the system of private protective associations; and (2) how the ultraminimal state is transformed into the minimal state [in a way that extends the protection to all]... [and] that these transitions in (1) and (2) *each* are morally legitimate” (p. 52).

One crucial obstacle Nozick needs to overcome in order to allay the anarchist objection is the need for the dominant protective agency to prohibit other agencies. Doesn’t prohibiting others from entering that market violate

rights? The other is a challenge to show why the de facto redistributivism of the minimal state wouldn't itself violate rights. His argument here is that allowing people who don't subscribe to the dominant agency to pursue their own enforcement places enormous risks on others in the area, in terms of open conflict or just the fear of this outcome. So the prohibition on this is morally necessary, though, he adds, it also requires compensation. The dominant protective agency prohibits independents from seeking other means of rights protection, but compensates them for this. As he puts it, "The dominant protective association with the monopoly element is morally required to compensate for the disadvantages it imposes upon those it prohibits from self-help activities against its clients" (p. 119). (He notes that they might not do this—his claim is that it is possible they would, and that therefore his contention that the minimal state could arise without violating anyone's rights is warranted.)

The principle of compensation he appeals to here isn't identical to fairness—he wants to rule out cases where I force you to accept a benefit you didn't ask for and then demand that you pay for it. He illustrates this with his example of the neighbourhood entertainment system (pp. 93-94). Some people in your neighbourhood decide to take turns providing the day's entertainment. You aren't involved in this decision, though you often do enjoy the entertainment. One day, you are informed you must take a turn out of fairness. Nozick argues that you are not in fact obligated to participate. But the principle of compensation works somewhat differently: "when an action is forbidden to someone because it might cause harm to others and is especially dangerous when he does it, then those who forbid in order to gain increased security for themselves must compensate the person forbidden for the disadvantage they place him under" (p. 81). It is the spectre of open conflict that underlies this special category of prohibition, but it carries with it the obligation to compensate. He concludes this section by noting that the theory of compensation he is appealing to is in a "somewhat fuzzy state," but that it is sufficient to move his argument along. In any event, Nozick argues that there will likely not be a large percentage of people holding out, since the level of service provided by the compensation will be less substantial than the level provided to subscribers: "the agency protects these independents it compensates only against its own paying clients on whom the independents are forbidden to use self-help enforcement. The more free

riders there are, the more desirable it is to be a client always protected by the agency. This factor... acts to reduce the number of free riders and to move the equilibrium toward almost universal participation” (p. 113).

Thus, Nozick concludes, he has shown that the dominant protective agency can emerge without violating rights, and that it transitions to being the minimal state without violating rights, and is therefore morally legitimate in a way that responds to the arguments of the individualist anarchists. He refers to this as an “invisible-hand explanation,” alluding to eighteenth century philosopher Adam Smith, because it is an account of how something could arise without anyone having that thing as a specific objective. Unlike a conquering king seeking to acquire new territory, the minimal state Nozick describes comes into being without having been designed and sought.



## Chapter 3

# Entitlement Theory

Having demonstrated in Part I of his book that the minimal state *can* be justified, Nozick set himself the task in Part II of showing that the minimal state “is the most that can be justified. Any state more extensive violates people’s rights” (p. 149). He turns first to arguments for more extensive state power that are based on a concept of distributive justice. He addresses this primarily by means of what he calls the “entitlement theory,” which also sets the stage for the application of his theory of rights to various other issues in political economy.

The first point Nozick makes in this regard is that the very expression “distributive justice” loads the dice somewhat, for it presupposes that there is a particular amount of stuff to be distributed and that some distributor has gotten something wrong that needs to be corrected by the state. However, he says, “we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify careless cutting. There is no *central* distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out” (p. 149). Arguably, Marxism might be a counter-example to this last claim, but Nozick addresses Marxism later in the book. But certainly in even moderately liberal societies, the point is valid, as “diverse persons control different resources, and new holdings arise out of the voluntary exchanges and actions of persons” (p. 150). Market prices for both goods and labour can emerge without there being a central planner. So Nozick argues that, rather than refer to “distributions,” it would be more neutral to refer to people’s “holdings” and then present a theory of justice in holdings.

