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# POLITICAL LIBERALISM VS. RIGHT-WING LIBERTARIANISM: JOHN RAWLS IN ENCOUNTER WITH ROBERT NOZICK\*\*

*Abstract.* Among twentieth-century political philosophers, Americans John Rawls and Robert Nozick are generally recognized as giants – both for the boldness of their arguments and for the influence they have exerted. They sketched rival visions. Rawls, inspired by Immanuel Kant, argued for a world characterized by tolerance, equality, and justice as fairness. Nozick, claiming a Lockean heritage but actually inspired by Adam Smith (the “invisible hand”) and Herbert Spencer (“survival of the fittest”), outlined a program for a minimal state, with very little taxation, offering no cushion at all against poverty, and providing no state assistance for the poor, the sick, the disabled, or the widowed. Rawls’ vision is clearly part of the liberal tradition, while Nozick’s championing of a minimal state contains illiberal elements.

**Keywords:** John Rawls, Robert Nozick, political liberalism, libertarianism, taxation, equality, justice.

## INTRODUCTION

After the conclusion of World War Two, liberal democratic ideology could be said to have become hegemonic. Royal absolutism had been dying in the course of the nineteenth century and was effectively killed off, in the European context, in the course of World War One. Nazism and Fascism had been defeated in the Second World War while anarchism had run its course and proven unable to establish a stable society operating on the basis of direct collaboration among people. Peasant democracy, understood as an alternative to liberal democracy, had been crushed before it could get off the ground (in Bulgaria, Hungary, and Poland most obviously), and Stalinism had resulted in the peacetime extermination of an estimated 42 million people (Medvedev 1972, *passim*). Anti-communist uprisings in the German Democratic Republic in 1953 and in Hungary

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in 1956 confirmed that Soviet-style communism could be maintained only by force. For the Western world, that left liberal democracy – whether in the form of a constitutional monarchy, a parliamentary republic, or a presidential system – effectively hegemonic. For this reason already, liberalism entered a new phase after 1945.

But there is a second reason why it makes sense to speak of liberalism entering into a new phase after World War Two, albeit with 1971 as the watershed year, viz., it was in that year that John Rawls' *Theory of Justice* was published. Rawls looked back to Kant for inspiration and not only rehabilitated Kant back into mainstream political thought, but also effected a change in the way liberals more generally thought of their tradition. Prior to the publication of *A Theory of Justice*, twentieth-century liberals tended to look back to John Stuart Mill as having defined the basic principles of liberalism and the advantages of and challenges faced by systems of representative government. With the publication of Rawls' *Theory of Justice*, Immanuel Kant was decisively elevated to this position, and Kantian universalism made gains against utilitarian consequentialism both in terms of numbers of publications on each of these thinkers and in terms of the way they have been evaluated. Mill remains of high interest to students of political thought, of course, but no one can have failed to notice the surge of interest in Kant following the publication of *A Theory of Justice*. Rawls was influenced by Kant's writings and, in taking Kant's corpus as his point of departure, Rawls opened a new chapter in the history of liberalism and, thus, of Western political thought. But a direct challenge to Rawlsian liberalism was not long in coming and took the form of right-wing libertarianism, which asserted that "each person enjoys, over herself and her powers, full and exclusive rights of control and use, and therefore owes no service or product to anyone else that she has not contracted to supply" (Cohen 1995, 12, as quoted in Brenkert 1998, 30). Since people have no pre-contractual duties to anyone, according to consistent right-wing libertarians, it follows that government has no business imposing a tax on anyone who has not given his or her explicit consent to be subject to taxation. Robert Nozick challenged the central premises of liberalism directly, raising the anti-tax banner and figuring as probably the leading advocate of right-wing libertarianism. Reflecting on Nozick's *Anarchy, State, and Utopia* (1974), Brian Barry concluded that Nozick was proposing nothing less than

*to starve or humiliate ten percent or so of his fellow citizens (if he recognizes the word) by eliminating all transfer payments through the state, leaving the sick, the old, the disabled, the mothers with young children and no breadwinner, and so on to the tender mercies of private charity.* (Barry 1975, 332)

