

# Robert Nozick, Philosopher of Liberty

by Roderick T. Long

**T**wenty-eight years ago a Harvard philosophy professor named Robert Nozick did something unthinkable in polite intellectual society: he published a book defending libertarianism.

In 1974 libertarian ideas had virtually no presence within the academic establishment. Free-market economists F.A. Hayek and Milton Friedman had not yet won their Nobel prizes (Hayek's would come later that year, and Friedman's two years after that), and the reigning political philosopher was Nozick's own colleague John Rawls, whose monumental treatise, *A Theory of Justice*, had won widespread acclaim for its argument that individuals should be allowed to benefit from their greater wealth, talent, or effort only so long as they compensate the less fortunate.<sup>1</sup> Then came *Anarchy, State, and Utopia*.<sup>2</sup>

As a child in his native Brooklyn, so the tale goes, young Nozick had been in the habit of asking street-corner preachers and soapbox orators, concerning whatever point of view they had been confidently expounding, "How do you know that?" One presumes that his question met with a chilly reception; if so, he would have been well prepared for the reaction to *Anarchy, State,*

*and Utopia* (henceforth, *ASU*), which was often greeted with incredulity and outrage.<sup>3</sup> Yet even its critics could not deny the book's philosophical brilliance and disarming wit, and it quickly found its way onto reading lists in courses on political philosophy throughout the English-speaking world. A National Book Award winner for 1975, *ASU* has since been translated into 11 languages.

Nozick's book did not, of course, convert the profession; but it secured for libertarianism a place among the standard topics for philosophical discussion, and thereby contributed to a crucial change in the intellectual climate. Libertarianism was no longer the philosophical equivalent of flat-earth theory; it was now a respectable (or at least semi-respectable) position that had to be taken into account. Robert Nozick thus paved the way for succeeding generations of libertarians in academia.

While establishment intellectuals have granted *ASU* a spot in the official canon, they have not yet fully come to grips with the ideas it contains. Misunderstandings and distortions of Nozick's theories abound; for example, Nozick is commonly described as maintaining that we have no obligations to assist people in need. (His actual position, of course, is that obligations to assist are not legitimately *enforceable*.) Nor, being unfamiliar with any libertarian theorist other than Nozick, do most academics recognize the extent—far deeper than the passing ref-

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erences in his footnotes might suggest—of Nozick’s dependence on, and engagement (both sympathetic and critical) with, earlier libertarian thinkers.<sup>4</sup>

Nozick sought to defend the minimal state—that is, a state “limited to the functions of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts” (p. 26)—not only against those who want something more, but also against those who want something less. *ASU* therefore includes a critique of “anarcho-capitalism,” the ultra-libertarian position that the legislative, judicial, and police functions hitherto monopolized by government should be open to competition among private “protection agencies.” In an argument too complex to summarize here, Nozick responds by trying to show how, starting from an anarcho-capitalist framework, a minimal state could arise without violating anybody’s rights. (This argument has won few converts, however.) Ironically, most of Nozick’s academic readers, unfamiliar with libertarian theory, refer to the notion of competing protection agencies as “Nozick’s idea.”

## Libertarianism Without Foundations?

The most common, and perhaps the strangest, mainstream criticism of *ASU* is that it simply asserts the existence of libertarian rights but offers no argument for them. This characterization of Nozick’s theory as “libertarianism without foundations,”<sup>5</sup> while convenient for his critics, cannot survive a reading of the text. Nozick’s strategy was to support libertarian rights by appealing to values widely shared by libertarians and nonlibertarians alike. For example, Nozick argued that because “taking the earnings of  $n$  hours labor” is essentially equivalent to “forcing the person to work  $n$  hours for another’s purpose,” the taxation of earnings is “on a par with forced labor,” and so is unjust (p. 169).

Admittedly, Nozick offered no proof that forced labor itself is unjust; but did he need to? The injustice of forced labor is a premise that most of his opponents *already accept*;

given that context, showing that taxation is “on a par with forced labor” is a decisive argument against the justice of taxation. Nozick likewise condemned unrestrained democracy as a form of slavery, since having “10,000 masters instead of just one” is merely “a change of master” (p. 291). Here too, Nozick offered no proof of the injustice of slavery; but since his critics themselves reject slavery, they can hardly dismiss his critique of democracy as unfounded.

Nozick argued that because there is “no *social entity*” but only “different individual people, with their own individual lives,” it makes no sense to describe the sacrifice of an individual’s rights as being made up for by an “overbalancing good” to society as a whole; a human being “may not be used or sacrificed for the benefit of others,” because doing so would “not sufficiently respect” the fact that “he is a separate person” whose life is “the only life he has” (pp. 32–39). Every step of that argument is a deliberate echo of arguments that had won widespread acceptance among defenders of the welfare state when offered, with somewhat different aims, by John Rawls three years earlier. Nozick likewise appealed to values shared by his (largely “liberal”) opponents when he condemned economic regulations for interfering with “capitalist acts between consenting adults” (p. 163).

*ASU*’s most famous argument—the “Wilt Chamberlain example”—is also its most misunderstood. Criticizing “patterned” theories of justice—that is, those that regard the distribution of resources in society as just only if it fits some preconceived pattern (say, equality)—Nozick asked us to imagine a society that in fact realizes the desired pattern. He pointed out that if people are free to transfer their resources as they wish, the



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society will quickly deviate from the established pattern, as some individuals, like basketball star Wilt Chamberlain, become wealthy as a result of the voluntary decisions of other members of society who are willing to purchase the exercise of their talents.

If the original pattern is to be maintained at all costs, then the government must “continually interfere to stop people from transferring resources as they wish”; hence no patterned theory of justice can be implemented without “continuous interference in people’s lives” (p. 163). Nozick thus rejected patterned theories in favor of a “historical” theory, according to which a given distribution of resources, regardless of what pattern it fits, is legitimate so long as it arose through a process involving no violations of anybody’s rights.