Nozick approaches his entitlement theory in three parts. First is a consideration of the original acquisition of holdings, the second concerns the

transfer of holdings from one person to another, and the third concerns the rectification of injustice in holdings. We'll look at these in turn, but in general, he argues that "the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer, or by the principle of rectification of injustice (as specified by the first two principles). If each person's holdings are just, then the total set (distribution) of holdings is just" (p. 153). It's easy to see why we need all the parts: it seems straightforward to say that if Smith freely gives something to Jones, Jones is entitled to that thing, but there may be more to the story. For example, if Smith steals Brown's car and then presents it to Jones as a gift, we wouldn't say that Jones is entitled to the car. So Smith has to be entitled to the car first before she can (justly) give it to Jones. But if Smith *is* so entitled, then Jones' holding is therefore just.

The important difference Nozick wants to highlight between his entitlement theory and the leading distributive-justice theories is that the other theories (see chapter 5) look at a current time-slice, or apply a structural principle such as utilitarianism, and thus are ahistorical, whereas his entitlement theory is historical. The ahistorical theories he calls "end-state principles." His point in making this distinction is that looking at the end state of affairs, or indeed any intermediate time-slice, may not tell us everything we need to know about justice. For example, say you come upon two children looking at their Halloween candy, and see that Jill has three Snickers bars and Jane has 27 pieces of hard candy and one Kit-Kat. You might think this is an unfair distribution; how could it be fair that Jane has so much more candy than Jill? That is one possibility, of course; Jane might have stolen some of Jill's stash. But another possibility is that Jill is exceptionally fond of Snickers and has traded away all her hard candy to obtain more of them. If this is what has happened, Nozick would say the holdings are just. Both children were entitled to their holdings before the trade, and then traded according to their (different) preferences, and thus are entitled to their holdings after the trade. Nozick favours historical principles because they "hold that past circumstances or actions of people can create differential entitlements or different deserts to things" (p. 155). If we adopted an ahistorical or end-state principle, such as "all children should have equal amounts of candy," we would actually be missing information about how the end-state arose that would be relevant to assessing its justice.

In particular, Nozick distinguishes his entitlement theory from principles of distribution he calls “patterned” (p. 156). These are principles of the form “distribute according to \_\_\_” – whether it is need, effort, contribution, or what have you. Patterned distributions declare an end-state just when the end-state has been brought about by the pattern. It might be easier to see what he means with a silly example, say, that resources should be distributed by height. So if we saw that, uniformly, the taller one was, the wealthier one was, this would be a “just” distribution, because it is what the pattern calls for. Less silly, perhaps, would be the call for all wealth to be distributed equally. This, too, would be a pattern: as long as everyone is equally wealthy (or equally poor), the distribution is just. In both cases, Nozick would say, we do not know all we need to know in order to claim that the distributions are just. His point is that people are entitled to whatever holdings arise from the correct application of the entitlement theory. In general, one might be entitled to something without “deserving it” on the basis of a patterned theory. For instance, if a kindly person ahead of you in line decides to “pay it forward” and sponsor your meal, you are entitled to that meal, although it would be odd to suggest that you *deserve* to be given a free meal.

The key aspect of the entitlement theory is it puts *process* ahead of *outcome*. This is in keeping with Nozick’s defense of rights against utilitarianism earlier in the book. The rights people have foreclose certain processes – to be killed, robbed, enslaved – and the way to acquire just holdings is to participate in certain processes – just transfers and just rectifications. Just holdings do not come about because they fit a preconceived pattern, but because they are the result of people engaging in just processes. It’s not enough to note that I have acquired five bars of gold – it matters whether I was given them in trade as opposed to having stolen them. To engage in the just processes that produce transfers, and therefore new holdings, is in fact an exercise of the rights Nozick described earlier. This brings us immediately to one of Nozick’s most influential arguments, which we take up in the next chapter.



## Chapter 4

# How Liberty Upsets Patterns

In his development of the entitlement theory, Nozick had argued that just holdings do not come about because they fit a preconceived pattern, but because they are the result of people engaging in just processes. He then uses a clever and now very famous thought experiment to demonstrate why patterned, end-state conceptions of distributive justice are necessarily incompatible with individual freedom. This incompatibility turns out to reveal an internal incoherence in patterned theories. The thought experiment involves Wilt Chamberlain, a professional basketball player whose name, at the time of the book's publication, would have been very familiar to readers. As I summarize the argument (pp. 160-164), feel free to mentally substitute the name of any well-known professional athlete today.