As for Rawls' notion of "justice as fairness" (1988, 251), Nozick expressed no interest in either justice or fairness in his 1974 volume. Indeed, like Robinson

Crusoe until he met Friday, Nozick insisted that “We all lead separate lives. We have separate existences” (Wolff 1991, 7, paraphrasing Nozick), as if people did not live in communities and as if people were not interdependent, whether for food or medical care or services and products of various kinds. Thus, when Nozick embraced a doctrine of the “absolute liberty” of each individual (Papaioannou 2010, 19), he was confirming his complete rejection of the notion that there are universal moral standards. This is one of a number of reasons why right-wing libertarianism, such as outlined by Nozick, should be seen, not as a branch of the liberal tradition, but rather as an open repudiation of liberalism in all its forms (see Freeman 2001, 105–51).

The clash between Rawlsian liberalism and Nozickian libertarianism should not be seen as a matter of only arcane interest. On the contrary, in contemporary America, we are witnessing a battle between the Democratic Party’s championing what is *de facto* justice as fairness and Trump’s Republican Party seeking to wipe out as much of the welfare function of the state in order to cut the already low taxes being paid by the rich.

### **JOHN RAWLS (1921–2002)**

Whatever one makes of his premises and arguments, it is undeniable that John Rawls stands as a giant among political philosophers of the twentieth century. He single-handedly transformed liberal discourse, made justice – rather than freedom or property rights – the centerpiece of his liberal philosophy, and offered a refinement of social contract theory based, alternatively, on notions of rationality (in *A Theory of Justice*) or reasonableness (in his *Political Liberalism*). Although his 1971 work, *A Theory of Justice*, has received more attention than his other works, Rawls himself would admit, in the preface to the second edition of that work (1999) that there had been “certain weaknesses in the original edition” and that, if he had been writing the book only at that point in time, there were some things which he would have done differently (Rawls 1999a, xii, xiv). Rawls cleared up these matters in his *Political Liberalism*, which, although somewhat less ambitious than his earlier book, is in some ways a greater achievement.

Born in Baltimore, Maryland, he was educated at Princeton University. His first teaching post was at Cornell University; in 1960 he took a position at MIT, and in 1962 assumed a chair in philosophy at Harvard University, where he remained until his retirement in 1991. Rawls’ major works are: *A Theory of Justice* ([1971] 1999); *Political Liberalism* ([1993] 1996); and *The Law of Peoples* (1999). The central idea in all of these works is the idea of justice.

### **A Theory of Justice**

Rawls’ *A Theory of Justice* was directed against teleological political doctrines in general and utilitarianism in particular. By *teleological doctrines*, Rawls understood doctrines which aim to maximise what is good. For Rawls, it was a matter of indifference whether such doctrines sought to maximise equality (as in

Stalin's Russia) or "racial hygiene" (as in Nazi Germany) or security or, for that matter, the greatest happiness for the greatest number (as per Jeremy Bentham). What mattered for Rawls was that

*Whenever a society sets out to maximize the sum of intrinsic value or the net balance of the satisfaction of interests, it is liable to find that the denial of liberty for some is justified in the name of this single end. The liberties of equal citizenship are insecure when founded upon teleological principles.*  
(Rawls 1999a, 185)

It may seem surprising that Rawls considered utilitarianism an example of teleological thinking. But, as Rawls viewed it, utilitarianism – which he identified not only with Bentham and Mill, but also with F. Y. Edgeworth and Henry Sidgwick – “is not individualistic...in that, by conflating all systems of desire, it applies to society the principle of choice for one man” (Rawls 1999a, 26). Far from respecting the rights and needs of individuals, utilitarianism ends up arguing – Rawls believed – that

*...there is no reason in principle why the greater gains of some should not compensate for the lesser losses of others; or more importantly, why the violation of the liberty of a few might not be made right by the greater good shared by many. It simply happens that under most conditions, at least in a reasonably advanced stage of civilization, the greatest sum of advantages is not attained in this way.* (Rawls 1999a, 23)

While this criticism of a mathematical calculation of benefits would seem to be aimed at Bentham, rather than Mill, Rawls found fault also with the latter's reasoning which, he concluded, could not support equal liberty for all (Rawls 1999a, 185).

