

Nozick's Introduction and Preface

1. Why Read a Book about a Book?

Robert Nozick's *Anarchy, State, and Utopia* (hereafter ASU)¹ created a sensation when it appeared in 1974. It won the National Book Award in 1975 and in 2008 was listed by the *Times Literary Supplement* as one of the hundred most influential books since World War II. It is certainly, and by far, one of the most influential philosophical books of the twentieth century, having had a strong impact, not merely on the tiny world of academic philosophy, but on many people in the great world outside the academy as well. And yet Nozick once described this book as “an accident.”²

As he told the story years later, he began writing it in the academic year of 1971–1972, which he spent at the Center for Advanced Study in the Behavioral Sciences near Stanford University. The original purpose for his stay there was to write on the problem of free will. Unfortunately, having come to California without having already worked out his views on the subject of free will, he found himself spinning his wheels for several months. In early December, he was invited to give a talk to a student group at Stanford. In his talk he explained how he thought a state could arise out of conditions of anarchy. He then wrote these thoughts out. At about this time, his Harvard colleague John Rawls sent him a copy of his new book, *A Theory of Justice*.³ Nozick had read an earlier draft of the book and discussed it in detail with the author. Finding that the published version was quite different from the draft he had seen, he read it and was moved to set down his reflections on why he still disagreed with Rawls' view. At the same time, he sketched out his own ideas on the subject of

Rawls' book: the problem traditionally known as that of "distributive justice." By this time the original project on free will must have seemed to be receding into the impossibly far distance. However, he noticed that the two pieces he had written that year seemed to fit rather nicely with a paper he had produced for a 1969 session of the American Philosophical Association in which he presented a new conception of utopia. If he just elaborated these writings and added some connecting material he would have a book – and something to show for his year at the Center. So he set to work and by the time his stay there was over in July he had hammered out a draft.⁴ He then rewrote the whole work in the summer of 1973 (xv).

Nozick's book is often compared and contrasted – mainly contrasted – with the one he received in the mail that January, *A Theory of Justice*. Rawls' book does indeed have a very different history, and is a *very* different sort of book from Nozick's, despite their overlapping subject matter. Nozick's book came into existence rather suddenly and almost as an afterthought. In fact, it was only a few years earlier that he had first come to hold the radical point of view he defends there. On the other hand, Rawls' work on the ideas presented in his 1971 book goes back at least as far as his 1951 paper, "Outline of a Decision Procedure in Ethics."⁵ These ideas were subjected to a long and laborious process of working and reworking. Several drafts of Rawls' book circulated widely in the philosophical community and were much commented upon. The book itself (the 1971 edition) is 607 pages long. In it, Rawls tries to forestall every misinterpretation of his views that he can think of, in addition to answering every sensible objection that comes to mind. (Notwithstanding all this work, people managed to disagree with it and even misunderstand it anyway.) Rawls' aim in writing his book was, clearly, to *establish* something.

Readers of Nozick's book soon realize that it is written with a sharply different end in view. It is not intended to present a closed system, nor to present irrefutable proofs that compel the reader's assent at every turn – very far from it. Instead of the rigorous proofs that we expect from an analytic philosopher, what we often find are jokes, paradoxes, outlandish examples, and curious digressions. Though the author does have strong – some would say extreme – views on many of the subjects he discusses, and though he does argue brilliantly for them, his ultimate purpose is to indicate lines of further fruitful research and to stimulate the reader to further reflection. The fundamental impression on the reader is that thinking about these issues on a high level of sophistication is interesting and fun, and that we ought to come along and think with him. Where the great virtue of Rawls' book is thoroughness, that of Nozick's is brilliance.

Where one strives for completeness, the other seeks to dazzle and amaze, even to amuse.

As we will see, Nozick's book has the shortcomings of one that was written in this accidental way: There are many loose ends, abrupt transitions, digressions vaguely or poorly integrated into the whole, and (for those who insist that this *is* a shortcoming) plenty of unfinished business. However, it is also clearly a work of genius and, as such, it has virtues that only an "accidental" book can have: an air of genuine freshness and spontaneity. Among the writings of philosophers, that is something one usually only finds in published notebooks, or in the works of philosophers who write aphorisms, such as Nietzsche and Wittgenstein. It is very hard to think of another book by an Anglophone analytic philosopher (with the possible exception of other books by the same author, of course) in which this feeling of openness and fresh air can be found at all.

I think a book on ASU must take a different approach to its subject matter from the one that would be appropriate if the subject were *A Theory of Justice*. Since Rawls is trying to establish something once and for all, the commentator's aim should be to say what it is that he is trying to establish, how he attempts to do so, and how close he comes to succeeding.

