Liberty, Legitimacy, and Property in Robert Nozick’s *Anarchy, State, and Utopia*

**Format:** The reading lists are designed for 6 sessions that last 90 minutes, led by a faculty member or qualified graduate student.

**Readings:**

*Session I: The State of Nature and the Ultraminimal State*
- Chapter 1 “Why the State-of-Nature Theory?” pp. 3-9
- Chapter 2 “The State of Nature” pp. 10-25
- Chapter 3 Selection from “Moral Constraints and the State” (ending at “The Individualist Anarchist”) pp. 26-51

*Session II: Procedural Rights and Prohibitions of Risky Behavior*
- Chapter 3 Selection from “Moral Constraints and the State” (beginning at “The Individualist Anarchist”) pp. 51-53
- Chapter 4 “Prohibition, Compensation and Risk” pp. 54-87
- Chapter 5 Selection from “The State,” “Prohibiting Private Enforcement of Justice” pp. 88-90
- Chapter 5 Selection from “The State,” “de facto Monopoly” pp. 108-118

*Session III: Distributive Justice and Equality*
- Chapter 7 “Distributive Justice” Section One pp. 149-182

*Session IV: The Principles of Fairness*
- Chapter 5 Selection from “The State,” ”The Principle of Fairness“ pp. 90-95
- Chapter 7 Selection from “Distributive Justice” Section Two pp. 183-227

*Session V: Envy, Exploitation, and Democracy*
- Chapter 8 Selections from “Equality, Envy, Exploitation, Etc.” pp. 239-275
- Chapter 9 “Demoktesis” (first page only) pp. 276
- Chapter 9 Selection from “Demoktesis,” “The More-Than-Minimal State Derived” pp. 280-292

*Session VI: A Framework for Utopia*
- Chapter 10 “A Framework for Utopia” pp. 297-334
Discussion Questions:
Below are some questions you may wish to consider while you are reading to get you started. These questions are not meant to be restrictions, but rather as starting points to help you engage with the texts.

Session I: The State of Nature and the Ultraminimal State - Why is the notion of the “state of nature” important to Nozick’s argument? Why must moral philosophy precede political philosophy, and how do we determine what fundamental coercive power the state may exercise? What rights protect an individual’s governance of his or her own life? How should those rights be expressed? What “use” of persons should concern us? Is Nozick’s limitation to “physical use” a reasonable one? What are Nozick’s criticisms of utilitarianism?

Session II: Procedural Rights and Prohibitions of Risky Behavior - How is the notion of “risk” related to determining whether protective agencies can justifiably suppress independents? How is this question vitally related to the notion of a “state”? What are rights, according to Nozick? Does Nozick mean to prohibit any action that violates the rights of another or does he believe that it is possible (and reasonable) to make compensation for rights violations? Are these two positions mutually exclusive? How would the dominant protective agency fairly and impartially adjudicate disputes? Why should we assume that this agency would act according to any particular discipline? Does the minimal state hold a natural monopoly on protective services? If so, is it necessary for the minimal state to be subject to constitutional discipline?

Session III: Distributive Justice and Equality - What is Nozick’s historical entitlement theory of justice in holdings? How may we say that a person “justly” holds something? Does Nozick have a plausible account of how an individual may justly acquire unowned raw material? Is it true, as Nozick asserts, that the set of holdings that arises from just procedures will itself be just? How are the fruits of one’s labor related to self-ownership? Does the “Lockean Proviso” represent a strain of egalitarianism in Nozick’s thought? How does Nozick’s advocacy of this Proviso accord (or fail to accord) with his understanding of rights? Is there a genuine theory of property rights in Nozick’s book?

Session IV: The Principle of Fairness - How does Nozick’s entitlement theory address those who are worst off in society, if at all? Why would those who are worst off accept the entitlement theory? Are there theories that are neither Rawlsian nor Nozickian that would be more appealing, rationally, to the worst off? What is Nozick’s principle of rectification? Do past injustices in the acquisition of raw materials now require the transfer of that material (or the wealth based on it) from current owners to others (such as American Indians)? Do past injustices in the acquisition of labor (from slaves) now require compensatory payments? How does our knowledge of the past affect our ability to follow the principle of rectification?

Session V: Envy, Exploitation, and Democracy - Nozick affirms liberty as a basic principle and rejects equality as a basic principle. Does the affirmation of equal liberty or equal self-ownership implicitly involve an endorsement of equality of results among people? Even if this is not the case, why should we endorse a principle of liberty without also endorsing a principle of equality? Is there a conflict between liberty and equality? What is it? How does the extension of rights affect the content of those rights? If self-ownership is based on rationality and autonomy, what is the moral position of those who do not possess these things? Does Nozick provide an answer to this question?

Session VI: A Framework for Utopia - Is there psychological and sociological coherence in Nozick’s conception of utopia? Does Nozick’s political theory rely upon an exalted view of human beings? If utopia relies on many people having deep and intense loyalties to their own high particular (and separate) communities, will these people also support the neutral, abstract framework that makes these communities possible (yet does not reflect the specific values of any of these communities)? What is the nature of these communities? Can separate communities actively support the framework of toleration? Do cosmopolitan, liberal, or tolerant societies produce the kind of individual that is necessary for the defense of such societies?