The problem with the slogan, *the greatest good (or happiness) for the greatest number*, was precisely its failure to prioritize *justice*. For Rawls, by contrast, the concept of right must take priority over any concept of what is good (Rawls 1999a, 347; and Rawls 1988, 251–76); accordingly, “laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust” (Rawls 1999a, 3). In *A Theory of Justice*, justice figured, in the first place, as a moral concept; indeed, Rawls sometimes used the terms “moral theory” and “political philosophy” interchangeably, in recognition of the interdependence and interconnection of moral and political concepts and arguments (Wallach 1987, 583; and Schaefer 1977, 192–93). For Rawls, a just society should be understood as “a well-ordered society” characterized by some measure of equality and by individual liberty, limited “only in the special cases when it is necessary for preserving equal liberty itself” (Rawls 1999a, 193). In his vision, civic virtue and civility also played important parts, with mutual respect underpinning both of

these (Abbott 1976, 341; Johnson 2008, 1997). William Edmundson (2017, 29) has offered the interesting comment that Rawls nowhere excludes the possibility that a system based on the principles of liberal socialism could be equally effective in assuring fairness. Edmundson continued by claiming that Rawls could envisage a socialist system “that is both liberal and democratic... In Rawls’s view, there is nothing in socialism itself that is inimical either to [the] liberal rights of the individual or to democratic governance” (Edmundson 2017, 29).

Rawls did not wish to offer his vision of a liberal society either as a prescription or as merely an endorsement of one or another political system. Rather, his argument in *A Theory of Justice* was that liberalism was what people would choose, when thinking rationally – under conditions he specified – over any other system. To make this argument, Rawls sketched what he called “the original position” – a condition in which we should imagine ourselves negotiating a political constitution without knowing whether we will find ourselves male or female, black or white, rich or poor, healthy or infirm, intelligent or dim-witted, talented or not, or even what religious beliefs, if any, we will hold. This lack of knowledge about our own eventual individual advantages and disadvantages Rawls termed “the veil of ignorance” (Rawls 1999a, 118, 121). Since no one would want to agree to a system in which he or she would suffer, the result – Rawls argued – would be a just society. In effect, “the combination of mutual disinterest and the veil of ignorance achieves much the same purpose as benevolence,” he suggested (Rawls 1999a, 128).

Curiously, Rawls chose to presume the rationality of all parties in this “original position”: “everyone is equally rational and similarly situated, each is convinced by the same arguments” (Rawls 1999a, 120). This presumption of identity of reasoning among people seems to be at variance with his criticism of utilitarianism, elsewhere in the volume, for “not tak[ing] seriously the distinction between persons” (Rawls 1999a, 24). Even more problematic were his optimistic claim that “[t]he veil of ignorance makes possible a *unanimous* choice of a particular conception of justice” (Rawls 1999a, 121), and his further assertion that “the veil of ignorance insures that everyone should reason in the same way” (Rawls 1999a, 494). Rawls thereby presumed, as David Lewis Schaefer has pointed out, “that there is an orderly set of rules underlying men’s judgments of what is just, akin to those that underlie their speech, which can be made manifest only through a theoretical inquiry such as men who are not professional philosophers are unlikely to undertake” (Schaefer 1977, 194). Rawls would modify his position on these matters in *Political Liberalism*.

As already noted, Rawls associated his ideas about justice with Kant’s moral theory, although he admitted that he had not remained within the boundaries set by the German philosopher (Rawls 1999a, 222). But he argued that his idea of the veil of ignorance was “implicit... in Kant’s ethics” and that the principle of justice derived in the original position functioned in a way analogous to Kant’s categorical imperative, noting in particular that neither the original position nor the categorical imperative presumed any particular goal or objective (Rawls

1999a, 121, 222–23). Yet Rawls believed that people thinking rationally would inevitably reach consensus on what he called *justice as fairness*, which he hoped would reconcile the imperatives of liberty and equality. His notion of equality thus embraced: political equality, including equal rights of liberty of thought and conscience; a fair measure of equality of opportunity; and the difference principle, whereby differences in income and wealth would be regulated and limited by government.

