ANARCHY, STATE, AND UTOPIA

Robert Nozick
CONTENTS

Preface ix
Acknowledgments xv

PART I
State-of-Nature Theory, or How to Back into a State without Really Trying

   POLITICAL PHILOSOPHY 4
   EXPLANATORY POLITICAL THEORY 6

2. The State of Nature 10
   PROTECTIVE ASSOCIATIONS 12
   THE DOMINANT PROTECTIVE ASSOCIATION 15
   INVISIBLE-HAND EXPLANATIONS 18
   IS THE DOMINANT PROTECTIVE ASSOCIATION A STATE? 22

3. Moral Constraints and the State 26
   THE MINIMAL STATE AND THE ULTRAMINIMAL STATE 26
   MORAL CONSTRAINTS AND MORAL GOALS 28
   WHY SIDE CONSTRAINTS? 30
   LIBERTARIAN CONSTRAINTS 33
   CONSTRAINTS AND ANIMALS 35
   THE EXPERIENCE MACHINE 42
   UNDERDETERMINATION OF MORAL THEORY 45
   WHAT ARE CONSTRAINTS BASED UPON? 48
   THE INDIVIDUALIST ANARCHIST 51
4. Prohibition, Compensation, and Risk

INDEPENDENTS AND THE DOMINANT PROTECTIVE AGENCY 54
PROHIBITION AND COMPENSATION 57
WHY EVER PROHIBIT? 58
RETRIBUTIVE AND DETERRENCE THEORIES OF PUNISHMENT 59
DIVIDING THE BENEFITS OF EXCHANGE 63
FEAR AND PROHIBITION 65
WHY NOT ALWAYS PROHIBIT? 71
RISK 73
THE PRINCIPLE OF COMPENSATION 78
PRODUCTIVE EXCHANGE 84

5. The State

PROHIBITING PRIVATE ENFORCEMENT OF JUSTICE 88
"THE PRINCIPLE OF FAIRNESS" 90
PROCEDURAL RIGHTS 96
HOW MAY THE DOMINANT AGENCY ACT? 101
THE DE FACTO MONOPOLY 108
PROTECTING OTHERS 110
THE STATE 113
THE INVISIBLE-HAND EXPLANATION OF THE STATE 118

6. Further Considerations on the Argument for the State

STOPPING THE PROCESS? 120
PREEMPTIVE ATTACK 126
BEHAVIOR IN THE PROCESS 130
LEGITIMACY 133
THE RIGHT OF ALL TO PUNISH 137
PREVENTIVE RESTRAINT 142

PART II

Beyond the Minimal State?

7. Distributive Justice

SECTION I: 150
THE ENTITLEMENT THEORY 150
HISTORICAL PRINCIPLES AND END-RESULT PRINCIPLES 153
PATTERNING 153

PART III

Utopia


EQUALITY 232
EQUALITY OF OPPORTUNITY 235
SELF-ESTEEM AND ENVY 239
MEANINGFUL WORK 246
WORKERS' CONTROL 250
MARXIAN EXPLOITATION 253
VOLUNTARY EXCHANGE 262
PHILANTHROPY 265
HAVING A SAY OVER WHAT AFFECTS YOU 268
THE NONNEUTRAL STATE 271
HOW REDISTRIBUTION OPERATES 274

9. Demoktesis

CONSISTENCY AND PARALLEL EXAMPLES 277
THE MORE-THAN-MINIMAL STATE DERIVED HYPOTHETICAL HISTORIES 280

PART III

Utopia

10. A Framework for Utopia

THE MODEL 297
THE MODEL PROJECTED ONTO OUR WORLD 307
THE FRAMEWORK 309
DESIGN DEVICES AND FILTER DEVICES 312
with Chapter 8 easier than Chapter 7.) Part II closes with a hypo-
thetical description of how a more extensive state might arise, a
tale designed to make such a state quite unattractive. Even if the
minimal state is the uniquely justifiable one, it may seem pale and
unexciting, hardly something to inspire one or to present a goal
worth fighting for. To assess this, I turn to that preeminently
inspiring tradition of social thought, utopian theory, and argue
that what can be saved from this tradition is precisely the structure
of the minimal state. The argument involves a comparison of dif-
erent methods of shaping a society, design devices and filter de-
VICES, and the presentation of a model which invites application of
the mathematical economist’s notion of the core of an economy.