Nozick invites the reader to imagine that we live in a society in which some patterned conception of distributive justice has been perfectly realized. It might be perfectly equal distribution, or some other distribution weighted by whatever principle you favour – the one you think is the most just. Call this distribution of material resources  $D_1$ . So according to you, everyone in the society is entitled to the resources they have, because they came about through the distributive justice pattern you understand to be just. Now, Nozick says, “suppose that Wilt Chamberlain is greatly in demand by basketball teams, being a great gate attraction.... He signs the following sort of contract with a team: In each home game, twenty-five cents from the price of each ticket of admission goes to him.... The season starts, and people cheerfully attend his team's games.... They are excited about seeing him play; it is worth the total admission price to them” (p. 161). I pause here to note that no one buys a ticket who does not think it worth the extra 25 cents; indeed, it is possible that more people

might want to attend home games than the arena's capacity. "Let us suppose," Nozick continues, "that in one season one million persons attend his home games, and Wilt Chamberlain winds up with \$250,000, a much larger sum than the average income and larger even than anyone else has" (p. 161). As you can see, we now have a different distribution of material resources, call it  $D_2$ . The question this raises, Nozick says, is that since  $D_1$  and  $D_2$  are different, is Wilt Chamberlain entitled to his new holdings? Is  $D_2$  unjust? If so, why? "There is *no* question about whether each of the people was entitled to the control over the resources they held in  $D_1$ ; because that was the distribution (your favorite) that (for the purposes of argument) we assumed was acceptable. Each of these persons *chose* to give twenty-five cents of their money to Chamberlain." Recall that the experiment begins from a perfect realization of whichever distributional pattern the reader thinks is just, so the people could spend it on whatever they like – sushi, comic books, a camping trip – but these one million people all chose to give it to Wilt Chamberlain. So, Nozick concludes, "If  $D_1$  was a just distribution, and people voluntarily moved from it to  $D_2$ ... isn't  $D_2$  also just?" (p. 161). He notes that people who don't care about basketball still have the same shares they did before; they aren't negatively affected by this. But of course the ones who did pay haven't been negatively affected either, despite their having 25 fewer cents, because they received in return for that the experience of watching their favourite player, which is what they wanted to do.

The section heading Nozick uses for this is "How Liberty Upsets Patterns." The point he is making is that if we did have some objection to  $D_2$ , we would have to forbid people from using resources in the ways they chose: "no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people's lives" (p. 163). This isn't merely a demonstration of the incompatibility of patterned distributive justice principles with individual freedom. The advocate of the pattern could respond to that by saying so much the worse for individual freedom. But Nozick means something stronger – that the patterned distributions are logically inconsistent themselves. Under  $D_1$ , the claim was that everyone is justly entitled to their share. What can that mean if they may not dispose of their shares as they choose? If they may not dispose of their resources as they choose, then it seems as though they are not actually entitled to them.

Nozick tweaks the thought experiment by positing that we had a fully realized socialist society in which everyone's needs are satisfied and everyone does their allotted day's work. Might not Wilt Chamberlain (or some other performer) work after hours to acquire additional resources? Nozick notes that people often want things that go beyond their needs. He gives the example that he likes to write in books that he reads, and would like access to Harvard's library, but obviously he cannot write in the library's books, and cannot expect any society to give him all the books in the Harvard library. So one of the things he chooses to spend money on is personal copies of books. Thus, in general, "persons either must do without some extra things that they want, or be allowed to do something extra to get some of those things. On what basis could the inequalities that would eventuate be forbidden?" (p. 162). People's diverse interests and talents will inevitably result in the patterns being upset, unless people are physically forbidden to engage in such transactions. He compares this to "the manner in which the market is neutral among persons' desires, as it reflects and transmits widely scattered information via prices, and coordinates persons' activities" (pp. 163-4). If people are free to act on their choices, patterned or end-state models of distributive justice are unsustainable.



## Chapter 5

# Liberal and Socialist Conceptions of Distributive Justice

Nozick's general critique of patterned theories of distributive justice leads him to a specific consideration of one of the most well-known and influential of such theories, John Rawls' 1971 *A Theory of Justice*, the now-canonical argument for mitigated economic liberty and redistribution. Nozick begins by praising the book, which he calls "a powerful, deep, subtle, wide-ranging, systematic work in political and moral philosophy which has not seen its like since the writings of John Stuart Mill, if then" (p. 183). And he also notes its influence, already huge in 1974 when *Anarchy, State, and Utopia* was published, and larger today: "Political philosophers now must either work within Rawls' theory or explain why not" (p. 183). This encomium does not seem like mere formal politeness towards a colleague, but rather as very genuine admiration. Nevertheless, Nozick then proceeds to explain why he rejects the Rawlsian framework.