### **Political Liberalism**

In his book, *Political Liberalism*, Rawls asked at the outset, how is it possible at all for people “divided by reasonable religious, philosophical, and moral doctrines” to maintain a just system in which people are free and equal (Rawls 1996, 4). As in *A Theory of Justice*, Rawls once more asked us to imagine people in an “original position” (comparable in some ways to Locke’s ‘state of nature’) operating under a “veil of ignorance”. But unlike the people in Locke’s state of nature, who are already bound by Natural Law before agreeing on their founding contract or constitution and who must constrain the constitution to conform to Natural Law, in Rawls’ “original position”, people cannot assume any agreement on fundamental moral principles. On the contrary, revising the conception he had articulated in his earlier book, what Rawls would now have people reach is not rationality, but reasonableness. The distinction between rationality and reasonableness is this:

*Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so... and they are ready to discuss the fair terms that others propose.* (Rawls 1996, 49)

A person is rational, said Rawls, when prioritizing goals and calculating the means required to reach these goals. A person is reasonable insofar as s/he honors the principle of reciprocity and is prepared to consider the arguments and evidence presented by a person or persons with a different view, and is open to changing her or his mind in the face of compelling arguments. On this basis, Rawls insisted that the reasonable cannot be derived from the rational. It followed that people in the original position are engaged in construction and negotiation, not in the discovery of timeless moral laws. In other words, the criterion of reasonableness is an element in a political constructivism which may be associated with an underlying conventionalism. What is reasonable is, after all, defined in procedural terms, rather than in substantive terms. And yet there remains a substantive substratum – the idea that citizens must be free and equal.

The very freedom of citizens excludes enforcement of unity around any religious, philosophical, or moral doctrine. Hence, a pluralism of moral and religious outlooks develops naturally. This led Rawls to assert that it is illegitimate to

use force even to impose one or another version of liberal teachings (Rawls 1996, 37). Excluding force, thus, a just society can be founded only on a “political conception [which] is the focus of an overlapping consensus of reasonable comprehensive doctrines,” and in which public discussion takes place freely concerning the essentials of the system (Rawls 1996, 44).

*Toleration of intolerance?* In *Political Liberalism*, Rawls revised his earlier thinking on the question of the limits of toleration. He had previously suggested that, in most cases, an “intolerant sect” would, if it survived, gradually shed its intolerance over time and that, in a system practising “justice as fairness”, people would limit toleration to sects which did not persecute or suppress those not accepting the sects’ views (Rawls 1999a, 192–93). In *Political Liberalism*, by contrast, he distinguished between toleration as a stop-gap measure, introduced to bring an end to interreligious conflict, and toleration understood as a matter of principle. Toleration, according to Rawls, presumes the validity of the norm of equality within a community. Pushing toleration a bit further, one may urge that toleration of the members of minority religious groups (or, for that matter, of members of sexual minorities) may be understood as accepting them as having equal moral worth as human beings and as deserving of equal liberty – assuming, of course, that they do not seek to persecute others, that they too behave in a civil way, and that they do not organise to overthrow the liberal order. Not surprisingly, Rawls recognised that any liberal project worthy of the name has to address the oppression of women and promote measures to advance the cause of gender equality (Laden 2013, 25). In any event, as Mill suggested in *On Liberty*, threats to liberal democracy are more likely (on the whole) to emanate from tyrannical majorities than from ambitious minorities.

As Samuel Freeman pointed out in 2007, it was Kant whom Rawls credited as his most important inspiration (as cited in Taylor 2011, 4). In spite of that, a number of scholars have argued that Rawls’ professed Kantianism must be qualified (Taylor 2011, 3). In distinguishing his own theory from Kant’s, Rawls argued that, insofar as Kant’s theory is “a comprehensive moral view in which the ideal of autonomy has a regulative role for all of life,” it is “incompatible with the political liberalism of justice as fairness” (Rawls 1996, 99). Rawls recognised Kant’s attempt to reconcile moral freedom with the moral law, but insofar as Kant believed that what practical reason constitutes or grasps is an independent and transcendent order of values, Rawls rejected the Kantian system as claiming more than it can deliver. Rawls concluded that,

