

# THE FAILURE OF NOZICK'S INVISIBLE-HAND JUSTIFICATION OF THE POLITICAL STATE

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In *Anarchy, State, and Utopia*, Robert Nozick contends that the fundamental question of political philosophy is whether there should be a political state at all. "Why not," he asks, "have anarchy?"<sup>1</sup> This is a serious question which, he insists, demands consideration prior to any discussion of the proper structure of a political state.

State of nature theory provides, in Nozick's estimation, the most profitable starting point for addressing the question of anarchy. In fact, he perceives a two-fold purpose in state of nature theory, the first justificatory, the second explanatory. In its justificatory role, state of nature theory establishes that if one can demonstrate that a political state (a) would be superior to the best situation of anarchy (i.e., state of nature)<sup>2</sup> which can reasonably be hoped for, (b) would come into being without taking any morally impermissible steps, that is, without violating anyone's natural rights, or (c) would be an improvement over the state of nature, then formation of a political state is justified.<sup>3</sup> The explanatory purpose of state of nature theory relates to what Nozick calls a "fundamental explanation of [a] realm."<sup>4</sup> Such an explanation is valuable because it explains the realm in terms of its most basic, important, and unavoidable features. Hence, he maintains that if one can explain the political realm in terms of the nonpolitical (the state of nature), then one has achieved the most desirable and complete *fundamental explanation* of the political realm possible.

The plausibility of Nozick's admittedly "libertarian"<sup>5</sup> political philosophy thus turns in large part upon the state of nature which undergirds it. In this paper I suggest that shortcomings in his formulation of that state of nature undermine his political theory's credibility. In particular, I argue that the state of nature he conceives rests upon two

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<sup>1</sup>Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 4. All citations in text are to this source.

<sup>2</sup>Throughout *Anarchy, State, and Utopia*, Nozick conceives of anarchy in terms of the traditional state of nature. This comes across most clearly in the Preface where he parenthetically describes 'anarchy' "as [that situation] represented by Locke's state of nature." Nozick, p. xi.

<sup>3</sup>Nozick, p. 5. Although Nozick expresses these three points in the disjunctive as separate considerations, it is not apparent from the text how (a) 'superior to' and (c) 'improvement over' differ.

<sup>4</sup>Nozick, p. 6. Emphasis in original.

<sup>5</sup>See Nozick, p. ix.

crucial assumptions -- (1) the generally moral character of its inhabitants, and (2) their possession of certain natural rights -- neither of which is sufficiently developed nor even consistently adhered to in *Anarchy, State, and Utopia*. Moreover, and more critically, these assumptions together do not lead to the construction of a state of nature which fulfills the justificatory purpose Nozick delineated for state of nature theory. His state of nature cannot be used to justify the political state over a situation of anarchy.

### I. NOZICK'S STATE OF NATURE

As noted, Nozick's state of nature rests upon two critical assumptions. The first concerns the basic moral character of the people who inhabit it. Nozick fashions his state of nature as "a nonstate situation in which people generally satisfy moral constraints and generally act as they ought" (p. 5). It is neither a Hobbesian "minimax" nightmare (p. 5), where life is "solitary, poore, nasty, brutish, and short,"<sup>6</sup> nor is it a purely optimistic "maximax" dreamworld (p. 5), a forever innocent Garden of Eden. Rather, it is the best anarchic situation one can reasonable expect. People in it do not always act as they should, but generally they do.

The second crucial assumption Nozick makes in contriving his state of nature is that he endows the people within it with certain natural rights. Nowhere does he clearly spell out these natural rights. He simply fashions his state of nature as "something sufficiently similar to Locke's state of nature" (p. 9), containing a 'sufficiently similar' set of natural rights. Thus borrowing largely from Locke, Nozick roughly sketches a set of natural rights containing five basic freedoms: (1) an abstract right of freedom of action;<sup>7</sup> (2) a right to acquire and hold property;<sup>8</sup> (3) a right to

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<sup>6</sup>Thomas Hobbes, *Leviathan*, ed. C. B. MacPherson (1651; rpt. Middlesex: Penguin, 1968), p. 186.

