

Book Reviews

Libertarianism Without Foundations

Anarchy, State, and Utopia. By Robert Nozick. New York: Basic Books, 1974. Pp. xiii, 367. \$12.95.

Reviewed by Thomas Nagel†

Liberalism is the conjunction of two ideals. The first is that of individual liberty: liberty of thought, speech, religion, and political action; freedom from government interference with privacy, personal life, and the exercise of individual inclination. The second ideal is that of a democratic society controlled by its citizens and serving their needs, in which inequalities of political and economic power and social position are not excessive. Means of promoting the second ideal include progressive taxation, public provision of a social minimum, and insulation of political affairs from the excessive influence of private wealth. To approach either of these ideals is very difficult. To pursue both of them inevitably results in serious dilemmas. In such cases liberalism tends to give priority to the respect for certain personal rights, even at substantial cost in the realization of other goods such as efficiency, equality, and social stability.

The most formidable challenge to liberalism, both intellectually and politically, is from the left. It is argued that strong safeguards of individual liberty are too great a hindrance to the achievement of economic and social equality, rapid economic progress from underdevelopment, and political stability. A majority of the people in the world are governed on this assumption. Perhaps the most difficult issue is posed by economic power and the political inequality it can create. The criticism from the left is that harmful concentrations of economic power cannot be attacked—or prevented from forming—unless individual actions are more closely restricted than is permitted by the liberal ideal of personal freedom. Radical redistribution is unlikely in a liberal democracy where private wealth controls the political process. A defense against this criticism must either challenge

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the factual claim or argue that the importance of freedom outweighs these disadvantages.

Liberalism is also under attack from the right. The most conspicuous attacks are not theoretical: the right in its more prominent political manifestations is not particularly attached to individual liberty when that liberty threatens the unequal distribution of wealth and power. But there is also a theoretical challenge from the right, called libertarianism, and while it does not present as serious a moral issue for liberals as does the attack from the left, the two are in some ways symmetrical. Libertarianism, like leftism, fastens on one of the two elements of the liberal ideal and asks why its realization should be inhibited by the demands of the other. Instead of embracing the ideal of equality and the general welfare, libertarianism exalts the claim of individual freedom of action, and asks why state power should be permitted even the interference represented by progressive taxation and public provision of health care, education, and a minimum standard of living.

In *Anarchy, State, and Utopia*,¹ Robert Nozick attempts to set forth the libertarian position in a way that will persuade some of those who do not already accept it. Despite its ingenuity of detail, the effort is entirely unsuccessful as an attempt to convince, and far less successful than it might be as an attempt to explain to someone who does not hold the position why anyone else does hold it. The book may come to occupy the position of an official text of libertarian political theory, but it is unlikely to add to the ranks of believers in that view unless it converts a few unwary philosophical anarchists by persuading them that the minimal state need not after all violate their austere moral requirements.

To present a serious challenge to other views, a discussion of libertarianism would have to explore the foundations of individual rights and the reasons for and against different conceptions of the relation between those rights and other values that the state may be in a position to promote. But Nozick's book is theoretically insubstantial: it does not take up the main problems, and therefore fails to make the kind of contribution to political theory that might have been hoped for from someone of his philosophical attainments.² In the preface

1. R. NOZICK, *ANARCHY, STATE, AND UTOPIA* (1974) [hereinafter cited to page number only].

2. Nozick is the author of three important articles: *Coercion*, in *PHILOSOPHY, SCIENCE, AND METHOD* 440 (S. Morgenbesser, P. Suppes & M. White eds. 1969); *Newcomb's Problem and Two Principles of Choice*, in *ESSAYS IN HONOR OF CARL G. HEMPEL* 114 (N. Rescher ed. 1970); *Moral Complications and Moral Structures*, 13 *NAT. L. FORUM* 1 (1968). The book reaches their level of trenchancy only in Chapter 4, "Prohibition, Compensation, and

he announces that he was converted to libertarianism by the decisive force of the arguments,³ but no such arguments appear in the book. He has left the establishment of the moral foundations to another occasion, and his brief indication of how the basic views might be defended is disappointing. I shall explain below why it is unlikely to survive further development.

