

Robert Nozick (1938-2002), *Anarchy, State, and Utopia (Minimal State): Libertarianism*

“The nature of the state, its legitimate functions and justifications, if any, is the central concern of this book... Our main conclusions about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, [and the] enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights... and is unjustified... the State may not use its coercive apparatus for the purpose of getting some citizens to aid other.” In essence, Nozick argues that the rights of the individual are primary & that nothing more than a minimal state is sufficient to protect against violence and theft, and to ensure the enforcement of contracts- is justified.

Part I: Chapters 1-6: State of Nature Theory

“Individuals have rights... so strong and far-reaching that they raise the question of what, if anything, the state and its officials may do” pg. ix.

Anarchy = non-rule (an being in Greek a negative prefix).

Anarchy is a “happy state” of affairs whereby people cooperatively live together without government.

Civil Society is artificial; only a minimal state that is limited in protecting rights is just. Anything more, violate rights.

Chs. 1-6 argue that “A state would arise from anarchy (as represented in Locke’s state of nature) even though no one intended this or tried to bring it about, by a process which need not violate anyone’s rights” (p. xi).

Before we follow Locke into a “civil society” see if there is a way we can have protection, etc. without creating a state.

Part II: Chapters 7-9 Beyond the Minimal

Chs. 7-9 argues against distributive justice & advocates Entitlement Theory (inductive method):

1. A person who acquires X in according with the principle of justice in acquisition is entitled to that holding;
 2. A person who acquires a X in accordance with the principle of justice in transfer, from someone else entitled to X, is entitled to X.
 3. No one is entitled to X except by (repeated) applications of 1 & 2.
- 3 Patterns of Justice: end result or historical; patterned or unpatterned. Entitlement theory is historical & unpatterned whereas Rawls is end result.

Part III: Ch. 10 Utopia

The minimal state is the **only morally justifiable one; & the one that best realizes the utopian aspirations of untold dreamers/ visionaries.**

While the minimal state is **no utopia, fantasizing about utopia models is evasive (possible world semantics), one best composite answer for everyone is too incredible (people are too different, too complex). Rather utopia will consist of utopias; meta-utopias.**

The ultimate purpose of **utopian construction is to get communities that people will want & voluntarily choose to live in; particular communities with no oppressive centralized framework.**

Framework for utopia is equivalent to the minimal state.

Significant Reminders:

Principle of Compensation (78ff): If I stop you from doing something which may be perfectly right and harmless, on the grounds that there is also a risk that it may harm me, then I ought to compensate you for stopping you from doing it: especially if the thing I prevent is something generally done, important in people’s lives, that cannot be forbidden without seriously disadvantaging them.

Lockean proviso (1) person has a right to own what he makes (2) to appropriate anything not already owned, provided he leaves enough for good of others; (3) provided his appropriation leaves them no worse off (pp. 175-82).

People have natural moral rights which are not the same as legal rights for it is est. by legislation.

Anything more than a minimal state is morally wrong. 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 or protection.

We are individually entitled to possess whatever we either have or will acquired without injustice.

5 Benefits:

1. It fits history (feudal system) better than Locke’s account.
2. No need to consent to govt. we live here and are protected and taxed in view of protection.
3. Implies no moral obligation to protect the state.
4. No constraint on creativity.
5. No punishment for success

A rational creature is a being whose properties in virtue of which being has those full rights that human beings have’ (pa 299).

Utopia grows from the spontaneous choices of many people over time.

'Against the claim that [a more extensive state] is justified in order to achieve or produce distributive justice among its citizens I develop a theory of justice (the entitlement theory) which does not require any more extensive state... and criticize other theories of distributive justice which do envisage a more extensive state, focusing especially on the recent powerful theory of John Rawls'; p. xi. “Whether are not people’s natural assets are arbitrary from a moral point of view they are entitled to them, and to what flows from them” (pg. 226).

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