My emphasis upon the conclusions which diverge from what
most readers believe may mislead one into thinking this book is
some sort of political tract. It is not; it is a philosophical explora-
tion of issues, many fascinating in their own right, which arise
and interconnect when we consider individual rights and the state.
The word “exploration” is appropriately chosen. One view about
how to write a philosophy book holds that an author should think
through all of the details of the view he presents, and its prob-
blems, polishing and refining his view to present to the world a
finished, complete, and elegant whole. This is not my view. At
any rate, I believe that there also is a place and a function in our
ongoing intellectual life for a less complete work, containing un-
finished presentations, conjectures, open questions and problems,
leads, side connections, as well as a main line of argument. There
is room for words on subjects other than last words.

Indeed, the usual manner of presenting philosophical work puz-
zles me. Works of philosophy are written as though their authors
believe them to be the absolutely final word on their subject. But
it’s not, surely, that each philosopher thinks that he finally, thank
God, has found the truth and built an impregnable fortress around
it. We are all actually much more modest than that. For good
reason. Having thought long and hard about the view he pro-
poses, a philosopher has a reasonably good idea about its weak
points; the places where great intellectual weight is placed upon
something perhaps too fragile to bear it, the places where the
unraveling of the view might begin, the unprobed assumptions
he feels uneasy about.

One form of philosophical activity feels like pushing and shov-
ing things to fit into some fixed perimeter of specified shape. All
those things are lying out there, and they must be fit in. You push
and shove the material into the rigid area getting it into the
boundary on one side, and it bulges out on another. You run
around and press in the protruding bulge, producing yet another
in another place. So you push and shove and clip off corners from
the things so they'll fit and you press in until finally almost every-
thing sits unstably more or less in there; what doesn’t gets heaved
far away so that it won’t be noticed. (Of course, it’s not all that
crude. There’s also the coaxing and cajoling. And the body En-
lish.) Quickly, you find an angle from which it looks like an exact
fit and take a snapshot; at a fast shutter speed before something
else bulges out too noticeably. Then, back to the darkroom to
touch up the rents, rips, and tears in the fabric of the perimeter.
All that remains is to publish the photograph as a representation
of exactly how things are, and to note how nothing fits properly
into any other shape.

No philosopher says: "There’s where I started, here’s where I
ended up; the major weakness in my work is that I went from
there to here; in particular, here are the most notable distortions,
pushings, shovings, maulings, gougings, stretchings, and chipp-
ings that I committed during the trip; not to mention the things
thrown away and ignored, and all those avertings of gaze.”

The reticence of philosophers about the weaknesses they per-
ceive in their own views is not, I think, simply a question of
philosophical honesty and integrity, though it is that or at least
becomes that when brought to consciousness. The reticence is con-
nected with philosophers’ purposes in formulating views. Why do
they strive to force everything into that one fixed perimeter? Why
not another perimeter, or, more radically, why not leav,
where they are? What does having everything within a perimeter
do for us? Why not another perimeter, or, more radically, why not leave things
where they are? What does having everything within a perimeter
do for us? Why do we want it so? (What does it shield us from?)
From these deep (and frightening) questions, I hope not to be able
to manage to avert my gaze in future work.

However, my reason for mentioning these issues here is not that
I feel they pertain more strongly to this work than to other philo-
This is not my way of taking it back. Rather, I propose to give it
THE first nine chapters of this essay were written during 1971–1972, while I was a Fellow at the Center for Advanced Study in the Behavioral Sciences at Palo Alto, a minimally structured academic institution bordering on individualist anarchy. I am very grateful to the Center and its staff for providing an environment so conducive to getting things done. Chapter 10 was presented in a symposium on "Utopia and Utopianism" at a meeting of the Eastern Division of the American Philosophical Association in 1969; some points from that delivered address appear scattered in the other chapters. The whole manuscript was rewritten during the summer of 1973.

