

The Reader Replies

THE READER REPLIES carries miscellaneous comments by readers and authors on various articles that have appeared in the magazine. All communications should be addressed to: Editor, THE AMERICAN SCHOLAR, 1811 Q Street, N. W., Washington, D. C. 20009. Because of space limitations we cannot guarantee to print all letters received.

—EDITOR

The Night Watchman State

In his review of Robert Nozick's *Anarchy, State, and Utopia* (Winter 1975/76) George Kateb errs on several important issues. Of these I'll mention only three.

Firstly, the claim is made that Nozick's arguments, which Kateb admits to be "strong and effective" against economic egalitarianism, are directed against a straw man, since the true rationale behind liberal social programs is not economic equality, but the alleviation of misery. But if this is the true liberal rationale then Nozick's libertarianism is thereby *easier* to defend, not harder. For if the object of the liberals has been, not equality, but the alleviation of poverty and "the misery of millions," then the defense of laissez-faire moves out of the realm of ethics and political philosophy and into that of economics. Here Nozick is no longer a lone knight but is joined by an army of economists who have argued both from the theory of the marketplace and from the historical evidence that the liberal end is most effectively achieved by the libertarian means. So Adam Smith argued 200 years ago in the *Wealth of Nations*. So Nobel Prize-winning economist Hayek argues today. Even within the Democratic party, that traveling medicine show renowned for peddling government as the universal elixir, doubt is being expressed. The old medicine has been tried and it doesn't work. Listen to Jerry Brown, Dan Walker, or Michael Dukakis. Read Ed Muskie's speech to the Liberal party of New York. Examine the pages of *Commentary* and the *Public Interest*. If, as Kateb claims, Nozick had been looking for an easy target he would have found it, not in the ethics of egalitarianism, but in the economics of the welfare state.

Secondly, Kateb claims that "the night watchman state can be a police state." In ordinary usage "police state" refers to a state possessing vast powers to interfere with the freedom and lifestyles of citizens. Given this ordinary interpretation, Kateb's claim is absurd. Nozick's night watchman state is limited to the functions of protection against force and fraud and is therefore the antipode of a police state. It is true that this limitation of functions does not by itself imply

that a certain form of government is better than another. Here it would be necessary to determine which form is most likely to remain limited to the proper functions and which form is least costly given the historical circumstances of the actual concrete community being considered. Even after these considerations are dealt with there may remain a range of forms compatible with the functions of the moral state. But there is no reason for alarm in *this*. Fortunately we are more advanced than the ass who starved because he could not decide which of two equally nourishing bales of hay to eat.

Finally, Kateb asserts that "the telos of the minimal state is the tribal society." Here Kateb has failed to understand that what Nozick seeks in a political system is not a particular social result but rather a framework in which men may freely choose their own social arrangement. Thus it is true that a man in the night watchman state could live a primitive tribal existence if he so chose. But this certainly does not imply that Nozick himself would recommend that way of life. In fact Nozick proposes that "a person's shaping his life in accordance with some overall plan is his way of giving meaning to his life." As it stands this is admittedly somewhat vague, but to me at least it suggests not the accident-fraught stagnation of tribal existence, but rather a life of growth and creativity in a developed society.

ARTHUR M. DIAMOND, JR.
Chicago, Illinois

MR. KATEB replies: I appreciate Mr. Diamond's attention but find that his three points leave me unpersuaded.

On the first point, Mr. Diamond seems not to want to deal with Nozick's principal contention, which is that welfarist policies (in the most inclusive sense) are *immoral*, not that they are ineffective and perhaps even self-defeating. References to present-day anxieties about social programs would matter in this context only if the case could be made that, apart from the moral claims involved,