Rawls had argued that the best way to discover the principles of justice is to imagine rational actors deliberating behind a "veil of ignorance," meaning that none of them know what their social status, wealth, intelligence, and so on, will be. The principles chosen under those conditions will be fair. People with experience sharing a piece of cake will already understand what he has in mind: the "I-cut-you choose" method ensures fair distribution of cake, because even assuming that I want to get as much cake as possible, I don't know which piece I'm getting. Since I do not know which piece will be mine, the only way I can maximize my allotment of cake is to divide it as fairly as I can. Similarly, if one didn't know whether one would be a slave or a master, it would be irrational to select a slave society. In fact, if I wanted to maximize how much freedom I

would have, without knowing my status in society, my best move would be to select a society in which everyone had equal rights. And this is indeed Rawls' first principle of justice.

The veil of ignorance does not, however, lead us to the conclusion that all material wealth should be equally distributed. People respond to incentives, and therefore the possibility of acquiring greater wealth can lead to increased productivity and increased investment in one's education and training. Some occupations require more specialized skills, some are dangerous, some are unpleasant – all of these might require differential compensation. And, as we saw in the previous chapter, large numbers of people's preferences might converge on one particular person. For instance, a best-selling novelist might receive one dollar per book in royalties, but if the book sells a million copies, the author's income will exceed that of many professionals. However, Rawls argues, the material inequalities in the society have to be part of a system that works to everyone's advantage. From a veil of ignorance, rational people deliberating about how inequality works would be sure to select a system in which the worst off subset are as well off as they can be. So Rawls' second principle of justice is that material inequalities must be arranged so that they work to the best advantage of the worst off, and that whatever inequalities result are attached to opportunities available to all.

Rawls' model, therefore, produces a society with equal civil rights and equal opportunity, and some form of moderated capitalism with redistributive taxation and other tax-funded social service programs. One reason Nozick rejects this model is that the two principles of justice seem to be mutually inconsistent. If everyone is to enjoy equal basic rights, as in the first principle, then we cannot use the taxation required by the second principle for redistribution, as it would violate rights. One argument Nozick deploys to demonstrate this is his argument that "Taxation of earnings from labor is on a par with forced labor" (p. 169). He is not thereby committed to the bumper-sticker version of the claim, that taxation *is* forced labour, merely that it is *morally equivalent* to forced labour. He notes that "taking the earnings of  $n$  hours labor is like taking  $n$  hours from the person; it is like forcing the person to work  $n$  hours for another's purpose" (p. 169). It seems different to take the wages of five hour's work than to make someone work five extra hours, but this is illusory. Nozick asks us to

imagine one person who works longer hours in order to obtain extra goods, and another who chooses not to work overtime because he prefers having the free time, and asks “if it would be illegitimate for a tax system to seize some of [the second] man’s leisure (forced labor) for the purpose of serving the needy, how can it be legitimate for a tax system to seize some of [the first] man’s goods for that purpose?” (p. 170). In general, the non-consensual appropriation suggests that the people do not have their property rights equally protected.

Rawls might counter that this is the reason for his ordering his principles of justice, such that equality of basic civil rights comes first, and inequalities in wealth being arranged to be of maximal benefit to the least well off coming second. The ensuing weakening of property rights is therefore consistent with the equal rights of all to free speech, freedom of conscience, voting rights, and so on. But Nozick’s argument implies that the distinction between “civil rights” and “economic rights” is arbitrary. One ramification of the “Wilt Chamberlain” argument is that what people choose to do with their assets is an extension of their values and personal choices, so interference with those transactions is not substantially different from restrictions on, say, speech or other expressive acts. Seizing a person’s assets violates their rights in just the same way as censoring speech or restricting worship: it interferes with one’s capacity to shape one’s life and strive for meaning. The “social contract” approach that Rawls favours, while not utilitarian, ultimately does not preserve the autonomy of each individual person as robustly as the deontological approach to rights Nozick has argued for. That is why Rawls’ second principle allows for interference with people’s rights.

One reason Rawls gives for making this distinction is that he says people do not deserve their natural assets (intelligence, strength, or, especially in a society of unequal social status for different groups, race and gender). Since one’s holdings may be a function of these natural assets, it is not really a rights violation for the social structure to interfere with one’s enjoyment of them. Nozick counters this by arguing that it is not a matter of whether one deserves one’s holdings but whether one is entitled to them, and one is entitled to them as long as they arose in a non-rights-violating way themselves. If Smith is born with greater strength or beauty than Jones, of course he does not *deserve* these assets, but Smith’s having greater strength or beauty than Jones does not violate

Jones' rights, so Smith is entitled to them. Hence the argument from non-desert of natural assets does not show that seizing people's holdings is consistent with respect for their rights.