With Nozick, who is not trying to establish something once and for all, the approach must be different. My aim here is to support the further reflection Nozick is trying to stimulate, without (I hope!) completely euthanizing the sense of fun he instills. I will try to accomplish this by carrying out two broadly different functions. One is a matter of interpretation and explanation. ASU is at many points a rather difficult book to penetrate. Sometimes this is because of the complexity and profundity of the thoughts it expresses. At other times it is because the presentation of those thoughts is confusing, due, perhaps, to the rather hurried way in which it was written. In these cases I will do my best to straighten out the text and remove any difficulties that do not belong to the ideas themselves.

The other function I will be trying to carry out will be to engage critically with the text. We don't read a book like ASU for its literary beauties – though it is generally well and often brilliantly written. We read such a book to see if it can help us to get closer to the truth on the great issues with which it deals. In what follows, I will point out what I see as the strengths and weaknesses of Nozick's argument. I will indicate where the theory has explanatory power, where it is implausible, and where there are loose ends with further work to be done. I will also indicate ends that

are not loose – that is, places where ideas are actually connected, sometimes in surprising ways, with ideas in other parts of the book. These connections often either explain or strengthen his argument. Sometimes I will suggest friendly amendments, so to speak: additions to a theory or argument that would make it stronger. Ultimately, my purpose will be neither to defend Nozick nor to attack him, but to try to indicate the wealth of things that can be learned by thinking about what he is saying.

Finally, I should say a word about the point of view from which I am writing this. In the first part of the book, Nozick attempts to show that a state can be both just and desirable. In the second, he presents reasons for thinking that no state more extensive than a “minimal state” is justified, in that such a state would necessarily violate individual rights. The third part, which is based on the paper on utopia, gives a reason why we should not mind the fact that, as he sees it, no more extensive state than a minimal one is justified. Rather, we should welcome it gladly. I think Nozick’s justification of the state is a failure, though an extremely interesting and instructive one. As to the conception of distributive justice presented in Part II, I think that, though it stands in need of amendment and correction, the needed changes are more or less in the spirit of his enterprise and that the amended doctrine would have very similar political implications. Further, I think that Part III, which is almost ignored in the secondary literature, is one of the most interesting parts of the book. The interest here may be more political than purely philosophical, but it is no less substantial for that. He succeeds in making a strong case that the seemingly austere state that he seeks to justify can appeal to the idealistic side of human nature.

2. The Preface

Though Nozick’s elegantly written preface needs no interpreting or straightening out, it might be useful to underscore some things he says there. He begins by straightforwardly revealing the platform upon which his argument will be based:

Individuals have rights and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do.

He also tells us plainly the conclusion he will draw from his argument:

Our main conclusions ... are that a minimal state, limited to the narrow functions of protection against force, theft, fraud ... and so on is justified; that any more extensive state will violate persons' rights not be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right. Two noteworthy implications are that the state may not use its coercive apparatus for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their own good. (ix)

Among the sorts of coercion that are not justified, then, are forced redistribution of wealth and paternalistic coercion. This would obviously rule out many laws and policies now in effect.

He seems painfully aware that this is very far from the received view. He points out that, in a way, this puts him at a certain logical disadvantage compared to the adherents of the received view:

A codification of the received view ... need not use elaborate arguments. It is thought to be an objection to other views merely to point out that they conflict with the view which readers wish anyway to accept. But a view which differs from the readers' cannot argue for itself merely by pointing out that the received view conflicts with *it!* (x)

He is describing a rather odd sort of inference, one that always systematically aids the received view. If I react with horror to Nozick's views because they are so "extreme" – supposing this means simply that they are very different from views commonly held – then the inference seems to be something like "your view is not the one commonly held, therefore it is wrong." This is an inference that the critic of the common view cannot effectively reverse. The reverse argument, the one that would say, "well, the commonly held view is not mine, therefore *it* is wrong," would obviously fall on deaf ears. And yet, from a purely logical point of view, these are exactly the same sort of argument. If one is a good argument, the other must be just as good, as far as their logic is concerned.