Nozick starts from the unargued premise that individuals have certain inviolable rights which may not be intentionally transgressed by other individuals or the state for any purpose. They are the rights not to be killed or assaulted if one is doing no harm, not to be coerced or imprisoned, not to have one's property taken or destroyed, and not to be limited in the use of one's property so long as one does not violate the rights of others. He concludes that the only morally permissible state would be the minimal nightwatchman state, a state limited to protecting people against murder, assault, theft, fraud, and breach of contract. The argument is not one which derives a surprising conclusion from plausible premises. No one (except perhaps an anarchist) who did not already accept the conclusion would accept the premise, and the implausibility of each can only serve to reinforce a conviction of the implausibility of the other.

Naturally any opposition to the power of governments will meet with a certain sympathy from observers of the contemporary scene, and Nozick emphasizes the connection between his view and the fight against legal regulation of sexual behavior, drug use, and individual life styles. It is easy to develop an aversion to state power by looking at how actual states wield it. Their activities often include murder, torture, political imprisonment, censorship, conscription for aggressive war, and overthrowing the governments of other countries—not to mention tapping the phones, reading the mail, or regulating the sexual behavior of their own citizens.

The objection to these abuses, however, is not that state power exists, but that it is used to do evil rather than good. Opposition to these evils cannot be translated into an objection to welfare, public education, or the graduated income tax. A reasonably persuasive practical argument for reducing the power of governments can perhaps be based on the unhappy results of that power. But it is doubtful that a government limited to the functions of police, courts, prisons, and

Risk," a brilliant discussion of the choice among various methods of dealing with injurious or dangerous behavior: when to prohibit, when to punish, when to require compensation, when to compensate someone who is inconvenienced by a prohibition. It is also the chapter with the greatest importance for legal theory. Pp. 54-88.

3. P. ix.

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national defense would be conspicuously benign, or that it would be especially protective of individual rights.⁴ In practice, it would probably include the worst parts of what we have now, without much of the best. That is why those concerned with individual liberty are usually not opposed to strong government with power to promote desirable ends, so long as the exercise of that power is limited by strong safeguards. Governments should promote what is good and prevent evils, as well as protecting rights. How could anyone disagree?

If there is an answer to this question, it must come from the ethical foundation of political theory. Nozick states:

Moral philosophy sets the background for, and the boundaries of, political philosophy. What persons may and may not do to one another limits what they may do through the apparatus of a state, or do to establish such an apparatus. The moral prohibitions it is permissible to enforce are the source of whatever legitimacy the state's fundamental coercive power has.⁵

I believe that this principle is correct and important. The exercise of state power is not the action of a separate entity with moral rights greater than those of individual persons, rights to use force against persons for reasons that would not justify the use of force by individuals or groups of individuals per se. If governments have the right to coerce, it must be a right possessed by the people who establish and sustain governmental institutions, and those who act through them.

There is a problem about stating this position in a way that avoids triviality. For someone who believes that governments have much larger rights than individuals could always add that the existence of such rights implies a corresponding individual right to combine with others to institute a government and act through it to exercise those

4. This helps to account for the romantic appeal of anarchism. Nozick's attempt to refute the anarchist view that even a minimal state will violate individual rights is not, I think, successful. He argues at length that a minimal state could arise by an invisible hand process from a state of nature without the process violating anyone's rights: people could voluntarily join private protective associations, one of which would naturally achieve dominance over a territory even if not everyone had agreed to join. It could then exercise limited control without violating anyone's rights. This is supposed to show that a minimal state is morally permissible. But why should the mere conceivability of such a process persuade an anarchist of that conclusion? He would already have been prepared to admit that a minimal state established by *unanimous* agreement of the participants would be allowable. He just believes no actual state will be of this sort. Similarly, he may credit Nozick with having imagined another way in which a minimal state "could" arise which violated no one's rights, even though based on less than unanimous agreement. But the likelihood of any actual state meeting these moral conditions will be almost as low. The rejection of anarchism requires the rejection of its moral premises.