Barbara Nozick's objections to some of the positions defended here helped me to sharpen my views; in addition she helped enormously in innumerable other ways. Over several years, I have benefited from Michael Walzer's comments, questions, and counterarguments as I tried out on him ideas on some topics of this essay. I have received detailed and very helpful written comments on the whole manuscript written at the Center from W. V. Quine, Derek Parfit, and Gilbert Harman, on Chapter 7 from John Rawls and Frank Michelman, and on an earlier draft of Part I from Alan Dershowitz. I also have benefited from a discussion with Ronald Dworkin on how competing protective agencies would(n't) work, and from suggestions by Burton Dreben. Various stages of various portions of this manuscript were read and discussed, over the years, at meetings of the Society for Ethical and Legal Philosophy (SELF); the regular discussions with its members have been a source of intellectual stimulation and pleasure. It was a long conversation about six years ago with Murray Rothbard that stimulated my interest in individualist anarchist theory. Even
The fundamental question of political philosophy, one that precedes questions about how the state should be organized, is whether there should be any state at all. Why not have anarchy? Since anarchist theory, if tenable, undercuts the whole subject of political philosophy, it is appropriate to begin political philosophy with an examination of its major theoretical alternative. Those who consider anarchism not an unattractive doctrine will think it possible that political philosophy ends here as well. Others impatiently will await what is to come afterwards. Yet, as we shall see, archists and anarchists alike, those who spring gingerly from the starting point as well as those reluctantly argued away from it, can agree that beginning the subject of political philosophy with state-of-nature theory has an explanatory purpose. (Such a purpose is absent when epistemology is begun with an attempt to refute the skeptic.)

Which anarchic situation should we investigate to answer the question of why not anarchy? Perhaps the one that would exist if the actual political situation didn’t, while no other possible political one did. But apart from the gratuitous assumption that everyone everywhere would be in the same nonstate boat and the enormous unmanageability of pursuing that counterfactual to arrive at a particular situation, that situation would lack fundamental theoretical interest. To be sure, if that nonstate situation were sufficiently awful, there would be a reason to refrain from dismantling or destroying a particular state and replacing it with none now.

It would be more promising to focus upon a fundamental abstract description that would encompass all situations of interest, including “where we would now be if.” Were this description awful enough, the state would come out as a preferred alternative, viewed as affectionately as a trip to the dentist. Such awful descriptions rarely convince, and not merely because they fail to cheer. The subjects of psychology and sociology are far too feeble to support generalizing so pessimistically across all societies and persons, especially since the argument depends upon not making such pessimistic assumptions about how the state operates. Of
tions persons must do to set up and operate a state are themselves morally permissible. Some anarchists have claimed not merely that we would be better off without a state, but that any state necessarily violates people's moral rights and hence is intrinsically immoral. Our starting point then, though nonpolitical, is by intention far from nonmoral. Moral philosophy sets the background for, and boundaries of, political philosophy. What persons may and may not do to one another limits what they may do through the apparatus of a state, or do to establish such an apparatus. The moral prohibitions it is permissible to enforce are the source of whatever legitimacy the state's fundamental coercive power has. (Fundamental coercive power is power not resting upon any consent of the person to whom it is applied.) This provides a primary arena of state activity, perhaps the only legitimate arena. Furthermore, to the extent moral philosophy is unclear and gives rise to disagreements in people's moral judgments, it also sets problems which one might think could be appropriately handled in the political arena.

**EXPLANATORY POLITICAL THEORY**

In addition to its importance for political philosophy, the investigation of this state of nature also will serve explanatory purposes. The possible ways of understanding the political realm are as follows: (1) to fully explain it in terms of the nonpolitical; (2) to view it as emerging from the nonpolitical but irreducible to it, a mode of organization of nonpolitical factors understandable only in terms of novel political principles; or (3) to view it as a completely autonomous realm. Since only the first promises full understanding of the whole political realm,¹ it stands as the most desirable theoretical alternative, to be abandoned only if known to be impossible. Let us call this most desirable and complete kind of explanation of a realm a *fundamental* explanation of the realm.

To explain fundamentally the political in terms of the nonpolitical, one might start either with a nonpolitical situation, showing how and why a political one later would arise out of it, or with a