

## Topic Page: [Nozick, Robert](#)

Summary Article: **Nozick, Robert (1938–2002)**

From *Encyclopedia of Libertarianism*

Robert Nozick was a writer, a philosopher, and, at one time, a leading supporter of libertarian thought. Two Harvard professors resuscitated political philosophy in the American academy where interest had languished for decades under the sway of analytic philosophy. John Rawls, a distinguished academician, came to press first in 1971 with his somewhat ponderous tome, *A Theory of Justice*, which employed a variant of the “state of nature” argument to justify the liberal welfare state. In defending both individual liberty and redistribution, Rawls’s arguments ignited a torrent of responses that have not abated in the ensuing decades. These critiques were written overwhelmingly by his fellow liberals or those further to the left who thought Rawls had not gone far enough toward collectivism. Surprisingly, however, Rawls’s most enduring challenge came from one of his own colleagues, a younger philosopher with an engaging writing style who accomplished something extraordinary. Robert Nozick’s book, *Anarchy, State, and Utopia*, published in 1974, had the unpredictable effect of transforming libertarianism from a political philosophy that had been taken seriously by only a few academics into an obligatory topic of discussion among American philosophers and their students. After Nozick, libertarian views have been routinely considered in introductory texts in political philosophy, typically as an ideology to be disputed, but one that must be given serious consideration.

Prior to *Anarchy, State, and Utopia*, Nozick had published two papers in political philosophy, one on “Coercion” and another, for which he was best known in libertarian circles, “On the Randian Argument,” in which he discussed Ayn Rand’s moral argument for natural rights, the bedrock of her defense of capitalism. Although he shared Rand’s support for free markets as well as her commitment to grounding capitalism on natural rights rather than utility or a social contract, he argued that Rand’s derivation of natural rights was flawed.

Emerging from the academy of the 1970s, almost uniformly hostile to and uninformed about libertarian ideas, *Anarchy, State, and Utopia* was a bombshell, challenging from its first sentence the hoary truths of the contemporary liberal professoriate. “Individuals have rights,” Nozick declared, “and there are things no person or group may do to them (without violating their rights).” To the liberals’ wholehearted embrace of the welfare state, Nozick responded that the justification of any state, even a minimal one, is problematic. To their fondness for redistribution, Nozick offered a blistering argument against “patterned theories” of justice that require constant intervention by the state to prevent deviations that voluntary acts cause. To utopians of various sorts, Marxists included, Nozick offered his own vision of a libertarian framework that would allow voluntary communities of all sorts to flourish under its minimalist wing. Coming from a professor at Harvard University’s highly ranked philosophy department, such heretical thoughts could not be easily ignored, especially after Nozick’s book received the 1975 National Book Award.

The 1970s were a time of great intellectual ferment in libertarian circles. A heady debate flourished, sometimes acrimoniously, but most often in good spirit, between advocates of a minimal state and their anarchist adversaries who argued that any state would necessarily violate individual rights. The minimalists took their inspiration from such figures as Ayn Rand, Milton Friedman, Friedrich Hayek, and Ludwig von Mises. The anarchists’ champion, economist Murray Rothbard, a student of Mises and

arguably the preeminent libertarian of his day, eagerly embraced the individualist anarchist tradition of Benjamin R. Tucker and Lysander Spooner. Nozick attempted, in the first part of *Anarchy, State, and Utopia*, to refute the anarchists and justify a minimal state “limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on.”

The imprint of John Locke’s *Second Treatise* (1690) is present throughout Nozick’s book. Nozick begins by assuming Locke’s state of nature and then by reprising his account of its moral foundation in natural law and natural right. Nozick concedes that he has no defense of this moral theory and notes that providing that foundation is “a task for another time. (A lifetime?).” Locke’s state of nature is a state of perfect freedom, yet it suffers from certain defects for which natural law, imprinted in each man’s heart, is an insufficient remedy. When men are judges in their own cause, they will often overvalue their own harm and not judge impartially. Where there is no common judge on earth, this partiality in enforcing the natural law leads to feuds and retaliation. Justice suffers as well when someone in the right lacks the power to enforce his rights and to exact compensation because the rights violator is more powerful. To remedy these and other defects, Locke envisioned a voluntary agreement—a social contract—between people desirous of leaving the state of nature and forming into a civil society. Nozick followed a similar scenario, but jettisoned the social contract. His minimal state emerges as the unintended consequence of individuals’ acts. Borrowing from Adam Smith, Nozick calls this account an “invisible-hand explanation” because the state is not designed, but rather evolves.

Nozick explained how many “protective associations” might form to remedy these Lockean defects in enforcing rights in the state of nature. But a multiplicity of agencies would cause problems, too, including warfare, resulting in a tendency for one agency to become dominant over a particular territory. Thus, from anarchy and only from voluntary acts, “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.”