*Once we accept the fact that reasonable pluralism is a permanent condition of public culture under free institutions, the idea of the reasonable is more suitable as part of the basis of political justification for a constitutional regime than the idea of moral truth. Holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division.* (Rawls 1996, 129)

As in *A Theory of Justice*, Rawls once again offered his theory as an alternative to utilitarianism (consequentialism), perfectionism, and intuitionism (the way in which he characterised Natural Law theory). He identified two central principles:

- a. Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all.*
- b. Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be of the greater benefit [to] the least advantaged members of society.* (Rawls 1996, 291)

He claimed that a liberal society cannot embrace or promote a comprehensive doctrine, but admitted that some people claim that, in demanding tolerance and fair play and in emphasising individual rights, liberalism does just that. Rawls denied the charge, claiming that these restrictions and provisions are no more than “reasonable measures to strengthen the forms of thought and feeling that sustain fair social cooperation between its citizens” (Rawls 1996, 195). But what is to be tolerated? Not intolerance, as we have seen, nor other doctrines or religions or political movements which endanger the system of justice (Rawls 1996, 196–97).

### **THE LAW OF PEOPLES**

In this 1999 publication, Rawls distinguished among five types of society:

1. reasonable liberal peoples, living in a society organized along liberal-democratic lines;
2. decent peoples, living in “nonliberal societies whose basic institutions meet certain specified conditions of political right and justice (including the right of citizens to play a substantial role, say through associations and groups, in making political decisions) and lead their citizens to honor a reasonably just law for the Society of peoples” (Rawls 1999b, 3 n. 2). (“Society of Peoples = all those peoples who follow and observe the Law of Peoples (below));
3. outlaw states;
4. societies burdened by unfavourable conditions;
5. benevolent absolutisms: “They honor human rights; but because their members are denied a meaningful role in making political decisions, they are not well-ordered” (Rawls 1999b, 4).

What is striking in this typology is Rawls’ extension of the concept of political decency (which we may understand as legitimacy) to include also other societies respecting the Law of Peoples. So what is the Law of Peoples? Rawls lists eight central principles:



1. *Peoples are free and independent, and their freedom and independence are to be respected by other peoples.*
2. *Peoples are to observe treaties and undertakings.*
3. *Peoples are equal and are parties to the agreements that bind them.*
4. *Peoples are to observe a duty of non-intervention.*
5. *Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.*
6. *Peoples are to honor human rights.*
7. *Peoples are to observe certain specified restrictions in the conduct of war.*
8. *Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime* (Rawls 1999b, 37).

For Rawls, regimes which refuse to comply with the Law of Peoples should be considered “outlaw states”. Moreover – and this is critical for Rawls – the principle of non-intervention does not afford any protection for outlaw states. On the contrary, Rawls tells us, “...liberal and decent peoples...simply do not tolerate outlaw states...[Indeed,] liberal and decent peoples have the right, under the Law of Peoples, not to tolerate outlaw states” (Rawls 1999b, 81).

A final point: in allowing that there can be “decent” but nonliberal societies, Rawls was by no means granting merely “decent” societies equal status with liberal-democratic societies; for Rawls, political liberalism, as he defined it, remained the highest ideal (Rawls 1999b, 8).

### **ROBERT NOZICK (1938–2002)**

Not since Thomas Hobbes’ *Leviathan* (first published in 1651) had any work of political thought provoked as much outrage and anger as Robert Nozick’s 1974 book *Anarchy, State, and Utopia*. Denying the liberal notion that the state bore any obligations to the poor or that progressive taxation was the appropriate remedy for inequalities of wealth, the book argued that “No state more extensive than the minimal state can be justified” (Nozick 1974, 297). Drawing his inspiration from the Scottish economist and philosopher Adam Smith (1723–90), Nozick argued that a minimal state could safeguard individuals’ “absolute rights” as if by an “invisible hand” (Papaioannou 2010, 57). Ironically, Smith used the expression the “invisible hand” on only three occasions: first, in his posthumously published *History of Astronomy*, where he noted that people in polytheist societies attributed “irregular events of nature” to “the invisible hand of Jupiter”; second, in *The Theory of Moral Sentiments* (1759), where he wrote that underpaid workers “are led by an invisible hand to...without intending it, without knowing it, advance the interest of society”; and third, in *The Wealth of Nations* (1776), where he claimed that a self-seeking merchant is “led by an invisible hand to promote an end which is no part of his intention” (Rothschild 1994, 319). Nozick, by contrast, used the expression “invisible hand” routinely.