Lastly, Nozick is skeptical that the "veil of ignorance" deliberations necessarily commit everyone to agreeing to the arrangements of inequality that are supposed to be structured to work to the best advantage of the worst off. He asks us to imagine a "social pie" appearing (a stand-in for the material assets in the society) to which no one has any more claim than anyone else and on which unanimous agreement is needed for its division (p. 198). He thinks it likely that equal distribution would be the result of the deliberation. But, he continues, suppose the pie wasn't a fixed quantity, and "it was realized that pursuing an equal distribution would lead to a smaller total pie than otherwise might occur" – here, he suggests, "the people might well agree to an unequal distribution which raised the size of the least share" (p. 198). For example, if under an equally-divided, fixed-total scenario, everyone's share was 10 units, but under an unequally-divided, non-fixed-total scenario, some got as much as 20 units, but even the worst off received 15 units, that would satisfy Rawls' second principle, as the worst off are better off than they would be under the alternative. But, Nozick says, this couldn't help but lead the participants to a discussion about who gets what piece. "Who is it that could make the pie [even] larger, and would do it if given a larger share, but not if given an equal share under [the first system]? To whom is an incentive to be provided to make this larger contribution? ... Why doesn't this identifiable differential contribution lead to some differential entitlement?" (p. 198). In other words, they would need some conception of historical entitlement, not merely end-state patterns. The arbitrariness that would result from doing without any historical principles would, Nozick says, keep them from agreeing to this. "But no historical principle, it seems, could be agreed to in the first instance by the participants in Rawls' original position. For people meeting together behind a veil of ignorance to decide who gets what, knowing nothing about any special entitlements people may have, will treat anything to be distributed as manna from heaven" (p. 199). This means that they might not even be capable of agreeing on principles which actually benefit the least well off.

Marxian patterned distribution runs afoul of Nozick's "Wilt Chamberlain" argument just as Rawls' does, but Nozick also investigates some of the other aspects of Marx's theory, chiefly the theory of exploitation. Marx argues that capitalist society is defined by class conflict between owners of the means of production and labourers, a tension that creates the oppression of labourers. The oppression is a product of the alienation and exploitation that result from capitalist forms of exchange. "Marxist theory," Nozick says, "explains the phenomenon of exploitation by reference to the workers not having access to the means of production. The workers have to sell their labor (labor power) to the capitalists, for they must use the means of production to produce, and cannot produce alone" (p. 253). Since this allows the capitalist to appropriate the surplus value of the worker's labour, the worker is said to be exploited. Nozick points out that the underlying premise in this account is the "labour theory of value," on which the value of a good is a function of the labour that went into making it. One of his criticisms of Marxism, then, involves disputing the account of exploitation and the underlying theory of value that makes it work.

Since criticisms of the labour theory of value were a century old when *Anarchy, State, and Utopia* was published, Nozick actually settles for merely alluding to them: "It would tedious to rehearse the standard counterexamples to the labor theory of value: found natural objects (valued above the labor necessary to get them); rare goods (letters from Napoleon) that cannot be reproduced in unlimited quantities; differences in value between identical objects at different places; differences skilled labor makes; changes caused by fluctuations in supply and demand; aged objects whose producing requires much time to pass (old wines), and so on" (p. 258). (To clarify that third example: a bottle of water seems to be more highly valued when one is thirsty in the desert than when one is shopping in the supermarket, but the labour involved in making both is the same.) But Nozick does pause to examine the distinction Marx makes between thinking about the undifferentiated labour hours that went into a thing's production, and "socially necessary" labour hours. One could spend hours working on a cake made of mud, but that wouldn't necessarily make it valuable. Nozick quotes Marx making this distinction: "Nothing can have value without being an object of utility. If a thing is useless so is the labor contained in it; the labor does not count as labor, and therefore creates no value" (Marx, from *Capital*,

p. 48, in Nozick, p. 259). Nozick thinks this distinction, while intended to forestall certain objections, ends up undermining the theory entirely. The idea that the object must be valued by some valuer shifts the essence of economic value away from the objective time of production to the subjective wanting of various persons. The amount of labour that counts as “socially necessary” will turn out to involve market conditions after all.