The market for protection, Nozick maintained, is essentially different from other markets and will, by the nature of the service offered, result in a “virtual monopoly” because the “maximal product” (a monopoly) is the most efficient way to eliminate violent conflicts between competing agencies. Therefore, the appeal of less than maximal protection agencies declines “disproportionally with the number who purchase the maximal product,” and these weaker companies are caught in a “declining spiral.” (It is an argument similar to the one given by economists for the existence of so-called natural monopolies.)

A necessary condition for a state is that it “claims a monopoly on deciding who may use force” within its territory and the consequent right to punish anyone who uses force without its “express permission.” Nozick tries to show how a dominant protection agency may come to exercise this defining quality of a state and do so by not violating any individual’s rights. He considers the case of those who choose not to join a protection agency and insist on judging for themselves as well as the case of those who cannot afford protection from any protective agency. The latter case is important because states claim to protect everyone within their borders, which would seemingly require that the minimal state must tolerate some redistribution to provide coverage for everyone. Nozick proceeds by a two-step analysis, first showing how an “ultraminimal state” would emerge from private protection agencies, and, second, how this ultraminimal state would be morally obligated to transform itself into a minimal state with some “redistribution” to protect everyone’s rights. Neither in its inception nor in its operation does this minimal state violate anyone’s rights so conceived. Nozick thinks of rights as “side

constraints” on action—constraints that preclude (in Kantian terms) using others as a means toward one’s own ends.

Through an intricate argument about compensation and risk, Nozick arrives at a “principle of compensation” that serves as his vehicle for moving from a dominant protection agency to the endpoint of a minimal state: “those imposing a prohibition on risky activities . . . [must] compensate those *disadvantaged* through having these risky activities prohibited to them.” A dominant protection agency is the only agency that can offer its clients the assurance that risky procedures will not be used against them in judging their guilt or innocence, and it will thereby evolve into a de facto monopoly. At that point, it is morally compelled to offer protection to everyone within its domain. Independents must be compensated when the dominant agency prohibits them from punishing the agency’s clients, leaving these independents vulnerable to harm. Thus, the minimal state emerges via compensation, rather than coercion and rights violations, because the dominant agency’s clients are morally obligated to compensate the independents. In addition, Nozick contends, the minimal state avoids the charge of exercising coerced redistribution because the minimal state is not taxing some to benefit others, but merely insisting that its clients honor the principle of compensation by paying compensation to those deprived of a valuable good: their ability to choose their “unreliable or unfair” enforcement techniques (as assessed by the minimal state).

Critics, particularly those of a libertarian orientation, have found Nozick’s justification of the minimal state suspect. They argue that the principle of compensation only masks the violation of rights of those forced to give up self-help in enforcement in favor of the monopolist’s sole and unimpeachable judgment about risk to their clients.

*Anarchy, State, and Utopia* goes on to argue that no state more extensive than the minimal state can be justified. Nozick’s target shifts from the individualist anarchists he had earlier discussed to analysis of the position embraced by Rawlsian liberals. He dismisses “end-result” principles of distributive justice—such as Rawls’s “difference principle,” in which any economic inequality is justified only if it benefits the least well off. Nozick points out that any patterned principle must continually interfere with the results of individuals’ voluntary choices. Here he offers the example of Wilt Chamberlain to demonstrate how wealth can be accumulated by voluntary transfer from basketball fans to a noted basketball star, transfers that would upset any original egalitarian distribution, but seem in each instance legitimate. In contrast to end-result principles, Nozick propounds a historical theory of distributive justice, which he calls the *entitlement theory*. Property holdings, he contends, are justified only when based on three principles: the legitimacy of original acquisition, transfer by voluntary exchange, or the rectification for transfers that depart from the first two principles.

Nozick’s arguments against redistribution and the welfare state have garnered much criticism, predominantly from liberals who contend that he does not give an adequate defense of original acquisition. Also, they abhor his principle of property transfer by voluntary exchange because they find its inequalitarian results reprehensible. Nozick never could decide what justified original acquisition, thereby leaving himself vulnerable to the former charge (although he did seem to defer to Locke’s mixing-one’s-labor theory). As for the latter charge, liberals could not accept Nozick’s entitlement theory without conceding that laissez-faire was the morally preferable economic system, an unpalatable conclusion.