Yet Nozick presented his libertarianism as a logical extension of the writings of John Locke (1632–1704), thus implying that his book could be seen as part of the liberal corpus, and claimed to take over Locke's ideas about a pre-political state of nature (Lacey 2001, 58). In so doing, Nozick imagined that Locke was an armchair philosopher, spinning out his ideas without intending any practical application to the issues of his day. In fact, Locke developed his theory of a state of nature to justify both the enclosure movement by which farmers took over land which had hitherto been used to graze sheep, withdrawing the land from the state of nature (Moulds 1964, 179–88) and English colonization of the New World by claiming (falsely) that the indigenous peoples living there had no government or laws, did not live in settled communities, and were not working the land (Arneil 1996, 4, 38–39, 137, 139; and Locke 1988, 328–29). To repeat, these characterizations of how the indigenous people were living were entirely false. Thus, Nozick presumed to cite Locke as his inspiration, without understanding Locke in the context of the politics and issues of the seventeenth century.

But there is a second problem with Nozick's effort to trace his philosophical lineage to Locke. Quite apart from the fact that Adam Smith's idea of an invisible hand held more importance for Nozick than the use he made of Locke's state of nature, there is the fact that Nozick's *Anarchy* reflects the influence also of the English social Darwinist Herbert Spencer (1820–1903) and the Austrian economist Friedrich Hayek (1899–1992) as well as of the individualist anarchists Benjamin Tucker and Lysander Spooner (Papaioannou 2010, 7, 12). In addition, it is easy to discern a striking affinity on Nozick's part for the anti-government and anti-morality ravings of the nihilist-egoist Max Stirner (1806–1856) (Stirner 1995; Paterson 1971; Kolm 1977, 429). Born in Brooklyn and educated at Columbia College, Nozick received his M.A. and Ph.D. from Princeton University, later joining the philosophy faculty at Harvard University. He died in 2002, at the age of 63.

*Anarchy, State, and Utopia* (hereafter, *Anarchy*) is a bold book, which opens with the challenge that any state which aspires to do more than protect people from force, theft, and fraud, enforce contracts, protect property, and perform similar policing functions is unjustified. In particular, he emphasised 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 or protection” (Nozick 1974, ix, Nozick's emphasis). Although he has been viewed as a conservative, the foregoing passage makes clear that his strain of libertarianism embraces both positions associated with the political right (minimal taxation and minimal state services) and positions associated with the political left (no limitations on the use of recreational drugs, no legal restrictions on gay/lesbian unions).

Nozick agreed with the anarchists that the state is potentially dangerous, but rejected the anarchist tenet that it would be possible to sustain a stateless society beyond a (short) transitional phase. There were other problems with anarchism,

according to Nozick, viz., its aspiration to abolish private property in land and to promote not only social and political equality, but also economic equality. Against this notion, Nozick argued that there is no reason why we should think that justice presumes equality. Even the doctrine of equal opportunity – a holy cow for many liberals – should be rejected, Nozick argued, because it entails depriving persons who, on the face of things, would seem to be entitled to certain jobs, emoluments, services, etc. precisely of those things to which they may be entitled (Nozick 1974, 233, 236, 238).