5. P. 6.

larger rights of coercion and control. But in such a view, these individual rights would be derivative from the rights of the state, and not the other way around. Nozick's position, which seems correct, is that individual rights and duties are the basis of what governments may and should do.

But he appears to infer from this ethical principle a strong epistemological consequence which it does not have: that it is possible to determine what governments may and should do by first asking what individuals, taken a few at a time in isolation from large-scale society, may do, and then applying the resultant principles to all possible circumstances, including those which involve billions of people, complicated political and economic institutions, and thousands of years of history. What is more surprising, he discovers in himself intuitions about the moral requirements on men in a state of nature which he is willing to endorse as universal principles unmodified in their cumulative effects when applied in any circumstances whatever.

Abstractly described, this procedure sounds hopelessly misguided.⁶ It is hard to see how anyone could seriously arrive at firm moral opinions about the universal principles of human conduct without considering what it would be like if they were universally applied, in iterations which might create complex effects of scale. When we pass from an abstract to a more substantive description, the implausibility of the view increases. For the intuition that Nozick discovers in himself is that everyone has an absolute right to be free from coercion, and an absolute right to acquire and dispose of his property—so long as he is not violating the same rights of others and so long as his acquisition of property does not, for example, give him

6. Nozick defends the procedure in a section entitled "Macro and Micro." He says: [C]omplex wholes are not easily scanned; we cannot easily keep track of everything that is relevant. The justice of a whole society may depend on its satisfying a number of distinct principles. These principles, though individually compelling (witness their application to a wide range of particular microcases), may yield surprising results when combined together. . . . [O]ne should not depend upon judgments about the whole as providing the only or even the major body of data against which to check one's principles. One major path to changing one's intuitive judgments about some complex whole is through seeing the larger and often surprising implications of principles solidly founded at the micro level.

Pp. 205-06. Obviously; but another way to change one's intuitive judgments about the scope or truth of principles at the micro level is by seeing their larger implications. The fact that the rights of governments derive from the rights of individuals does not imply that we can come to know the rights of individuals without thinking about governments; just as the fact that the properties of molecules derive from the properties of atoms does not imply that we can come to know the properties of atoms without investigating molecules. The logical and the epistemological connections need not go in the same direction: even if political philosophy is logically dependent on ethics, our knowledge of some aspects of ethics may derive from an investigation of political philosophy.

sole title to the formerly public water supply of a desert community.⁷

Nozick's intuition is that each person is entitled to his talents and abilities, and to whatever he can make, get, or buy with his own efforts, with the help of others, or with plain luck. He is entitled to keep it or do anything he wants with it, and whomever he gives it to is thereby equally entitled to it. Moreover, anyone is entitled to whatever he ends up with as a result of the indefinite repetition of this process, over however many generations. I assume that most readers of Nozick's book will find no echo of this intuition in themselves, and will feel instead that they can develop no opinion on the universal principles of entitlement, acquisition and transfer of property, or indeed whether there are any such universal principles, without considering the significance of such principles in their universal application. One might even agree in part with Nozick's views about what people should do in the limited circumstances that define interpersonal relations in the state of nature, but not agree that the proper generalization of those judgments is their unmodified application to all cases no matter how complex or extended. They might be based instead on principles which give these results for small-scale individual transactions but rather different results for the specification of general conditions of entitlement to be applied on an indefinitely large scale.⁸

The fact is, however, that Nozick's moral intuitions seem wrong even on a small scale. He denies that any of the rights he detects may be overridden merely to do good or prevent evil. But even if it is not permissible to murder or maim an innocent person to promote some highly desirable result, the protected rights do not all have the same degree of importance. The things one is supposed to be protected against are, in order of gravity: killing, injury, pain, physical force, deprivation of liberty of many different kinds (movement, association, and activity), destruction of one's property, taking of one's property; or the threat of any of the above (with all *their* variations in gravity). It is far less plausible to maintain that taking some of an innocent man's property is an impermissible means for the prevention of a serious evil, than it is to maintain that killing him is impermis-

7. The latter is the familiar proviso in Locke's theory of property acquisition, but according to Nozick it will not operate as a serious restriction in a free market system. P. 182.