Nozick notes that even under a system of worker-controlled cooperatives, there would be no avoiding the importance of innovation and entrepreneurship. But no one would have an incentive to take risks for no reward. “If decisions are made by the vote of workers in the factory, this will lead to underinvestment in projects whose returns will come much later when many of the presently voting workers won’t benefit enough to outweigh withholding money from current distribution...” (p. 251). Again, Nozick points out, unless “capitalist acts between consenting adults” are banned, people having the freedom to create different economic organizations will lead some to risk, invest, accumulate. He argues that it violates no one’s rights for people to do this. More generally, he argues that it violates no one’s rights to benefit from other people’s voluntary choices. He gives the example of his wife having chosen him, rejecting other possible mates. They are in some sense deprived of her company, but their rights are not thereby violated. Indeed, none of them, including Nozick, had a “right” that they should be married to her, but whichever suitor she ended up choosing was certainly entitled to be in the marriage. If not, then she could not be said to have a right to her own body, her own choices. She is not exploiting anyone by choosing her preferred mate, and Nozick is not exploiting the rejected suitors by accepting. He concludes this section by noting that Marxism seems to involve fundamental misunderstandings about both economics and morality (p. 262).

## Chapter 6

# Redistribution and the Growth of the State

The discussion of redistributivist arguments leaves Nozick in a position of having demonstrated that while the minimal state can be justified over the objection of individualist anarchists, no more extensive state can be. But he anticipates objections that the minimal state would be “frail and insubstantial” (p. 276). He addresses this sort of objection with a thought-experiment about the growth of the state which reveals how the subtle expansion of government power inevitably leads to rights violations.

In the thought-experiment, he imagines people in the minimal state realizing that they can trade or sell some of their rights—“raising money by selling shares in themselves” (p. 282). In principle, this is actually what people do all the time in the real world. By accepting a job offer, for example, you give up—trade—your right to watch TV all day, in exchange for receiving a paycheck. In the thought-experiment, the people sell or trade all sorts of rights: “the right to decide from which persons they could buy certain services (which they call occupational licensure rights); the right to decide what countries they would buy goods from (import-control rights); the right to decide whether or not they would use LSD, or heroin, or tobacco... (drug rights)” and several other examples (p. 283). Whoever ended up with majority shares in people’s rights would thereby have authority over that person.

Incautious critics castigate Nozick’s argument at this point, on the grounds that this theory of rights seems to mean people could sell themselves into slavery. This is not Nozick’s point, and of course it’s conceptually incoherent to suppose that slavery is compatible with the conception of rights as

inviolable moral side-constraints that he has advanced. His point, rather, is an allegory for how state power expands. Since in the allegory people have voluntarily sold off their rights, someone must be buying them—he imagines an assortment of holding companies. If the people imagined their rights as shares, then it would end up being that the person’s rights were owned by many, just as stock in real-world corporations is widely dispersed. Like at any stockholder’s meeting, there would be majoritarian decisions made about each person. Since this would be exceptionally unwieldy, “general decisions are made for everyone” (p. 285). But once the decisions are general and majoritarian, it’s hard to maintain that rights are no longer violated: some non-transferred rights will be treated as if they had been transferred. “Since the decisions apply to all equally,” Nozick elaborates, “...each person is thought to benefit from the efforts of the others to rule wisely over all, and each is an equal in this endeavor, having an equal say with the others” (p. 286). What is lost in the shuffle, he concludes, are the rights of the minority.

Nozick refers to this allegorical system as “demoktesis,” meaning “ownership of the people, by the people, and for the people,” (p. 290) wherein majority shareholder decisionmaking is binding on all, since, after all, the shareholders acquired the shares in people’s rights through having been sold them. It is ironic that Nozick’s critics treat this situation as a *reductio ad absurdum* of Nozickian rights theory, since the demoktesis is meant to be analogous to democratic governance. In telling this story, he says, “we have arrived, finally, at what is recognizable as a modern state. Indeed, we have arrived at a *democratic* state” (p. 290). The allegorical demoktesis shows that the basic idea of collective decisionmaking inevitably becomes rights violative, and that it doesn’t help matters to note that any particular individual “has a say,” since only the majority decision carries weight. This approach to governance cannot help but violate rights.