In turning to issues of property rights and taxation, however, Nozick had Rawls in mind as his adversary. Specifically, he objected to Rawls' assertion "that social and economic inequalities, for example, inequalities of wealth and authority[,] are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society" (as quoted in Nozick 1974, 190). Against Rawls' notion of justice as fairness, Nozick postulated what he called *entitlement theory*, which he said involved the principle that people were entitled to whatever property they had obtained legally from other legal owners (Nozick 1974, 151). This had the corollary that the indigent had no right to demand assistance from the rich or, to put it differently, from a government which would need to tax the more well-to-do in order to assist the poor. His argument turned on the claim that his entitlement theory was based on and derived from the premises of John Locke's theory of property but, as already mentioned, had more to do with Adam Smith's philosophy of *laissez faire*. The resulting plea for a minimal state put property rights at the core of his theory and entailed a defence of the notion that, once procedurally unjust acquisitions have been undone, the "haves" are entitled to their holdings, regardless of their extent. If the reference to unjust acquisitions would seem to leave a loophole open for redistributive measures in a democratic state, Nozick was quick to close that loophole. "A nation or protective agency [i.e., the state]," he argued, "may not compel redistribution between one community and another." However, he allowed that a self-enclosed community "such as a kibbutz may redistribute within itself (or give to another community or outside individuals" (Nozick 1974, 321). Nozick believed that some people might want to eliminate the police altogether, on the grounds that taxing the population as a whole in order to provide public protection services was itself a form of redistribution. He was not prepared to embrace this position (Nozick 1974, 114). At the same time, he allowed that individuals or groups might choose to opt out of certain arrangements – an allowance which could, for example, sanction the withdrawal of more well-to-do sections of a community from that community (along the lines of what was attempted some years ago in Los Angeles County by residents of the more well-to-do sections of that county). That this freedom to withdraw would threaten the survival of poorer persons (such as those dependent on county services) has seemed obvious to a number of commentators (for example, Pocklington 1980, 105–106; and Barry 1975, 331–36). Among those commentators, Brian Barry has linked Nozick with

Socrates' foe in Book I of Plato's *Republic*, Thrasymachus. According to Barry, "[j]ustice for Nozick, as for Thrasymachus, is the interest of the stronger. Any contract that anyone makes, so long as he is not actually threatened with deliberately produced harm by the person with whom he makes it, is just" (Barry 1975, 334). Interestingly enough, Nozick would later admit to having an affinity for Thrasymachus, declaring, in his *Philosophical Explorations*, that "[w]hen in the *Republic* Thrasymachus says that justice is in the interests of the stronger, and Socrates starts to question him about this, Thrasymachus should hit Socrates over the head. [Thrasymachus] concedes too much when he enters an activity, discussion, that assumes that there is some mark of correctness and rightness other than (and superior to) strength" (Nozick 1981, 434).

Although Nozick's *Anarchy* attracted both enthusiasts and detractors, Michael Davis summed up what is probably the closest thing to a consensus about this book when he characterised it as "an interesting work," adding that "[t]o be interesting is, of course, not necessarily to be right" (Davis 1977, 219). Calvin Normore put it somewhat differently but with much the same effect, in judging that "[s]ome of Nozick's views are perverse but seldom have such perverse views been so brilliantly defended" (Normore 1977, 187). The moral consequences of Nozick's theory – in denying that the more well-to-do have any intrinsic responsibility toward the less well-off – have been widely noted. It has also been noted that "property accumulation has threshold effects on liberty, such that small appropriations might nurture it while larger doses can be fatal" (Reiman 1981, 91). Yet there are also non-moral grounds for disputing Nozick's theory; specifically, his contention that a society – which would leave the powerless to their own devices, with little or no provision for low-cost medical care, education beyond high school, or perhaps even public transport – could continue to function is open to question. System stability depends on a minimum threshold of system legitimacy; indeed, as East Europeans showed in 1989, when enough people reject the system and take to the streets, not only does a system cease to be stable, it may even fail altogether.

In addition to Nozick's aforementioned ignorance about Locke's notion of a state of nature and his moral callousness, there are other problems with the framework presented in *Anarchy*. To begin with, Nozick places absolute individual rights and what he calls "self-ownership" at the pinnacle of his hierarchy of values, while claiming that promoting these two values will foster the public good. Yet, as Papaioannou notes (2010, 28), if individual rights are "absolute", then they stand *higher* than the public good, with the public good needing to be sacrificed whenever necessary to maximise the supposedly "absolute" rights of (certain) individuals. Then again, what if the rights asserted by one individual clash with the rights claimed by another individual? Nozick offers no clear answer on this point. Or again, after declaring that individual rights must be absolute, Nozick later admits that they could (and should) "be violated in order to avoid catastrophic moral horror" (Nozick 1974, as quoted in Papaioannou 2010,

44). Yet Nozick's *Anarchy* lacks a clear foundation for any concept of morality, as revealed in his denial of the existence of any duties not contractually agreed as well as in his admission that he could identify very few arguments buttressing assertions of fundamental human equality (Scheffler 1976, 59).

