

Robert Nozick

How much room do individual rights leave for the state?

Key Concepts: Libertarianism, Minimal State, The Lockean Proviso, The Tale of the Slave
Key Work: *Anarchy, State, and Utopia (1974)*

“No State more extensive than the minimal state can be justified”

Minimal State: The only roles that the state can legitimately perform are upholding basic rights such as “protection against force, theft, enforcement of contracts and so on”. This would result in institutions such as a police force, the armed forces, and a court system, but nothing else.

Entitlement Theory: Created by Nozick to argue for ‘distributive justice’ & private property. He wants to establish exactly what can be done to people’s property when viewed from the perspective of justice. If perfectly followed there’s no need to have a principle of ‘**rectification of injustice**’ to solve disputes, but until then this principle will apply. Follow his logic here -

Utopia: A word literally meaning ‘No Place’ used by Thomas More (1516) to describe a place of ideal perfection especially in laws, government, and social conditions. Nozick argues that a ‘minimal state’ provides for a kind of utopia because it allows each person (or group) to organize and live out their own kind of perfect, unrestrained life.

Libertarianism: Libertarians try to have the highest amount of political freedom and autonomy (one’s ability to make independent decisions). To achieve this they emphasise freedom of choice, voluntary association (people who form an organization to accomplish a purpose, and emphasise individual judgment).

Writing in Response to Others

Nozick’s ideas draw on the individual freedoms proposed by **John Locke**, in many ways taking them to their logical conclusion (but disagreeing about how strong the state has to be to enforce those rights). He also writes in response to what was seen as the growing ‘**centralization**’ of the state and its control over ever-increasing aspects of the lives of individuals.

The immediate prompt for his writing was the publication of **John Rawls’s** *A Theory of Justice (1971)*, which promoted “**Justice in Fairness**”. Rawls used the ‘*Veil of Ignorance*’ thought experiment to highlight the ‘*Social*’ and ‘*Physical*’ Lottery of life. He argued for wealth ‘redistribution’ to avoid social inequality. This inequality was only permissible when it favours the least well off... Want “**Equality of Opportunity**”

If these conditions are met, then the logic of the box below should follow. **IF...**

- ... there is **Justice of Acquisition** (how you got things in the first place)
- ... there is **Justice of Transfer** (were things fairly traded, gifted, or competed for – a *free market*?)

THEN...

The Principle of Self-Possession means that I control my own Labour (Work)

Taxation = Taking of Earnings

Taking of earnings = Forced Labour

Forced Labour = Slavery

(Taxation violates the “Principle of Self-Possession”)

Taxation = Slavery

Libertarian view of Government

- No **Paternalist** Legislation (that seeks to impose a “father’s” view)
- No “**Morals**” Legislation
- No **Redistribution** of Income from Rich to Poor (i.e. tax taken from the rich to pay for the poor)

‘Sidebar’

This is an example of **DEDUCTIVE REASONING** (“*top-down logic*”)

... **if** all premises are true
 ... **if** the terms are clear, and
 ... **if** the rules of deductive logic are followed...
 ...**THEN** the conclusion reached is **necessarily true**

UTOPIA - How will Nozick make such a think possible?

How is it that the Minimal State makes utopias possible, while itself not being a utopia?

Well, Nozick acknowledges that the *“best of all possible worlds for me will not be that for you. The world, of all those I can imagine, which I would most prefer to live in, will not be precisely the one you would choose.”*

Does this seem **intuitively** right to you? To verify this, all you need do is ask your friends about their ‘ideal world’.

In many ways, what he is arguing for is a *“realization of the economists’ model of a competitive market”*. There is a tinge of irony here, because while the model is designed in a *laissez-faire* manner, it doesn’t require that all (or even any) of the utopian communities within the minimal state need necessarily adhere to capitalist, *laissez-faire* ideas!!!

The overriding rule is: *“The Model is designed to let you choose what you will, with the sole constraint being that others may do the same for themselves and refuse to stay in the world you have imagined.”*

It seems like a paradox, but Nozick argues that, *“Though there is great liberty to choose among communities, many particular communities internally may have many restriction unjustifiable on libertarian grounds.”* For example, ‘redistribution’/taxation may exist **within** a community (once every agrees), but you cannot force redistribution **between** communities.