8. The example of entitlement that he offers (p. 206) as a decisive retort to such skepticism—a natural right not to be deprived of one's vital organs for the benefit of others—is plausible partly because of the extreme character of such an assault and partly because there is no possibility that protection of this right will lead to the accumulation of vast hereditary wealth or inequalities of social and political power.

sible. These rights vary in importance and some are not absolute even in the state of nature.

The sources of morality are not simple but multiple; therefore its development in political theory will reflect that multiplicity. Rights limit the pursuit of worthwhile ends, but they can also sometimes be overridden if the ends are sufficiently important. The only way to make progress in understanding the nature of individual rights is to investigate their sources and their relations to each other and to the values on whose pursuit they set limits. Nozick says little about the basis of the inviolability of persons, but the following remark indicates where he would be inclined to look:

[W]hy may not one violate persons for the greater social good? Individually, we each sometimes choose to undergo some pain or sacrifice for a greater benefit or to avoid a greater harm: we go to the dentist to avoid worse suffering later; we do some unpleasant work for its results; some persons diet to improve their health or looks; some save money to support themselves when they are older. In each case, some cost is borne for the sake of the greater overall good. Why not, *similarly*, hold that some persons have to bear some costs that benefit other persons more, for the sake of the overall social good? But there is no *social entity* with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others, uses him and benefits the others. Nothing more. What happens is that something is done to him for the sake of others. Talk of an overall social good covers this up. (Intentionally?) To use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has. *He* does not get some overbalancing good from his sacrifice, and no one is entitled to force this upon him—least of all a state or government that claims his allegiance (as other individuals do not) and that therefore scrupulously must be *neutral* between its citizens.⁹

It is not clear how Nozick thinks individual rights derive from the fact that each person's life is the only one he has. He appears to draw the implication that a benefit to one or more persons can never outweigh a cost borne by someone else. This, however, is far too broad a claim for Nozick's purposes. It is both obviously false and unsuitable as a basis for constraints on the treatment of individuals.

To make sense of interpersonal compensation it is not necessary to invoke the silly idea of a social entity, thus establishing an analogy

9. Pp. 32-33 (emphasis in original; footnote omitted).

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with intrapersonal compensation. All one needs is the belief, shared by most people, that it is better for each of 10 people to receive a benefit than for one person to receive it, worse for 10 people to be harmed than for one person to be similarly harmed, better for one person to benefit greatly than for another to benefit slightly, and so forth. The fact that each person's life is the only one he has does not render us incapable of making these judgments, and if a choice among such alternatives does *not* involve the violation of any rights or entitlements, but only the allocation of limited time or resources, then we regard those comparisons as excellent reasons for picking one alternative rather than the other. If we can help either 10 people or one person, not included in the 10, and we help the 10, then we can say that rescue of the 10 outweighs the loss of the one, despite the fact that *he* does not get some overbalancing good from his sacrifice, and his is the only life he has.

So for the purpose of comparing possible outcomes of action, where the violation of rights is not in question, it is clear that the distinctness of individuals does not prevent balancing of benefits and harms across persons. If special constraints enter in when a sacrifice is to be imposed on someone as a *means* to the achievement of a desirable outcome, their source must lie elsewhere. Such constraints should not derive from a principle which also has the consequence that practically nothing can be said about the relative desirability of situations involving numbers of different people.