Lest the demoktesis allegory be too subtle, Nozick follows it with a related allegory that gets at the same point, the perhaps more well-known “Tale of the Slave” (pp. 291-293). This story proceeds by a series of nine steps, in which he asks the reader to first imagine a slave “completely at the mercy of his brutal master’s whims” (p. 290). In each of the subsequent steps, things seem to improve—for instance, beatings are not random, more free time is allowed,

and so on. One transition is from a situation where the slaves are only required to work for the master three days a week and can do what they want the other four days, to one where they can do whatever they want all seven days, but must send back three-sevenths of their wages. This step hearkens back to Nozick's earlier argument about the analogy between taxation and forced labour. The process continues to a situation in which all the other slaves (except the reader) get to vote on how much labour or money they (and the reader) must owe the master. Later, the reader gets to vote only when there's a tie, and later, votes like everyone else. In this case, Nozick observes, "[if the others happen to be] exactly tied your vote carries the issue. Otherwise it makes no difference to the electoral outcome" (p. 292). This scenario is, again, democratic society. In democratic society, we are allowed to attempt to persuade others, but failing that, are obliged to obey the result of the majority decision. In the final step of this allegory, it is the same, and Nozick says, "The question is: which transition from case 1 to case 9 made it no longer the tale of the slave?" (p. 292).

The point of the rhetorical question seems to be that the slave in the allegory remains very much unfree even in the final step, although to be sure she has more freedom than in the first step. But even in the last scenario, as long as more people than not think she should pay the master three-sevenths of her wages, she must do so, and it is not clear how this is different from earlier steps. That the brutality accompanying the rights violations has lessened does not change the fact that her rights are being violated. Step 9, like the *demoktesis*, is analogous to democratic society, and highlights the way in which democratic societies are not guarantees against rights violations. The error Nozick seems to be pointing to is the idea that participating in a majoritarian process somehow entails that one's rights are necessarily protected. But as the allegories show, that's simply incorrect. Majority-rule decisionmaking can violate rights just as easily as a king or slave-owner does. Democratic participation may lessen the scope of the violations, but does not eliminate them, and in one sense is potentially worse: since the nominal rationale for the rights violation is "the will of the people," it comes to have a greater veneer of moral authority than if it were simply the whim of the king or the master. So, Nozick reiterates, no state that doesn't have its basis in the protection of individual rights can be made consistent with those rights. So demands for a more robust state with

functions other than defensive necessarily involve holding some people's rights as less valuable than those of others, and, on the theory he's laid out, "there is *no* legitimate way to arrive at the asymmetry of rights" (p. 276).

## Chapter 7

# A Framework for Utopia

Having demonstrated that the minimal state is justified but that *only* the minimal state is justified, Nozick also wants to show that the minimal state is morally inspiring, a positive good. He begins this discussion by considering what “utopia” might even mean. He says that it is “impossible simultaneously and continually to realize all social and political goods,” but that the idea is nonetheless worth investigating (p. 297). Why would it be impossible? Because everyone is different. “The world, or all those I can imagine, which I would most prefer to live in, will not be precisely the one you would choose” (p. 298). But underlying this problem, indeed what makes it a problem in the first place, is the idea that society consists of multiple people who have to have *some* way of living together. So utopia would have to be the best possible world that all could live in. The requirements of social living have to be reconciled with the fact of human pluralism and diversity.

In general, voluntary associations exist because people derive benefit from them, all things considered. To be a member of a gym, for example, one might have to pay membership dues. You might prefer it if the dues were lower or nonexistent, but it is unrealistic to expect someone to build a gym as a gift for you. But if the benefit of joining is substantial, then you will find it worthwhile to pay the dues. All voluntary associations have this characteristic—people join them for mutual benefit. The “protective agencies” which we might create to help protect our rights are an instance of this. This observation allows Nozick to develop a model for thinking about what utopia might actually look like.

Since people are so varied in their tastes, values, and preferences, what emerges as most ideal is “a society in which utopian experimentation can be tried, different styles of life can be lived, and alternative visions of the good

can be individually or jointly pursued” (p. 307). In other words, a sort of meta-utopia, wherein many utopias are possible. Nozick argues that humans are sufficiently different from one another that there cannot be one single form of association that is objectively best for everyone. “There is no reason to think that there is *one* community which will serve as ideal for all people and much reason to think that there is not” (p. 310). So the minimal state he has defended, which ensures that everyone’s rights are protected but also leaves everyone free to participate in whatever voluntary associations they choose, establishes not a utopia, but a meta-utopia, in which different sorts of communities can exist.