any kind of state intervention, in any degree, for any social purpose, must turn out to be entirely worthless. If that could be shown then we could say, on that basis alone, that it would be immoral to intervene. No one is foolish enough to say that or anything more or less like that. Granted, then, a modicum of belief in efficacy, the next question is and must be: What are the moral claims involved? I believe—and here I follow almost every moral philosopher who has ever addressed himself to the issue between Nozick and myself—that a person is obliged to relieve the misery of another if he can do so without seriously hurting himself. I also believe that this is one in that class of obligations, strict obligations, that the state (following proper procedure) may compel us all to perform when not enough of us perform them freely. The relief of misery is like abstaining from murder, theft, arson, rape, and fraud in its moral significance, even though all the latter are obligations met by free or intimidated abstention while relief of misery requires a positive act and is achieved when it is achieved, as an enactment of social policy and not usually as the resultant of “the criminal sanction.” A man’s rights are not abridged when the law requires him to meet a strict obligation. Nozick has made a moral mistake; and Mr. Diamond’s proposed rebuttal of my argument does not save Nozick from his mistake.

Mr. Diamond’s second point is also an evasion. He does not see that a limited purpose may require an immense commitment. Imagine a society in which a few are rich and most are poor and feel neglected or exploited. They resent their condition and want to change it. Even if they are wrong to think so, they think that justice is on their side. Their sense of grievance energizes them into dissidence and then episodic revolutionary action. The few, dominant in the state, mobilize it to protect themselves. The few feel surrounded and outnumbered and therefore introduce all sorts of defensive measures: relocating populations, strict curfew, constant police surveillance, police infiltration, the use of provocative agents. A state of siege may be declared; society placed on a war footing; social and economic controls imposed; privacy constantly invaded; civil liberties placed at the mercy of boards of censors and inquisitors; the rule of law suspended; discretionary state action of every kind justified by reference to “necessity” or “emergency” or “survival.” There is nothing far-fetched in this example. In real life, pure *laissez-faire* is rare; but systematic indifference to suffering is not, and it may be joined to systematic repression. Let us keep to mind Milton Friedman’s disgraceful adventures in Pinochet’s Chile. Of course the night watchman state can be a police state. If you love your property enough, and love

very little besides, certain circumstances must lead you to a huge repressive apparatus. Nozick’s failure to see this is a part of his general lack of political understanding—a lack which also shows itself in his likening of democracy to mutual enslavement, and his frivolous talk about the moral value of taking part in decisions that affect your life.

In making his third point, Mr. Diamond misunderstands the way I am using the word “tribal.” I do not mean primitive; I mean any life characterized by smallness, tightness, human similarity, conformity, enclosure, and so on. It is a purified life without sharp contrasts and unexpected occurrences; in it, a person’s identity is exclusively defined by a continuous monopolizing membership. The antithesis to the tribal life espoused by Nozick is the life of the free individual in a constitutional democracy. In present conditions, such a life is gravely threatened by the swollen state we have, but it could not be guaranteed by a return to a minimal state. The aim must be to reduce the state’s irrational excesses.

Poetry and the American Public

I read Samuel Hazo’s “Poetry and the American Public” (Spring 1976) with a great deal of interest. Having helped to inaugurate the poetry series at the University of Georgia, I have a certain stock in the American poetry market in addition to my work on the *Sewanee Review*.

Let me add a postscript to Mr. Hazo’s fine article. The *Sewanee Review* now devotes a dozen pages of each issue to publishing new poetry, and it contains two poetry chronicles each year as well as shorter reviews. Paul Ramsey writes an annual essay-review on common tendencies in the poetry of the preceding year. For this article he considers 50-100 collections, and about two dozen are reviewed. Calvin Bedient is writing a different kind of article: he surveys the latest work of established poets. In the spring 1976 issue he criticizes John Ashbery, Louise Glück, David Ignatow, and Philip Levine. I don’t believe that Mr. Hazo would deem either of these regular articles a simple chronicle of new books that is “notice” rather than criticism.

Some of the poets published in the *Sewanee Review* during the past two years are A. R. Ammons, James Applewhite, Ben Belitt, Hayden Carruth, Peter Cooley, Malcolm Cowley, Jean Farley, Roy Fuller, James Baker Hall, Seamus Heaney, Jean Hollander, Thomas Kinsella, Jahanta Mahapatra, Frederick Morgan, Richard Murphy, Howard Nemerov, Paul Smyth, Dabney Stuart, Barry Spacks, Lewis Turco, John Unterecker, and Robert Penn Warren.