

The Minimal State

by Arthur Diamond

ANARCHY, STATE, AND UTOPIA, by Robert Nozick (NY: Basic Books, Inc., 1974), 367 pp., 12.95.

Bernard Williams in the lead review of the *Times* (London) *Literary Supplement* called it "original, remarkable and strikingly intelligent"; Willard Van Orman Quine, thought by many in the profession to be America's most important living philosopher, declared it to be "a brilliant and important book"; Peter Singer in a lengthy review in *The New York Review of Books* (sic) labelled it "a major event in contemporary political philosophy"; and liberal Princeton philosophy professor Gilbert Harman called it "a fabulous book, a major contribution to political theory and moral philosophy."

"But why," you are doubtless thinking, "bring to my attention what must obviously be another intellectual rationalization of the infringement of rights and the diminution of freedom?" Think again. For this is the same book that Milton Friedman, wearing his Adam Smith tie, admiringly referred to as "exciting" and one of the most profound refutations of his son's anarchism available. The book is Robert Nozick's *Anarchy, State, and Utopia*. It is original, remarkable, strikingly intelligent, brilliant, important, exciting, a major event in and contribution to political philosophy, and it does (among other things) refute David Friedman's anarchism.

As indicated by the title, *Anarchy, State, and Utopia* is divided into three parts: the first aims at showing how the state could, by an invisible hand process, arise from a Lockean state of nature without at any point violating anyone's rights; the second seeks to establish that no functions of the state are justified beyond the night watchman functions; and the third tries to indicate why the minimal state would provide the most congenial setting for advancing, testing, and realizing diverse utopian visions. Not the least of the values of the book lies in the simple, sometimes ironic, forcefulness with which Nozick often expresses his views. For instance, after Nozick effectively

criticizes Marx's theory that capitalism inevitably involves exploitation of the proletariat by the capitalists, he wryly suggests that "Marxian exploitation is the exploitation of people's lack of understanding of economics." But my favorite example follows Nozick's demonstration that a one-time-only redistribution will never be sufficient to maintain any particular pattern of distribution (since as soon as the redistribution is effected voluntary trade and gifts would surely disrupt the planner's desired pattern). Nozick concludes that to maintain any pattern, "the socialist society would have to forbid capitalist acts between consenting adults."

Nozick's answer to anarchy begins by granting the anarcho-capitalists' basic assumptions: (1) every man in a state of nature has the right to life, liberty and property; (2) every man has the right to defend these rights when they are infringed upon; and (3) there are no uniquely collective ('emergent') rights that are not directly derivable from the rights of individuals. Nozick further agrees with the anarcho-capitalist that such factors as specialization, economies of scale and the like would lead to the legitimate establishment of private protection agencies. At this point Nozick contends that there are three possible resolutions to the conflict that will inevitably arise from competing agencies: (1) the agencies will do battle and one will win, (2) the agencies will stake out certain geographical turfs and will really battle only at the fringes and (3) the agencies will agree to arbitration of their disputes by some third authority. Under any of the three possibilities there seems to arise an entity very similar to what we call the state. Nozick further notes that every individual has the right to have criminal claims against him decided in a procedurally just way. The strongest protective agency thus will legitimately forbid unreliable procedures (those of other agencies or of isolated individuals) from being used against its clients. When this development takes place we would have what Nozick calls 'the

ultramiminal state'. But the state will be morally obliged to provide compensation to those (alleged victims) who have been forbidden from proceeding on their own against the firm's clients (alleged aggressors). The compensation would take the form of providing, free of charge, access to the firm's procedural process whenever a claim is made against one of the firm's clients. The ultramiminal state becomes the minimal state when it provides such compensation. We may well ask why anyone would pay for the services of the state if he could get them free. The answer is that non-clients only are allowed to use the institutions of the state in making claims against clients, whereas clients have recourse to the institutional procedures in claims against both fellow clients and non-clients. This is only the barest sketch of Nozick's argument but it may give some flavor of what he is doing.

By way of cataloguing Nozick's omissions he has: no derivation of rights (he asks the reader to take Lockean rights for granted); no discussion of free-will (most libertarians see the justification of free-will as crucial to their position); no worked out theory of the principle of justice in acquisition; no theory of what is to be 'disadvantaged' (this concept is of central importance to his conception of proper compensation); and no conclusion on what the morally relevant distinguishing features of man are (though he does do a good job of laying out the problem).

Thus despite *Anarchy, State and Utopia*'s many positive achievements, it can perhaps best be viewed as a vehicle for setting out important problems and as a proposed programme for further thought and research. Its net effect will be to redirect the course of academic debate in political philosophy by forcing previously unchallenged assumptions to be considered and defended. Libertarianism has not in the past been taken seriously in most academic circles. With the publication of *Anarchy, State and Utopia* it will be.