To demonstrate the profound diversity and pluralism that characterizes humanity, Nozick presents a litany of people including Elizabeth Taylor, Bertrand Russell, Frank Sinatra, Socrates, Ted Williams, Ralph Ellison, Buddha, Thomas Edison, Pablo Picasso, some 30 other historical figures, and adds “you, and your parents,” and then asks “Is there really *one* kind of life which is best for each of these people?” (p. 310). He also suggests we consider the rich portraits of human lives in literature. There just is not a sound basis for picking one social arrangement and assuming it would be ideal for all. People have differing priorities regarding art, sport, intellectual activity, sensual pleasure, family life, risk-taking, work, religion, and so on. Consider, for example, Amish communities eschewing electricity. While people outside those communities tend to think electricity improves their lives, the Amish voluntarily choose a different sort of life. As long as no one is held captive in those communities, there is no basis for disallowing them. More broadly, some people prefer urban life, others prefer rural life. Neither is universally “better” for everyone. Nozick says that the very idea that there is “one best society for *everyone* to live in, seems to me to be an incredible one” (p. 311). Utopian authors, he says, tend to be so assured of their own vision for society that they assume it can be universally applied. This necessarily overlooks the fact of human diversity.

What makes Nozick’s solution different, and presumably not incredible, is that it does not assume to know the “one best way” for all. “Given the enormous complexity of man, his many desires, aspirations, impulses, talents, mistakes, loves, sillinesses, given the *thickness* of his intertwined and inter-related levels, facets, relationships (compare the thinness of the social scientists’ description of man to that of the novelists), and given the complexity of

interpersonal institutions and relationships, and the complexity of coordination of the actions of many people, it is enormously unlikely that, even if there were one ideal pattern for society, it could be [designed by plan]" (p. 313). Hence the framework for a community of communities. Many types of consensual arrangements are possible, and it's futile to look for one-size-fits-all solutions in a world characterized by diversity and pluralism, so a framework protecting everyone's rights, everyone's capacity to join different voluntary associations, is the most utopia we can reasonably expect. As Nozick suggested in his discussion of justice, the attempt to bring about a pre-determined state of affairs is unworkable, but here again we have a focus on process rather than end-states. Even without invoking the concept of rights, the framework for utopia recognizes the pluralism of human nature. Pluralism could almost be a separate rationale, although Nozick sees freedom and pluralism as having intersecting roles. The minimal state's protections of rights ensures that contracts generally, and membership in the various possible communities, will be voluntary. This means that communities that turn out not to be beneficial can be abandoned, paving the way for new attempts.

Nozick notes that even if there were one kind of community that was best for everyone, "the framework set out is the best means for finding out the nature of that community," since it's virtually impossible that a designer could know it a priori and that instead it would need to be discovered (p. 318). But he adds that the argument for the framework is strengthened when we "drop the (false) assumption that there is *one* kind of society best for everyone" because then we can stop "misconstruing the problem" as a search for that one universal and totalizing ideal (p. 318). The framework is "compatible with the realization of almost all particular utopian visions," (the qualification "almost" ruling out ideals based on force and domination), so it can be seen as kind of common ground for different visionaries (p. 319).

One important ramification of the idea of the minimal state as a framework for utopia(s) is that it allows for communities that individually exceed the framework provided they do so consensually. "Though the framework is libertarian and laissez-faire, *individual communities within it need not be*, and perhaps no community within it will choose to be so... In *this* laissez-faire system it could turn out that though they are permitted, there are no actually

functioning “capitalist” institutions; or that some communities have them and others don’t or some communities have some of them, or what you will” (pp. 320-21). For example, one community might be organized with private property; another as a commune or kibbutz. One might make a particular form of worship central to public life while another would be ecumenical or secular. The framework allows for any sort of voluntary association, provided no one is coerced into joining or staying. “Anyone may start *any* sort of new community (compatible with the operation of the framework) they wish” (p. 324). Hence anyone may exit a community they find unsuitable.

The framework for utopia, therefore, just is the minimal state. The minimal state, Nozick reiterates, “treats us as inviolate individuals, who may not be used in certain ways by others as means or tools or instruments or resources; it treats us as persons having individual rights with the dignity this constitutes. Treating us with respect by respecting our rights, it allows us, individually or with whom we choose, to choose our life and to realize our ends and our conception of ourselves, insofar as we can, aided by the voluntary cooperation of other individuals possessing the same dignity” (pp. 333-34). This need not mean living in any one particular sort of community, but only that the available options are consensual, rights-respecting, and cognizant of the great diversity and pluralism of human nature.

# Suggestions for Further Reading

**By Robert Nozick**

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*The Nature of Rationality* (Princeton University Press, 1993)

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