<sup>7</sup>Nozick introduces this abstract right of freedom of action with the very first words of his book: "Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do. How much room do individual rights leave for the state?" Nozick, p. ix. Since the very nature of his inquiry from the outset is thus to consider the scope of a just political state in a world where individuals have rights prior to the state's existence, it is clear the rights he is referring to are natural or inherent. That one, perhaps the most basic, of these rights is an abstract right to freedom of action plainly emerges from passages such as: "Our main conclusions about the state are that ... any more extensive state [than the minimal state] will violate persons' rights not to be forced to do certain things, and is unjustified;" Nozick, p. ix, and "Individuals in Locke's state of nature are in 'a state of perfect freedom to order their actions... as they think fit, within

contractual relations (that is, a right to transfer or alienate any of one's holdings or rights);<sup>9</sup> (4) a right of non-aggression (i.e., a right not to be harmed in one's person or property);<sup>10</sup> and (5) a right of enforcement (i.e, a

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the bounds of the law of nature, without asking leave or dependency upon the will of any other man." Nozick, p. 10, quoting John Locke, 'The Second Treatise of Government', in *Two Treatises of Government*, 2nd ed., ed. Peter Laslett (New York: Cambridge University Press, 1967), sec. 4.

<sup>8</sup>Nozick does not directly articulate this right until midway through *Anarchy, State, and Utopia* when he explains why the minimal state cannot morally permit redistribution of goods or wealth under what he regards as the theoretical ruse of distributive justice. See generally Nozick, ch. 7. A natural right to acquire and hold property underlies the 'principle of justice in acquisition', which in turn is the first principle in his entitlement theory of justice in distribution. See Nozick, p. 150 ff. The fact that he conceives of the right to acquire property as a natural right becomes even more clear in his discussion of Locke's theory of property, where he traces the Lockean notion that property originates through mixing one's labor with things. Nozick, pp. 171, 174-75. Furthermore, the right to property receives implicit recognition early in Nozick's book when he discusses the Lockean state of nature he adopts. Though he does not directly affirm the right, he does affirm rights for all inhabitants of the state of nature to "dispose of their possessions... as they think fit," and to be secure in their "life, health, liberty, or possessions." Nozick, p. 10. Both of these rights necessarily require prior recognition of a right to property.

<sup>9</sup>The right of contract first enters into Nozick's formulation of the state of nature in his initial Lockean specification of rights: "individuals in Locke's state of nature are in 'a state of perfect freedom to ... dispose of their possessions and persons as they think fit....'" Nozick, p. 10, quoting Locke, *Second Treatise*, sec. 4. This right reappears in the discussion of his entitlement theory, where it forms the basis of his second principle of justice in holdings, the principle of justice in transfer. Nozick, p. 150.

<sup>10</sup>Nozick also derives the right of non-aggression from Locke. He states: "The bounds of the law of nature require that 'no one ought to harm another in his life, health, liberty, or possessions.'" Nozick, p. 10.

right to punish or exact compensation from those who violate one's own or others' rights).<sup>11</sup>

Recognition of these rights is central to Nozick's argument that a minimal political state is justified. Following Locke, he acknowledges there are certain inconveniences in the state of nature. Rather than considering these inconveniences sufficient ground, as Locke does, for establishing a political state, however, Nozick begins by considering what arrangements may be made within the state of nature to remedy them (pp. 10-11).

The set of natural rights, in particular the rights of nonaggression and enforcement, permits individuals in the state of nature to enforce their rights, defend themselves, and punish and exact compensation from aggressors. The right of enforcement further allows them to seek recompense for harm done to others. Nozick posits that these rights would lead groups of individuals to join together in the formation of mutual-protection associations (p. 12). These protective associations will each establish procedures for intra-association strife as well as conflict between members and nonmembers. The pressures of a totally free market, the need for division of labor, economies of scale, and so on, together with rational self-interest will lead to strong competition between protective associations (pp. 16-17). The weaker, less efficient associations will go out of business as people flock to the associations which guarantee the best protection for the cheapest cost. Ultimately, a single protective association (or a federation of united agencies) will gain dominance in a particular geographical area. Nozick calls that association the Dominant Protective Association (p. 15ff).