The ‘Footprint’ of Modern American Libertarianism

- In 2006 polling showed that approximately 10% of US voters described themselves as "fiscally conservative and socially liberal, or libertarian", however by 2014 23% of those who identified as libertarian had no idea what the term really meant!
- The most well-known example of modern libertarianism is in the Tea Party, a political party that was formed in 2009. They argued for the reduction of the US National Debt and federal **‘budget deficit’** by reducing government spending and taxes. When Congressman Paul Ryan (who isn’t seeking re-election in 2018) became a Vice Presidential candidate in 2012, and when he was voted in as the ‘Speaker’ of the House of Representatives, it became hard to argue against the idea that aspects of libertarianism were now in the mainstream.
- Although he had a fairly disastrous campaign, The Libertarian Party had a candidate on the US Presidential election ballot. Gary Johnson received just 1% of the votes in that election. (he was aiming for 5%)
- Because it argues against a strong state, **anarchist** groups around the world often try to associate closely with some libertarian ideas.
- Novelist Ayn Rand had a significant influence on many modern libertarians, including Ryan who made all his staffers read her work!

While aspects of Anarchy, State, and Utopia are intuitively very appealing, numerous objections and criticism of Nozick’s ideas have emerged. Consider some of the following **critiques**. In light of what you know about Nozick do you agree with them?

1. Given that no state has ever come about as a result of the process Nozick describes, should he not argue in favour of anarchy and then allow his minimal state to evolve from that basis?
2. Nozick built his entire book on the bald assertion that "individuals have rights which may not be violated by other individuals", for which no justification is offered apart from what is derived from Locke
3. It isn’t just as simple as property holdings being either ‘just’ or ‘unjust’. Some suggest that a sliding scale would be necessary and this runs contrary to the spirit of the theory
4. Without an obligatory education system enforced by the state, how can it be guaranteed that the children born a the Utopia will be sufficiently educated or aware of their ability to leave one utopia in favour of another one (or one of their own making)

Interestingly, **one of the strongest critics of Nozick’s work was himself at an older age!!!** Although he never completely stopped identifying as a libertarian, he did consider some of the problems with his work.

He rejected many of the foundations of his own theory on the grounds that personal freedom can sometimes only be fully brought about as a result of ‘collectivist’ politics, where large groups act together to achieve a common goal.

He also noted that wealth can, at times, be justly redistributed via taxation to protect the freedom of the many from the potential tyranny of an overly selfish and powerful few. (This would become more acute as time passed and enormous wealth inequality created problems of its own)

John Rawls had his famous thought experiment, the *Veil of Ignorance*. Not one to be outdone, Nozick countered with a thought experiment of his own, *The Tale of the Slave*. It is designed to help people get to grips with his idea that all taxation is slavery. Follow the instructions and write down your judgment at the end!

The Tale of the Slave

In the following 'Thought Experiment' called the "Tale of the Slave" imagine that the person being discussed is YOU. Ask yourself during which transition from one number to the next does the story **STOP being about your slavery**? Nozick is concerned with the possibility of "Backing up into a state without really trying", just like the "Parable of the Boiled Frog". Do you find this useful?

1. There is a slave completely at the mercy of his brutal master's whims. He often is cruelly beaten, called out in the middle of the night, and so on.
2. The master is kinder and beats the slave only for stated infractions of his rules (not fulfilling the work quota, and so on). He gives the slave some free time.
3. The master has a group of slaves, and he decides how things are to be allocated among them on nice grounds, taking into account their needs, merit, and so on.
4. The master allows his slaves four days on their own and requires them to work only three days a week on his land. The rest of the time is their own.
5. The master allows his slaves to go off and work in the city (or anywhere they wish) for wages. He requires only that they send back to him three-sevenths of their wages. He also retains the power to recall them to the plantation if some emergency threatens his land; and to raise or lower the three-sevenths amount required to be turned over to him. He further retains the right to restrict the slaves from participating in certain dangerous activities that threaten his financial return, for example, mountain climbing, cigarette smoking.