Turning to Nozick's concept of *self-ownership*, by this he meant to construe a person in terms of property with market value (Brenkert 1998, 48); when combined with his abnegation of the existence of duties, the result is the undermining of any notion of integrity. Nozick suggested that the diversity of human nature, including values and policy preferences, was so great that it would be impossible to find a socio-political formula that would fully satisfy everyone. Without providing any reason or justification for this, Nozick assumed that it was highly desirable both to undertake, somehow, to satisfy everyone and to erect something one might call a utopian framework. His solution to this dual imagined challenge was to conjure up a vision of a network of autonomous local communities, with the central government providing only the bare minimum of services (chiefly to combat crime) and with people in each local community deciding how they wished to live. This vision is, up to a point, reminiscent of the *millet* system in the old Ottoman Empire, in which each religious establishment regulated affairs within its own community. Nozick now produced the bizarre result that, in the interest of promoting absolute individual rights, he ended up sanctioning that any autonomous community could be "as authoritarian as it wishe[d]" (Lacey 2001, 67; see also Fowler 1980, 551–52). Nozick did allow that individuals not satisfied with the conditions in the community in which they lived could always move to another community or simply collaborate with others to effect the secession of their neighbourhood from the overarching community. This suggests that there could be a proliferation of secessions, resulting in general instability. Yet another problem with this scheme is that the degree of diversity in human nature and values postulated by Nozick would entail that there could never be a sufficient consensus to set up the framework of autonomous communities in the first place (Lacey 2001, 71). And, of course, this very framework "would impose the values and institutions of the market – in the name of liberty – upon all citizens regardless of their wishes" (Nock 1992, 694), thereby undermining the very absolute rights the framework was supposed to maximise. Riddled with inconsistencies, self-contradictions, and impossible fantasies, Nozick's theory, as presented in *Anarchy*, must be judged to be "internally incoherent", as Nock has argued (1992, 680). Nozick himself ultimately approached the same conclusion, writing in *The Examined Life*, "The libertarian position I once propounded now seems to me seriously inadequate" (Nozick 1989, 286, as quoted in Papaioannou 2010, 115).

Nozick wrote several more books after *Anarchy*, including the widely praised *Philosophical Explanations* and *The Nature of Rationality* (1993). But no other book of his made even remotely as huge an impact as his *Anarchy, State, and Utopia*.

## CONCLUSION: THE IMPORTANCE OF THE LATE TWENTIETH-CENTURY PHILOSOPHICAL REVISIONS

What should be emphasised is that Rawls and Nozick made original contributions to political thought, staking out entirely irreconcilable positions. Rawls, in spite of his professed affinity for Kant, criticized him on certain points and revised his theory. Thus, when Rawls claimed that his notion of an “original position” was related to Kant’s categorical imperative, that by no means diminishes Rawls’ originality in developing that idea. Rawls distanced himself from both universalism and consequentialism, but the moral-political theory he developed retained some elements of universalism; this is perhaps most obvious in Rawls’ book, *The Law of Peoples*. Yet his moral-political theory cannot be classified as either contractarian or conventionalist, but seems to involve a synthesis of the two. It is contractarian to the extent that he refers legitimate politics to the consensus of the community; but, at the same time, what that consensus generates, in Rawls’ ideal world, is laws by which the community is to be regulated. Rawls also grappled with the problem of integrating religious believers and nonbelievers into a community based on mutual respect, and suggested ways of achieving this.

Nozick, of course, followed an entirely different path. As noted above, while he asserted a supposed debt to John Locke, his book had more in common with the views expressed by Adam Smith, Friedrich Hayek, and even Max Stirner. His originality consisted in several things – his denial that justice implies or entails equality, his support for an absolutely minimal state, his claim that neither the state nor the community owed anything to the indigent, and his belief that any unit of society was entitled to split off from the rest of the community.

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