Nozick seriously considers the possibility that the dominant protective agency constitutes a minimal political state. Have we, in other words, already left the state of nature? He appears to conclude at first we have not, but then, on second thought, perhaps we have. The dominant protective association lacks two features traditionally considered essential to the existence of a political state. First, it allows some people to enforce their own rights, and hence does not possess a *de jure* monopoly on force (pp. 22-24, 51). And second, it does not provide protective services to all people

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<sup>11</sup>The right of enforcement, as we will see, is the pivotal natural right for Nozick's derivation of the political state. He uses it to justify the evolutionary movement from the state of nature through protective associations to the dominant protective association and, finally, the minimal state. We find this right inherent in his state of nature: "In a state of nature an individual may himself enforce his rights, defend himself, exact compensation, and punish (or at least try his best to do so). Others may join with him in his defense, at his call." Nozick, p. 12. Like the other natural rights, Nozick borrows his right of enforcement from Locke. See Nozick, p. 10.

within its jurisdiction, but only to those who pay for them (pp. 22-24, 51). Thus, the dominant protective association is not a political state even within the definition of the minimal night-watchman state of classical liberal theory (p. 25).

The dominant protective association certainly constitutes something more, however, than the plethora of competing private protective associations out of which it grew. Although the dominant agency does not possess a *de jure* monopoly on force, its consolidation of power permits it to enjoy a *de facto* monopoly (p. 108ff). Once power has become concentrated in it, the dominant protective agency will regard its own procedures of criminal justice as reliable and fair, and will employ them at will (p. 108). Nonmembers will be prohibited from ignoring these procedures or defending against them (p. 108). Contrariwise, the dominant agency will be bound to recognize no other set of criminal procedures. "It, and it alone," stresses Nozick, "enforces prohibitions on others' procedures of justice, as it sees fit" (p. 108). It, and it alone, will have the power to force all others to heed its procedures of justice, while it will abide only by those (if any) it freely chooses to recognize (p. 109). In this manner the dominant protective association comes to possess a *de facto* monopoly. And when it does, it no longer occupies the state of nature, but has evolved into a political entity, the *ultramiminal* state (p. 26).

Nozick completes this "invisible-hand explanation" (pp. 18-19, 119) of the evolutionary development of a political state by arguing that the *ultramiminal* state will evolve into the *minimal* state (pp. 113-114). The sole function of the *ultramiminal* state is to protect and seek requital for violations of the rights of its paying members (pp. 26, 27). It performs this function under the authority of its "legitimate powers," which "are merely the *sum* of the individual rights that its members or clients transfer to [it]."<sup>12</sup> With those rights, however, the *ultramiminal* state takes on certain obligations. Among those is the obligation to respect and not impinge upon the rights of nonmembers (pp. 27-28). Formation of a dominant protective association, however, and its *de facto* evolution into the *ultramiminal* state encroaches upon the rights of nonmembers to engage in self-help activities, pursuant to the right of enforcement, against members of the dominant agency. Denial of these self-help enforcement rights entitles nonmembers to compensation.<sup>13</sup> And providing that compensation transforms the *ultramiminal* state into the *minimal* state (p. 119).

Although the provision of compensation in the form of protective services to nonmembers appears redistributive, Nozick maintains it is not. The word "redistributive," he claims, refers to "types of *reasons* for an arrangement," not to the arrangement itself.<sup>14</sup> The provision of goods or

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<sup>12</sup>Nozick, p. 89. Emphasis in original.

<sup>13</sup>Nozick, p. 115. See generally chap. 4.

<sup>14</sup>Nozick, p. 27. Emphasis in original.

services to one group of people by assessing the costs thereof to another is 'redistributive', therefore, only if its "major supporting reasons" are redistributive (p. 27). Nozick contends the provision of protective services by the dominant protective association to nonmembers is not redistributive because its 'major supporting reason' stems from the *principle of compensation* (p. 115). No one in the dominant agency has redistributive intent. The reason for compensation is moral. Because the dominant agency possesses a *de facto* monopoly on force, the principle of compensation requires its members to pay for the protection of those whom they, jointly as members of the dominant protective association, have prohibited from self-help enforcement against them (p. 119). And since he has assumed that people generally act as morality requires, Nozick concludes that such compensation will be paid (p. 119).

In this manner Nozick believes he has sufficiently answered the question of anarchy. He has explained the legitimate nature of a political state. And he has demonstrated how such a state justifiably emerges out of the anarchical situation of the state of nature. Or has he? Must we accept his construction of the state of nature upon which his theory rests? Is he justified in making his two crucial assumptions regarding the general moral character of people and the natural rights they possess in the state of nature? Is he faithful to these assumptions throughout the course of his invisible-hand explanation of the minimal state's evolution? To these questions we now turn.