6. The master allows all of his 10,000 slaves, except you, to vote, and the joint decision is made by all of them. There is open discussion, and so forth, among them, and they have the power to determine to what uses to put whatever percentage of your (and their) earnings they decide to take; what activities legitimately may be forbidden to you.

7. Though still not having the vote, you are at liberty (and are given the right) to enter into the discussions of the 10,000, to try to persuade them to adopt various policies and to treat you and themselves in a certain way. They then go off to vote to decide upon policies covering the vast range of their powers.

8. In appreciation of your useful contributions to discussion, the 10,000 allow you to vote if they are deadlocked; they commit themselves to this procedure. After the discussion you mark your vote on a slip of paper, and they go off and vote. In the eventuality that they divide evenly on some issue, 5,000 for and 5,000 against, they look at your ballot and count it in. This has never yet happened; they have never yet had occasion to open your ballot. (A single master also might commit himself to letting his slave decide any issue concerning him about which he, the master, was absolutely indifferent.)

9. They throw your vote in with theirs. If they are exactly tied your vote carries the issue. Otherwise it makes no difference to the electoral outcome.

Well then??? At which transition point does the slavery stop? Your Answer:

It stops being about slavery in the transition from scenario _____ to scenario _____

Thinker's Background

- Nozick was born in 1938 in Brooklyn, NY to a Jewish father
- He was educated at Columbia, Yale, and Oxford University, and in his student days he was involved in a left-wing student organization, the Students for a Democratic Society (SDS).
- He taught in Harvard, where he was a Professor of Philosophy (in the same dept as Rawls!) and was also the president of the American Philosophical Society
- The origin of *A, S & U* is interesting. It emerged from a course that he taught at Harvard that took the form of a running debate with Michael Walzer where they argued their opposing positions in front of the students in the class!
- The Times Review of Books ranked *A, S & U* as being among the 100 most influential books in the period since World War 2
- As a professional academic he is remembered far more for his ideas and writings than for any idea of being a famous public figure
- Nozick died in Boston in 2002

Personal Response

(A.) What aspects of other LC subjects might this be relevant? (In the case of Nozick, you might want to think particularly in terms of economics, but religion (morality) and history might also be relevant...

1. Nozick's involvement in the SDS preceded their involvement in serious anti-war activism, (LC History link)
- 2.
- 3.
- 4.

(B.) To what aspects of your daily life might the ideas of Robert Nozick be relevant?

1. Are their **paternalistic** aspects of your teenage life (or experience of education) to which you intuitively object?
- 2.
- 3.

Links to other aspects of the course

List different aspects of the course to which you think Nozick might be relevant. (can you list 3-4) This list will not be *definitive*, but can be added to over time...!

1. In advocating for the primacy of Individual rights, Nozick draws heavily on the ideas of Locke...
- 2.
- 3.
- 4.

Nozick – the gift that keeps on giving!

Given that our course has more 'left-leaning' than 'right-wing' thinkers, you'll find that Nozick can be used to refute virtually any argument that requires the imposition of rules, regulations, or government actions. → **"In case of emergency break glass!"**

Reading Tip: If you do try and dip into reading *Anarchy, State and Utopia* you could start by just looking at the six-page 'Preface'. Here Nozick lays out the rough outline of his idea. If you liked the *Tale of the Slave*, read Nozick's discussion on pages 290-292 of *A.S.U.*....

Favourite Moment: Nozick chooses the famous basketball star 'Wilt Chamberlain' as way of demonstrating that "*no patterned principle of just distribution will be compatible with liberty*". By doing so, he tried to demolish Rawls's argument. Think of Chamberlain as Michael Jordan, or Messi, or Ronaldo – the argument still stands!!!

9/11 victims bill stalls as Republican senators seek conditions for funding

By **Devlin Barrett** – Washington Post, July 17, 2019.

A **Republican senator** moved Wednesday to stall for the moment **legislation** providing compensation to 9/11 workers, sparking an emotional appeal on behalf of those sick and dying after responding to Ground Zero. Although lawmakers for several weeks generally declared broad support for the measure to extend a victims' compensation fund, the objections of two conservative senators suggest its Senate passage may stall or require more political muscle to enact.