After *Anarchy, State, and Utopia*, Nozick wrote three books, two of which received considerable

attention in the philosophical community: *Philosophical Explanations* (on knowledge and skepticism, personal identity, value theory, and free will) and *The Nature of Rationality* (in which he introduced the notion of *symbolic utility*). *The Examined Life: A Meditation*, published in 1989, ponders matters of life, death, parenthood, and love, and it was generally ignored by philosophers. It contains one chapter, “The Zigzag of Politics,” that departs radically from *Anarchy, State, and Utopia*. “The libertarian position I once propounded,” Nozick wrote, “now seems to me seriously inadequate, in part because it did not fully knit the humane considerations and joint cooperative activities it left room for more closely into its fabric.” The symbolic significance of democratic politics as social solidarity and humane concern, he argued, is completely ignored by libertarian theory. Remarkably, he opined that taxation to help the needy is preferable to voluntary contributions because the latter “would not constitute the society’s solemn markings and symbolic validation of the importance and centrality of those ties of concern and solidarity.” He followed this claim with an endorsement of antidiscrimination laws in employment, public accommodations, and housing. He no longer considered freedoms of speech and assembly as absolute rights, and he held that they can be overridden to prevent Ku Klux Klan or Nazi marches through black or Jewish neighborhoods. This chapter constitutes a stunning rejection of the younger Nozick’s ringing endorsement of individualism, his rejection of the notion of a common good, and his embrace of natural rights.

Nozick began a collection of his essays, *Socratic Puzzles*, with the admission that “it is disconcerting to be known primarily for an early work.” He followed this admission with an explanation of why he had not responded to the “sizable literature” on *Anarchy, State, and Utopia*. Had he attempted to do so, it would have required that he spend the remainder of his life writing “‘The Son of Anarchy, State, and utopia,’ ‘The Return of the Son of.,’ etc.,” an unappealing task. Yet however disconcerting *Anarchy, State, and Utopia* may have been to the mature Nozick, his reputation will forever be tied to this work.

*See also*

Anarchism; Anarcho-Capitalism; Minimal State; Private Property; Rawls, John; Welfare State

**Further Readings**

- Cohen, G. A. *Self-Ownership, Freedom, and Equality* (Studies in Marxism and Social Theory). Cambridge: Cambridge University Press, 1995.
- Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.
- Nozick, Robert. “Coercion.” *Philosophy, Science, and Method*. Morgenbesser, S., Suppes, P., and White, M., eds. New York: St. Martin’s, 1969.
- Nozick, Robert. *The Examined Life: Philosophical Meditations*. New York: Simon & Schuster, 1989.
- Nozick, Robert. *The Nature of Rationality*. Princeton, NJ: Princeton University Press, 1993.
- Nozick, Robert. “On the Randian Argument.” *The Personalist* 52 no. 2 (Spring 1971). 282-304.
- Nozick, Robert. *Philosophical Explanations*. Cambridge, MA: Harvard University Press, 1981.
- Nozick, Robert. *Socratic Puzzles*. Cambridge, MA: Harvard University Press, 1997.
- Paul, Jeffrey, ed. *Reading Nozick: Essays on Anarchy, State, and Utopia*. Totowa, NJ: Rowman & Littlefield, 1981.
- Wolff, Jonathan. *Robert Nozick: Property, Justice, and the Minimal State*. Stanford, CA: Stanford University Press, 1991.

Ellen Frankel Paul

**APA**

Chicago

Harvard

MLA

---

Paul, E. F. (2008). Nozick, Robert (1938--2002). In R. Hamowy, *Encyclopedia of libertarianism*. Thousand Oaks, CA: Sage Publications. Retrieved from [https://search.credoreference.com/content/topic/nozick\\_robert\\_1938](https://search.credoreference.com/content/topic/nozick_robert_1938)

---

 Copyright © 2008 by SAGE Publications, Inc.

 Copyright © 2008 by SAGE Publications, Inc.

## APA

Paul, E. F. (2008). Nozick, Robert (1938--2002). In R. Hamowy, *Encyclopedia of libertarianism*. Thousand Oaks, CA: Sage Publications. Retrieved from [https://search.credoreference.com/content/topic/nozick\\_robert\\_1938](https://search.credoreference.com/content/topic/nozick_robert_1938)

## Chicago

Paul, Ellen Frankel. "Nozick, Robert (1938–2002)." In *Encyclopedia of Libertarianism*, by Ronald Hamowy. Sage Publications, 2008. [https://search.credoreference.com/content/topic/nozick\\_robert\\_1938](https://search.credoreference.com/content/topic/nozick_robert_1938)

## Harvard

Paul, E.F. (2008). Nozick, Robert (1938--2002). In R. Hamowy, *Encyclopedia of libertarianism*. [Online]. Thousand Oaks: Sage Publications. Available from: [https://search.credoreference.com/content/topic/nozick\\_robert\\_1938](https://search.credoreference.com/content/topic/nozick_robert_1938) [Accessed 14 November 2019].

## MLA

Paul, Ellen Frankel. "Nozick, Robert (1938–2002)." *Encyclopedia of Libertarianism*, Ronald Hamowy, Sage Publications, 1st edition, 2008. *Credo Reference*, [https://search.credoreference.com/content/topic/nozick\\_robert\\_1938](https://search.credoreference.com/content/topic/nozick_robert_1938). Accessed 14 Nov. 2019.