## II. THE GENERALLY MORAL CHARACTER OF PEOPLE

How does Nozick's assumption that people generally act according to morality affect his evolutionary development of the state? Recall that Nozick rejected both pessimistic and roseate descriptions of people in the state of nature, preferring instead a conservatively optimistic middle ground. Few would dispute his declining to adopt a utopian state of nature. But why not the Hobbesian "minimax" standard? Is not that touchstone, with its assumption that people are basically greedy and self-serving (though not necessarily evil), as realistic as the 'generally moral' standard Nozick espouses? Nozick offers little argument for his preference for the latter. He simply states that no political state incorporating a pessimistic view of human nature would be superior to a pessimistically described state of nature (p. 5).

This assertion apparently refers to two of Nozick's three justificatory criteria attending state of nature theory. Those two criteria aver that formation of a political state is justified if it is (1) 'superior to' or (2) an 'improvement over' the state of nature (p. 5). The third criterion holds that the political state must come about by 'morally permissible means' (p. 5), that is, without infringing the natural rights of those who occupy the state of nature. Nozick then proceeds, in his invisible-hand explanation of the minimal state's development, to focus almost exclusively on the latter

criterion. The gist of his invisible-hand explanation, in other words, is to demonstrate that the minimal political state is justified because it can issue from the state of nature without proceeding along a morally impermissible path.

Why then the 'superior to' and 'improvement over' criteria? Nozick presents his three criteria in the disjunctive. Presumably, therefore, he considers the political state justified if any one of the three is satisfied. Since his invisible-hand explanation of the minimal state's development turns on the 'morally permissible means' criterion, the 'superior to' and 'improvement over' criteria do not appear necessary for his justification of the state. He could have proceeded just as well by assuming a Hobbesian "minimax" perspective on human behavior. That is, he could have proceeded just as well *unless* his 'generally moral' assumption plays a further behind-the-scenes role in his evolutionary argument for the minimal state.

It does. The 'generally moral' assumption appears as a central notion at one juncture in Nozick's invisible-hand argument for the state. The principle of compensation demands that members of the dominant protective association provide protective services for nonmembers denied their self-help enforcement rights because of the dominant agency's *de facto* monopoly on force. Nozick expressly states that the members of the dominant protective association will heed the principle of compensation because he has "assumed that generally people will do what they are morally required to do" (p. 119). Only after acknowledging this reliance upon the 'generally moral' assumption does Nozick conclude he has successfully answered the question of anarchy.

I see nothing objectionable in this reliance by itself. What is objectionable is Nozick's failure to resolutely adhere to the 'generally moral' assumption throughout the invisible-hand evolution of the state. He draws upon it when, as in regard to the principle of compensation, it serves his purposes; but he ignores it when it does not. This inconsistent application of the assumption is apparent from the following considerations.

The first stage Nozick identifies in the evolutionary development of the political state is the emergence of private protective associations out of the state of nature (p. 12). Why do the inhabitants of the state of nature choose to form these protective associations? Nozick describes the reason as follows:

In a state of nature, the understood natural law may not provide for every contingency in a proper fashion, and men who judge in their own case will always give themselves the benefit of the doubt and assume that they are in the right. They will overestimate the amount of harm or damage they have suffered, and passions will lead them to attempt to punish others more than proportionately and to exact excessive

compensation. Thus private and personal enforcement of one's rights (including those rights that are violated when one is excessively punished) leads to feuds, to an endless series of acts of retaliation and exactions of compensation. And there is no firm way to *settle* such a dispute, to *end* it and to have both parties know it is ended. Even if one party *says* he'll stop his acts of retaliation, the other can rest secure only if he knows that the first still does not feel entitled to gain recompense or to exact retribution, and therefore entitled to try when a promising occasion presents itself. Any method a single individual might use in an attempt irrevocably to bind himself into ending his part in a feud would offer insufficient assurance to the other party; tacit agreements to stop also would be unstable. Such feelings of being mutually wronged can occur even with the clearest right and with joint agreement on the facts of each person's conduct; all the more is there opportunity for such retaliatory battle when the facts or the rights are to some extent unclear.<sup>15</sup>

This description of the state of nature sounds strikingly Hobbesian. No one trusts anyone else. Everyone judges disputes to his or her own advantage. Feuds unfold and continue incessantly. Even when actual hostilities are not occurring, their threat looms overhead. Labelling existence a "warre... of every man, against every man"<sup>16</sup> seems appropriate for this jungle.