Furthermore, the source of rights of the general kind Nozick advocates cannot be discovered by concentrating, as he suggests we should, on the meaning of individual human lives and the value of shaping one's own life and forming a general conception of it. Vague as his suggestions are,¹⁰ they all suffer from an error of focus, for they concentrate solely on features of persons that make it bad for certain things to *happen* to them, and good for them to have the opportunity to do certain things. But rights of the kind that interest Nozick are not rights that certain things not *happen* to you, or rights to be provided with certain opportunities. Rather they are rights not to be deliberately treated or used in certain ways, and not to be deliberately interfered with in certain activities. They give rise to claims not against the world at large, but only against someone who contemplates deliberately violating them. The *relation* between the possessor of the right and the actor, rather than just the intrinsic nature of the possessor and of his life, must enter into the analysis of the

10. See pp. 49-50.

right and the explication of its basis.

Any theory of rights must explain this structural feature, even if it does not follow Nozick in elevating the unimpeded exercise of the will into the supreme principle of morality. It is of the first importance that your right not to be assaulted is *not* a right that everyone do what is required to ensure that you are not assaulted. It is merely a right not to be assaulted, and it is correlated with other people's duty not to *assault* you. This cannot be explained simply by the fact that it is bad to be assaulted, which is merely an item in the catalogue of values by which the desirability or undesirability of occurrences or sets of occurrences is to be weighed. That assault is disagreeable or bad does not explain why the prohibition of it should serve as a constraint on the pursuit of other values or the avoidance of other harms, even if those other values outweigh the badness of assault in a pure calculation of the relative desirability of possible outcomes. Sometimes one is required to choose the less desirable alternative because to achieve the more desirable one would have to violate a right.

As Nozick points out,¹¹ the constraints on action represented by rights cannot be equivalent to an assignment of large disvalue to their violation, for that would make it permissible to violate such a right if by doing so one could prevent more numerous or more serious violations of the same right by others. This is not in general true. It is not permissible in Nozick's view (or mine) to kill an innocent person even to prevent the deliberate killing of three other innocent persons. A general feature of anything worthy of being called a right is that it is not translatable into a mere assignment of disvalue to its violation.

An explanation of the basis of rights would therefore have to concentrate on the actor and his relation to the person he is constrained not to treat in certain ways, even to achieve very desirable ends. And it would have to explore the interaction between those constraints, and the goals whose pursuit they constrain. There is no reason to think that either in personal life or in society the force of every right will be absolute or nearly absolute, *i.e.*, never capable of being overridden by consequential considerations. Rights not to be deliberately killed, injured, tormented, or imprisoned are very powerful and limit the pursuit of any goal. More limited restrictions of liberty of action, restrictions on the use of property, restrictions on contracts, are simply less serious and therefore provide less powerful

11. P. 29.

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constraints.¹²

Moreover, there is a big difference between suddenly expropriating half of someone's savings and attaching monetary conditions in advance to activities, expenditures, and earnings—the usual form of taxation. The latter is a much less brutal assault upon the person.¹³ Whether this kind of limitation of individual liberty should be permitted, to acquire resources for the promotion of desirable ends, is a function of the gravity of the violation and the desirability of the ends. (And as I have observed, this does not mean that it is justified whenever the result is a maximal social balance of benefits and costs.)

Nozick would reply that such ends can be achieved by voluntary donations rather than by compulsion, and that people who are well-off and who deplore the existence of poverty should donate significant portions of their assets to help those who are unfortunate.¹⁴ But this is no more plausible coming from Nozick than it was coming from Barry Goldwater. Most people are not generous when asked to give voluntarily, and it is unreasonable to ask that they should be. Admittedly there are cases in which a person should do something although it would not be right to force him to do it. But here I believe the reverse is true. Sometimes it is proper to force people to do something even though it is not true that they should do it without being forced. It is acceptable to compel people to contribute to the support of the indigent by automatic taxation, but unreasonable to insist that in the absence of such a system they ought to contribute voluntarily. The latter is an excessively demanding moral position because it requires voluntary decisions that are quite difficult to make. Most people will tolerate a universal system of compulsory taxation without feeling entitled to complain, whereas they would feel justified in refusing an appeal that they contribute the same amount volun-