Sen. Rand Paul (R-Ky.) spoke out on the Senate floor Wednesday after Sen. Kirsten Gillibrand (D-N.Y.) proposed that the bill be approved by **unanimous consent**. Under Senate rules, an objection from a single senator can block a measure offered via unanimous consent. Paul said he objected because any program that would last decades "should be **offset by cutting spending** that's less valuable. We need, at the very least, to have this debate," he said, adding that he would offer an **amendment** on the cost of the bill when it reaches the Senate floor.

Sen. Mike Lee (R-Utah) also has placed a hold on the legislation, according to **advocates**. Paul's objection angered Democrats, who have been able to muster bipartisan support for the bill, which has 73 co-sponsors in the Senate. "I am deeply disappointed that my colleague has just objected," Gillibrand said. "Enough of the political games. Our 9/11 first responders and our entire nation are watching to see if this body actually cares. Do we care about the men and women who answer the call of duty?" At times, Gillibrand's voice cracked with emotion as she made a case for the measure's quick passage. "Thousands of those men and women have died," she said. Others, she said, still have to "face the terrifying reality that they are going to die, because of what they did on 9/11 and the months thereafter."

A **spokeswoman** for Paul said the senator wasn't seeking to block the bill, but rather to add a provision to pay for it. Paul's office said he is proposing cutting \$2 billion a year from other federal programs, including agriculture, housing, and mandatory spending. The head of the Fraternal Order of Police, Chuck Canterbury, called Paul's objection to the legislation "disgraceful." The International Association of Fire Fighters wrote to Lee on Wednesday urging him to lift his hold on the legislation, which the House passed overwhelmingly last week.

"On behalf of the nation's 317,000 professional fire fighters and emergency medical responders, I insist that you immediately lift your hold," IAFF President Harold A. Schaitberger wrote to Lee. "The fact that you choose to make these brave men and women wait another day to pass this critically important legislation is simply unconscionable."

A spokesman for Lee said the senator "fully expects the 9/11 compensation bill to pass before the August recess and he is seeking a vote to ensure the fund has the proper oversight in place to prevent fraud and abuse."

Senators often place **holds on bills** in an effort to add or remove something, or to force a concession from fellow lawmakers on another issue.

The 9/11 victim compensation bill passed in the House, 402 to 12, following the death of a former NYPD detective, Luis Alvarez, who testified last month about the urgent need to replenish the fund. Officials say that money is fast running out, leading to pay-out reductions of as much as 70 percent for recent applicants.

Senate Majority Leader Mitch McConnell (R-Ky.) has pledged to bring the measure to a vote soon, but it now appears he has some resistance. "Senator McConnell is living up to his commitment made to 9/11 responders when they handed him Luis Alvarez's badge, and he appears to be trying to get this passed as quickly as possible under Senate rules," said Ben Chevat, executive director of Citizens for the Extension of the James Zadroga Act, a group that advocates for the legislation.

McConnell's commitment came after he was publicly attacked by Jon Stewart, former host of "The Daily Show," who lambasted lawmakers for dragging their feet. Stewart has become the celebrity face of the effort to make the 9/11 fund permanent, and has said he plans to return to Congress when the Senate votes on the issue.

The fund provides money to those who have contracted diseases that have been linked to exposure to toxic debris. Lawmakers created it in 2011. It has paid about \$5 billion to approximately 21,000 claimants. About 700 were for deaths that happened long after the attacks. With more than 19,000 additional unpaid claims, the fund is running out of money. Rupa Bhattacharyya, the special master overseeing the funds, announced that pending claims, including those that were received before Feb. 1, will be paid at 50 percent of their prior value. Subsequent claims are being paid at just 30 percent.

Under current law, the fund is scheduled to stop taking claims in December 2020. The new legislation would extend the program for seven decades, at an estimated cost of \$10.2 billion for the first decade.

A searing **congressional hearing** last month, featuring testimony from Stewart and the dying Alvarez, refocused public attention on the plight of the sick workers and the faltering fund.

- Questions:**
1. Look up the meaning of the words highlighted in **Bold** & establish how they relate to the topic at hand.
 2. In what ways do Senator Rand Paul's objections to the passage of the bill fit in with the ideas of Robert Nozick?
 3. Investigate the role of former 'Daily Show' host, Jon Stewart, and comment on the effectiveness of his activism.