But whatever happened to the state of nature where "people... generally act as they ought"? That crucial justificatory assumption, so important to Nozick's contention that members of the dominant protective association will compensate those whose right to enforcement they've violated, is noticeably absent from his description of the state of nature and its shortcomings. We can attempt to iron out this inconsistency either by incorporating the 'generally moral' assumption into his description of the state of nature, or by removing it when it crops up to usher in the principle of compensation. Either attempt, however, will thwart Nozick's main objective – to justify the political state over anarchy.

If we choose the former route and actually assume that people in the state of nature will usually act as they ought, the need for mutual-protection associations disappears. These people would be in general trustworthy. They would usually judge disputes, even those in which they were parties, fairly. Seldom would feuds develop. Existence in this state of nature would not be reducible to a war of all against all. And Nozick's mission to derive the minimal state by means of an invisible-hand would never get off the ground. There simply would not be sufficient need. The inhabitants of the state of nature would be relatively content with their

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<sup>15</sup>Nozick, pp. 11-12. Emphasis in original.

<sup>16</sup>Hobbes, p. 185.

lot, and, recognizing the value of their natural rights, they would steer clear of any arrangements that could possibly place those rights in jeopardy. To these people, the prospect of a political state, or even of a protective association, would likely seem a forbidding and oppressive intrusion into a relatively good life. Hence, in the state of nature they would remain.

Nozick's program also fails if we resolve the Hobbesian/'generally moral' inconsistency by withdrawing his reliance on the latter when it arises in conjunction with the principle of compensation. Under this alternative, we assume that people at every stage in the evolutionary development of that state will act in a Hobbesian manner. Considering the final stage in that development, would members of the dominant protective agency still compensate those whose rights to self-help they've abridged? No. Untrustworthy people, always judging to their own benefit, who cannot rest without owning the last lick of retaliation, can hardly be expected to freely compensate others once they realize they hold all the power. Reveling in their *de facto* monopoly on force, they would certainly eschew the principle of compensation. But without that principle Nozick cannot even attain, let alone justify, the minimal state. He is left holding the ultraminimal state with its *de facto* monopoly which, if not tempered with compensation, impinges upon the rights of nonmembers. To end the process at that stage of uncorrected (and uncorrectable) encroachments of rights leaves Nozick susceptible to anarchistic objections.

Hence, Nozick's assumption that people in the state of nature are generally moral plays a critical role in his invisible-hand explanation of the political state. But his inconsistent application of that assumption imperils his entire program. We will now turn to further endangerment, for a serious problem surrounds the scope of the natural rights he ascribes to inhabitants of the state of nature.

### III. NATURAL RIGHTS AND THE PRINCIPLE OF COMPENSATION

As his second crucial assumption, Nozick suggests that people in the state of nature enjoy certain natural rights. Most of these he never directly articulates. Indeed, he forewarns us that he will knowingly (if not deliberately) shroud these rights in vagueness. In both the Preface and Chapter One of *Anarchy, State, and Utopia*, Nozick cautions that he will not present a developed theory of the moral basis underlying the natural rights he posits.<sup>17</sup> Following what he terms "the respectable tradition of Locke" (p. 9), he simply rests those rights upon "general features that [he] believe[s] such [a] theory would have were [it] worked out" (p. xiv).

Despite this foggy presentation, it is possible to glean five natural rights to which Nozick gives at least token recognition, and which are central to his invisible-hand explanation of the political state. I earlier

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<sup>17</sup>See Nozick, pp. xiv, 9.

identified these rights as an abstract right of freedom of action, a right to acquire and hold property, a right to enter into contractual relations, a right of non-aggression, and a right of enforcement. Nozick's postulation of these natural rights plays a two-fold role in his political theory. First, it helps to define the state of nature from which the political state evolves. And second, it provides a yardstick by which to judge whether the political state is justified.

In defining the state of nature and positing the natural rights held by its inhabitants, Nozick adopts a stringently *individualistic* and *atomistic* account. All natural rights are individual rights (pp. ix, 10, 118). They benefit their holder, and can only be waived by his or her free and express consent. Moreover, each natural right is separate and distinct from the others (pp. 10-12). The combination of any pair or even all five does not imply any rights or powers irreducible to any one.

This individualistic and atomistic posture carries over to the political state, as well as the dominant protective agency and all intermediate protective associations. Neither the state nor any collective amalgamation of individuals can possess rights different or greater than those of its members (p. 118). The lawful powers of the state, the dominant protective association, and every private protective agency are strictly limited to "the *sum* of the individual rights that its members or clients transfer to [it]" (p. 89). Nozick stresses this point by stating, "No new rights and powers arise; each right of the [state or] association is decomposable without residue into those individual rights held by distinct individuals acting alone in a state of nature" (p. 89).