Some people would say, however, that they are not the same sort of argument at all. David Hume, for instance, tells us that

though an appeal to general opinion may justly, in the speculative sciences of metaphysics, natural philosophy, or astronomy, be deemed unfair and inconclusive, yet in all questions with regard to morals [a category in which Hume includes politics], as well as criticism [meaning criticism of the arts],

there is really no other standard, by which any controversy can ever be decided. And nothing is a clearer proof, that a theory of this kind is erroneous, than to find that it leads to paradoxes repugnant to the common sentiments of mankind.”⁶

There is a simple and plausible line of reasoning that leads to the position that Hume is taking here, or at least one very similar to it. There is an obvious reason why appeals to “general opinion” are fallacious in science (what Hume is calling “natural philosophy”): In a field like astronomy, we evaluate any given opinion by consulting observations of certain objects in the world, the objects that the opinions are about. If the opinion does not conform to observations, we reject it. So there is no reason to take such opinions themselves seriously.

The case is very different with regard to moral, political, and aesthetic questions. Here there are no observations that can play the role that observations play in the context of scientific problems. The issue is not about the nature of some object but about what we should do, think, and feel about it. One very natural way to answer such questions is this. Based on our intuitive judgments about specific cases, we formulate a rule that seems to fit them. Someone finds a case where our immediate intuitive judgment conflicts with the rule – a counterexample to the rule. At that point, either the counterexample is neutralized (perhaps there is reason to doubt that intuitive judgment, for instance) or else the rule is abandoned or revised to avoid the counterexample. This approach – we might call it “methodological intuitionism” – would seem to tend in the long run to reinforce general opinions because those are the opinions that drive the intuitions of most people.⁷ This, in fact, is the method that is typically used by “analytic” philosophers who deal with ethical and political issues. Perhaps it does not quite bring us to the position that Hume seems to be taking, which is that you and I ought to *substitute* these same generally held opinions for our own individual judgments, but it does seem, like Hume’s position, to enthrone common opinion in a unique position of authority. It gives “moderate” views an enormous advantage over “extreme” ones.

This presents a potential problem for Nozick, due mainly to a feature of his book that he does not explicitly discuss in the preface, though he does hint at it there: Methodological intuitionism accounts for a good part of the way Nozick himself will argue for his views. He describes it in an elliptical and indirect way in a comment he makes immediately after one I quoted above, in which he describes the disadvantage borne by views that differ from those of most of his readers. He says that the

heterodox view “will have to subject the received view to the greatest intellectual testing” by means of “scrutiny of its presuppositions, and presentation of a range of possible situations where even its proponents are uncomfortable with its consequences” (x). He is describing extremely briefly here two logical operations he will be performing throughout the book: The first consists of finding a rule that accounts for the judgments that people who hold the received view find intuitively appealing (if one begins by assuming this rule, then these particular judgments will follow as a matter of course), and the other consists of posing counterexamples to the rule. Both of these operations are instances of methodological intuitionism. Given that this intuition-driven method seems to be biased by nature in favor of orthodoxy, this raises the question of how Nozick will turn it instead to the support of heresy. On the face of it, it would seem impossible for a method that is based on intuitive judgments at every turn to support anything but the received view, unless there is some clever, sophisticated trickery involved. What other possibility is there?

As we will soon see, there is an answer to this question. The answer is that Nozick turns common opinion against itself. More exactly, he divides it into two parts and knocks down the political portion of it by means of other common-sense opinions that are at least as widely held and more fundamental: widely held views that are not political but moral in nature.

Notes

- 1 Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). To minimize endnotes, all citations to ASU will be by page number, presented between parentheses in the text: e.g., (xi) or (134). All printings of ASU in English have the same pagination.
- 2 Robert Nozick, “Introduction,” *Socratic Puzzles* (Cambridge, Massachusetts: Harvard University Press, 1997), p. 1.
- 3 John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971).
- 4 Nozick, “Introduction,” p. 1.
- 5 John Rawls, “Outline of a Decision Procedure in Ethics,” *Philosophical Review*, vol. 60, no. 2 (April 1951), pp. 177–198.
- 6 David Hume, “Of the Original Contract,” in *Essays: Moral, Political, and Literary* (Indianapolis, Indiana: Liberty Classics, 1987), p. 486.
- 7 I call it “methodological” because it does not involve the metaethical theory that we have a faculty of intuition which by its very nature provides us with correct conclusions. Having written this, I see that Jan Narveson uses the phrase “methodological intuitionism” in pretty much the same sense that I am using it here in

Anarchy, State, and Utopia

his book *The Libertarian Idea* (Philadelphia, Pennsylvania: Temple University Press, 1988), pp. 115–117. He argues there that it is a bad method because it amounts to presenting opinions as if they constitute evidence of their own truth. I think it is obvious what Nozick's answer to this should be: that the method only takes common-sense judgments as a starting point and does not treat them as beyond question. The logical driving force is the search for a coherent set of principles that would justify those opinions. One must be ready to discard opinions that cannot fit into such a framework.