12. The fact that a right can be overridden to avoid sufficiently serious consequences does not mean that its violation can be assigned a disvalue comparable to the disvalue of those consequences. For that would give the occurrence of such a violation greater weight in a calculation of outcomes (e.g., when the question is what may be done to prevent such violations by others) than it in fact has. Therefore, although rights may on occasion be overridden, the violation of some people's rights cannot automatically be justified because it leads to a reduction in the more serious violation of other people's rights. This issue arises in connection with preventive detention, wiretapping, and search and seizure, all of which might be useful in the prevention of robbery, murder, assault, and rape.

13. It may be objected that taxation must be backed up by the threat of stronger force and even violence. But this arises only if there is resistance at the first level. If the original, nonviolent demand is legitimate, escalation may occur if the subject resists it and uses stronger methods to resist each succeeding method for enforcing the previous one.

14. Pp. 265-68.

tarily. This is partly due to lack of assurance that others would do likewise and fear of relative disadvantage; but it is also a sensible rejection of excessive demands on the will, which can be more irksome than automatic demands on the purse.

A political theory that reflected these moral complexities would assign society the function of promoting certain goods and preventing certain evils, within limits set by the differing constraints of different individual rights. It would not judge processes and procedures solely by their tendency to produce certain outcomes, nor would it judge outcomes solely by the processes that had produced them. Social institutions and the procedures defining them would be assessed by reference both to their respect for individual rights and liberty, and to their tendency to promote desirable ends like the general welfare.

Nozick offers a classification of principles of distributive justice into which such a theory does not fit.¹⁵ After defining a *historical* principle as one which asserts that the justice of a distribution depends on how it came about,¹⁶ and an end-result principle as one which denies this,¹⁷ he defines a *patterned* principle as one which specifies "that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographic ordering of natural dimensions."¹⁸ His own theory, the entitlement theory, is easy to describe in these terms. It is a nonpatterned historical principle, for it specifies that any distribution is just if it was arrived at by a series of individual transactions among people entitled, by natural rights of acquisition and transfer, to make them.

But suppose a theory says that a distribution is just if it results from a process governed by rules that reflect (a) the suitability of certain patterns, (b) the desirability of increasing certain good results and decreasing certain evils independently of any pattern, and (c) a respect for individual rights of differing importance. Such a theory will be at bottom neither purely historical nor purely patterned. It will be formally historical, but the "historical" or process criterion will be partially determined by considerations of pattern and considerations of total outcome. Therefore Nozick's concentrated attack on patterned principles and nonhistorical principles provides no reason to think that his alternative is correct.¹⁹

15. Of course distribution is only one of the things covered in any political theory, but we may leave others aside for the moment.

16. P. 153.

17. P. 155.

18. P. 156. "To each according to his need" would be an example.

19. More specifically, his arguments against Rawls are seriously weakened by a Procrustean attempt to portray Rawls's principle of distributive justice as a nonhistorical or

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Apart from this defect, the attack is still unsuccessful. Nozick asks us to imagine some patterned principle realized, and then argues that its preservation would require interference with individual liberty: people would have to be prevented from using their allocations under the pattern as they wish. For example, preservation of a reasonably equal distribution would require that individuals not be permitted to pay Wilt Chamberlain 25 cents for each basketball game they see him play with the understanding that he can keep it all, even if it amounts to \$250,000 a year. This is perfectly obvious, and it is part of what would be *meant* by a patterned principle of distribution: the adoption of a general system of acquisition, taxation and exchange that tends to preserve a certain pattern.