Despite this clear disclaimer of any intention to increase the scope of the natural rights in the final stages of his evolutionary program, Nozick does just that. He scuttles his atomistic approach by tacitly approving acts of power by the dominant agency which exceed the cumulative force of the rights its members transferred to it.

As we have seen, the essence of Nozick's final evolutionary move is the payment of compensation. The ultraminimal state becomes the minimal state when it compensates nonmembers for impinging upon their rights (pp. 113, 119). Because this payment of compensation appears redistributive, the dominant protective association has finally become a political state. But why can the dominant protective association/minimal state violate the rights of nonmembers so long as it pays compensation? Could any number of its members do this? Let us return for a moment to the state of nature. Could a single powerful individual forcefully infringe the rights of others merely because he promised (as a 'generally moral' person?) to compensate them for their losses? Certainly not. Nozick consistently stresses that although all rights can be waived, they can only be waived with the right-holder's free consent. What about a small first-stage protective association? Could its members *morally* play the part of a mini-dominant protective association by denying others their self-help enforcement rights and then compensating

therefore? By force, perhaps; morally, no. Such forceful denials of rights, even when supplemented by compensation, abridge the natural rights Nozick deems inherent in the state of nature. Since his principal justification for the minimal state is its emergence by morally permissible means, he obviously cannot sanction these hypothetical situations, even when tempered with compensation.

How then can Nozick approve such action by the dominant protective association? If the dominant agency's powers consist of nothing more than the *sum* of the natural rights of its members, how can it perform an action from which its members are prohibited? It cannot. The fact that Nozick allows it to indicates that the powers he ascribes to the dominant protective association are *greater* than the *sum* of its members' rights. The natural rights he postulates are not sufficient conditions for the minimal state to evolve out of the ultraminimal state. Even with the adoption of a fair and reliable system of criminal justice,<sup>18</sup> the ultraminimal state violates the self-help enforcement rights of nonmembers. Nozick cannot overcome this barrier with the natural rights as originally introduced. Those rights provide no license for knowing and purposeful violations of others' rights, even if they are mollified by compensation. No individual in the state of nature can appeal to the principle of compensation when he or she should be respecting others' rights. Hence, neither can the dominant protective association. If its powers truly cannot exceed the sum of its members' rights, then the dominant agency cannot legitimize violating others' rights by invoking a principle not contained in the rights it inherits. Since Nozick allows it to do just that, he obviously is expanding its powers in a manner he himself defines as morally impermissible.

This expansion permits Nozick to complete his evolutionary saga of the state's development. Without it he could never have reached the minimal political state. Paradoxically, however, in doing so, he compromises his invisible-hand program. The justice of Thrasymachus does not influence natural rights as they are enjoyed in the state of nature. But it certainly amends them by the time the dominant protective association is transformed into the minimal state. The dominant agency, by virtue of its *de facto* monopoly on force, wields power derived simply from might. The aggregative force of the natural rights of individuals increases when the dominant protective agency holds it all. Since his justification of the political state rests, however, on its emergence by morally permissible means, Nozick's program once again collapses. Expanding the dominant agency's powers beyond the rights transferred to it by its members is a strikingly impermissible step. Since it is necessary for completion of his invisible-hand program, Nozick cannot achieve his objective -- he cannot justify the political state.

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<sup>18</sup>Nozick, p. 96 ff.

#### IV. CONCLUSION

Several problems beset Nozick's attempt to justify the political state. To successfully overcome the question of anarchy, he maintains that an invisible-hand explanation of the political state is necessary. Placing the foundation of that explanation in state of nature theory, he avers the political state is justified if it can emerge without recourse to morally impermissible means. The state of nature he designs for this program, however, rests on two crucial assumptions. People are 'generally moral,' and in the state of nature they enjoy certain natural rights.

Critical examination of his invisible-hand program in light of these two assumptions reveals a number of problems. He applies neither assumption consistently in all stages he passes through. And attempts to remove the inconsistencies undermine the very structure of his program. Moreover, the natural rights he attributes to people in the state of nature are not sufficient to derive the minimal political state. In order to reach that stage, he must broaden their scope. Doing so, however, involves taking morally impermissible steps. Hence, he's trapped in a dilemma which undercuts his justificatory objective by foiling his attempt to justify the political state over the persistent question of anarchy.