Nozick’s critics often treat this argument as though it were offering a purely *external* objection to patterned theories of justice. As they interpret Nozick, his case against redistributive policies is simply that they violate libertarian property rights. No doubt they do, the critics respond, but why should non-libertarians care? This is a serious misinterpretation, however. Nozick’s critique is best understood as an *internal* one, and thus cannot be so easily dismissed.

Norman Malcolm, a pupil of the philosopher Ludwig Wittgenstein, relates the following anecdote: “On one walk he ‘gave’ to me each tree that we passed, with the reservation that I was not to cut it down or do anything to it, or prevent the previous owners from doing anything to it: with those reservations it was henceforth mine.”<sup>6</sup> Wittgenstein’s point, of course, was that if such rights of control are reserved, nothing has been “given.” And Nozick’s point is precisely the same: under any system of resource distribution, I count as having been allotted a certain resource *X* only if I enjoy “the right to determine what shall be done with *X*” (p. 171).

Patterned theories of justice give the impression of promising to distribute, more equitably, the *same resources* that the capitalist market distributes inequitably; but to

the extent that the right to transfer those resources is reserved, people have, *to that same extent*, not genuinely received the resources to which, according to the patterned theory, they are supposed to be entitled. If the initial pattern of resource distribution really were just, then there should be “no question about whether each of the people was entitled to the control over the resources they held”—but such entitlement is precisely what must be questioned if the pattern is to be coercively maintained (p. 161). Hence the patterned theory fails by its own standards.

### **Beyond Anarchy, State, and Utopia**

After 1974 Nozick disappointed many readers by declining to defend his book against the many criticisms it received; remarking that he didn’t want to spend his life writing variations on *Son of Anarchy, State, and Utopia* (perhaps a dig against what John Rawls has been doing for the last three decades), Nozick largely dropped political philosophy and moved on to other topics—though he did produce over the years a number of essays on topics of libertarian interest, such as Austrian economic methodology, invisible-hand explanations, the ethics of Ayn Rand, the nature of coercion, and the antimarket bias in academia.<sup>7</sup>

In 1987, however, Nozick announced that he now found his earlier political writings “seriously inadequate”; in his new view, individual rights were merely one value among others and could legitimately be “overridden or diminished in trade-offs” against such other values as the “symbolic” significance of “official concern with issues or problems, as a way of marking their importance or urgency”<sup>8</sup>—a position that disturbingly approaches an endorsement of “expressive violence.” Nozick was widely perceived as having repudiated libertarianism, though he has denied doing so.<sup>9</sup> In any case, Nozick appears to have returned, toward the end of his life, to a position closer to that of *ASU*; in his last book, *Invariances*, he identified voluntary cooperation as the “core principle” of ethics, maintaining

that the duty not to interfere with another person's "domain of choice" is "[a]ll that any society should (coercively) demand"; higher levels of ethics, involving positive benevolence, represent instead a "personal ideal" that should be left to "a person's own individual choice and development."<sup>10</sup>

Robert Nozick died on January 23, 2002, after a long battle with cancer. But the impact of his most famous book continues to grow. Philosopher Jonathan Wolff, one of Nozick's intellectual opponents, recalls: "I first read Nozick as an undergraduate in 1980. At that time philosophy students usually reacted to *Anarchy, State, and Utopia* in one of two ways. Either they thought its conclusions so repugnant that it should not be taken seriously as political philosophy at all, or they thought its conclusions so repugnant that it was vital (but not very difficult) to show how it fails."

But these days, Wolff laments, he all too

often encounters a third view: "that, broadly speaking, Nozick is right."<sup>11</sup>

Thank you, Robert Nozick. □

1. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).

2. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

3. For a particularly egregious example, see Brian Barry, "Review of *Anarchy, State, and Utopia*," *Political Theory*, August 1975, pp. 331–32.

4. For the influence of Murray Rothbard in particular, see Ralph Raico, "Robert Nozick: A Historical Note," February 5, 2002; [www.lewrockwell.com/raico/raico15.html](http://www.lewrockwell.com/raico/raico15.html).

5. See Thomas Nagel, "Libertarianism Without Foundations," *Yale Law Journal* 85 (1975), pp. 136–49.

6. Norman Malcolm, *Ludwig Wittgenstein: A Memoir* (Oxford, England: Oxford University Press, 1958), pp. 31–32.

7. These essays are collected in Robert Nozick, *Socratic Puzzles* (Cambridge, Mass.: Harvard University Press, 1997).

8. Robert Nozick, *The Examined Life: Philosophical Meditations* (New York: Simon & Schuster, 1989), pp. 286–92.

9. For Nozick's denial, see Laissez Faire Books, "Interview with Robert Nozick"; [www.laissezfairebooks.com/index.cfm?eid=358](http://www.laissezfairebooks.com/index.cfm?eid=358).

10. Robert Nozick, *Invariances: The Structure of the Objective World* (Cambridge, Mass.: Harvard University Press, 2001), pp. 280–82.

11. Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State* (Stanford, Calif.: Stanford University Press, 1991), p. vii.

## Anarchy, State, and Utopia

By Robert Nozick

"For me, *Anarchy, State, and Utopia* will always be one of those 'desert island' books, on that tiny list of books you'd take with you if you were cut off from everything else. I'd take Ayn Rand's *Atlas Shrugged*, and Mises's *Human Action*, and probably either *The Constitution of Liberty* or *Law, Legislation and Liberty*, by F.A. Hayek, too. There would be a few others. But *Anarchy, State, and Utopia* would be near the top."

— Roy A. Childs, in a 1989 review



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