It only seems a problem to Nozick, and a further violation of liberty, because he erroneously interprets the notion of a patterned principle as specifying a distribution of *absolute entitlements* (like those he believes in) to the wealth or property distributed. But absolute entitlement to property is not what would be allocated to people under a partially egalitarian distribution. Possession would confer the kind of qualified entitlement that exists in a system under which taxes and other conditions are arranged to preserve certain features of the distribution, while permitting choice, use, and exchange of property compatible with it. What someone holds under such a system will not be *his property* in the unqualified sense of Nozick's system of entitlement. To suppose otherwise is to beg the question, and that is exactly what Nozick does when he says:

There is *no* question about whether each of the people was entitled to the control over the resources they held in D_1 [the original patterned distribution]; because that was the distribution (your favorite) that (for the purposes of argument) we assumed was acceptable. . . . If the people were entitled to dispose of the resources to which they were entitled (under D_1), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain?²⁰

This mistake drains the argument of its force.

end-result principle. Rawls does not maintain that the justice of a distribution can be determined independently of how it was produced. He believes that its justice depends on the justice of the institutions, including legal institutions defining entitlement, which were involved in its production. These are assessed only partly on the basis of their tendency to promote a certain distributive end-state. Rawls, for example, gives priority to the preservation of individual liberty, and while he does not mean by this what Nozick means, it certainly restricts the procedures by which a distribution can be justly arrived at. *See generally* J. RAWLS, *A THEORY OF JUSTICE* (1971).

20. P. 161 (emphasis in original).

Let me turn briefly to the difficult subject of equality. While the elimination of misery, poverty, and disease are probably more important social goals than the achievement of economic equality, the latter is one of the ends some people regard as legitimate. Nozick's view is predictable. If inequality arises as a result of the free exercise of entitlements, it cannot be objected to on grounds of injustice, and liberty may not be in any way infringed to reduce it. Since people are entitled not only to the wealth they inherit but to their natural assets,²¹ further inequalities resulting from the employment of these assets are just.

But there is no reason to believe in an absolute natural right to profit from one's natural assets, even if a less than absolute right to their free exercise is acknowledged as a limitation on the pursuit of equality or other social goals. Someone who regards equality as a good will assume that its achievement does not take absolute precedence over efficiency, liberty, and other values. Nevertheless, more than this is required to answer Nozick, for it is not clear what makes equality of distribution a good thing *at all*. Nozick does not acknowledge the right of the state to limit liberty to produce any merely desirable outcome. But why should someone with a more standard view about individual rights be in favor of a goal of social and economic equality? Perhaps he can argue that the average level of well-being—both in material terms and in terms of contentment and self-esteem—is likely to be higher in a relatively equal society than in an unequal one of comparable total wealth. Perhaps he will argue that the political effects of economic inequality are harmful to individual liberty and general welfare. But these considerations, though very important, are not reasons for regarding equality as a good in itself; yet that is a common moral view.

It cannot be defended by claiming that inequalities are arbitrary unless based on morally relevant differences among people. Arbitrariness is a moral defect only if it can be contrasted with an alternative that is selected on the basis of morally relevant factors. Unless there is independent justification for equality, an equal distribution is just as arbitrary from a moral point of view as any other. To defend equality as a good in itself, one would have to argue that improvements in the lot of people lower on the scale of well-being took priority over greater improvements to those higher on the scale, even if the latter improvements also affected more people. While I am sym-

21. P. 225.

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pathetic to such a view, I do not believe it has ever been successfully defended.

I have dwelt on the book's theoretical shortcomings; there is much in it that I have not discussed, including a final chapter which describes a pluralistic libertarian utopia,²² and interesting analyses of such diverse topics as Marx's labor theory of value²³ and the treatment of animals.²⁴ Unlike most works of philosophy, it is funny, fast-paced and a pleasure to read. Nozick's writing, though inelegant, has great energy, and meets a high standard of clarity and definiteness. One is rarely in doubt about what Nozick is claiming, or about what one denies in rejecting his views.

22. Pp. 297-333.

23. Pp. 252-62.

24. Pp. 35-41.