

Review Essay: Ralf M. Bader's *Robert Nozick* and Ralf M. Bader and John Meadowcroft's (ed.) *The Cambridge Companion to Nozick's Anarchy, State, and Utopia*

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1. Introduction

Ralf M. Bader and John Meadowcroft have been extremely busy of late. Bader recently penned *Robert Nozick* and co-edited *The Cambridge Companion to Nozick's Anarchy, State, and Utopia* (henceforth, the *Cambridge Companion*).¹ Meadowcroft is the series editor for the former book and the co-editor with Bader on the latter. Each also found the time to contribute an essay to the *Cambridge Companion*. Wearing the dual hats of editor and writer can be extremely challenging, but both thinkers handle these duties seamlessly—to the benefit of all those interested in Nozick's work in political philosophy. I shall comment first on *Robert Nozick*, and then turn my attention to the *Cambridge Companion*.

2. Bader's *Robert Nozick*

Obviously, any expository monograph on a famous philosopher should reflect the virtues of accurately recounting his work and its significance to the field. Exemplary cases of this type of monograph go beyond this by also providing keen insight into the methodology of the thinker and giving a flavor of the person behind the work. Bader has artfully accomplished all of this and more in this brief but valuable book (136 pages). *Robert Nozick* is another edition in the Major Conservative and Libertarian Thinkers Series published by Continuum Press under the oversight of Meadowcroft. The series has traditionally called for concise contributions that require careful investigation of the views of its subjects, all the while demanding that the subject matter be handled rigorously.

Bader commendably follows in this tradition by offering a crystal-clear analysis of Nozick's *Anarchy, State, and Utopia* (henceforth, *ASU*).

¹ Ralf M. Bader, *Robert Nozick* (London: Continuum Press, 2010); and Ralf M. Bader and John Meadowcroft, eds., *The Cambridge Companion to Nozick's Anarchy, State, and Utopia* (New York: Cambridge University Press, 2011).

Bader argues that Nozick should be regarded as not only one of the most significant *political* philosophers of the twentieth century, but also as one of the top *philosophers* of that century (p. 111). Such ebullient celebration of Nozick might be thought hyperbolic until the reader is reminded not only of the breadth of Nozick's work in several areas of philosophy, but also of the many innovative thought-experiments and examples that he developed and employed throughout his career. Though Bader may not convince many readers of Nozick's "top-tier" philosophical stature, he certainly conveys the brilliance and excitement of Nozick's thought, ensuring that Nozick will surely have a deep and lasting influence on the discipline.

Bader divides *Robert Nozick* into four chapters. The first presents a short but useful biography of Nozick, detailing his philosophical beginnings and his initial acceptance of socialism. Bader provides an intriguing exposition of Nozick's (albeit begrudging) conversion from left-wing political sentiments to libertarianism (pp. 2-3). We are allowed insight into Nozick's insistence that he thought of himself not so much as a political philosopher, but as a thinker who happened to have a good idea in that subfield yet was mainly interested in other things, namely, epistemology and metaphysics. Many political philosophers have been vexed by *ASU*, which they see as a once-off provocation that Nozick refused to defend. But Bader offers an alternative take on this conventional judgment: Nozick simply had other interests and was a unique polymath of our time (p. 9).

The second chapter is a much more detailed exposition of *ASU*. Bader quickly turns to the moral foundations that underlie Nozick's arguments for a "nightwatchman" state (p. 14) and then proceeds to show how seriously Nozick takes the anarchist objection to the legitimacy of government (pp. 28-35). Bader also provides a lucid account of how Nozick's "invisible-hand" argument for the state functions. Moreover, Bader carefully explains the limitations of such an argument for justifying any state more expansive than a minimal one.

But what is particularly impressive in Bader's exposition is how he focuses on Nozick's thoughts on property acquisition and to what degree this relies on John Locke's theory and his famous Proviso in *The Second Treatise of Government*. Bader is clear that Nozick's use of Locke's theory of property acquisition and the Proviso is essentially a starting point for discussion of Nozick's theory of entitlement. He shows precisely why Nozick's appeal to Locke is complex (pp. 37-40). In addition, Bader takes great care not only to detail Nozick's most famous examples, including Wilt Chamberlain and the experience machine, but also to explicate the entitlement theory of justice and Nozick's vision of utopia. In fact, Bader's exposition of the Wilt Chamberlain example, which Nozick uses to show that liberty disrupts patterns, and of Nozick's general approach to "patterned" theories of justice, is so clearly revealing that it could be used in any undergraduate political philosophy class. Yet rigor is never sacrificed to clarity in *Robert Nozick*. Bader splendidly brings all of this out, accurately representing Nozick while unveiling the originality and vivacity of Nozick's ideas.

Bader is likewise to be applauded for not falling into the common trap of simply skimming over the third section of *ASU*. He spends a good deal of space surveying this section in the “Critical Exposition” (pp. 60-68), returning to the section again in his final two chapters. Bader also does a superb job of explaining Nozick’s view that realizing utopian visions is best served by a minimal-state framework, as well as how this is supposed to serve as an independent argument for such a state. Despite writing a relatively brief book, Bader still finds room to challenge the longstanding view that Nozick simply disavowed libertarianism late in life (pp. 68-72).

In the third chapter, Bader recounts a goodly portion of the critical challenges to Nozick’s *ASU*. Again, he serves as an excellent guide to the issues that arise with Nozick’s attempt to justify the minimal state, to show why no more expansive notion of the state is legitimate, and to explain why such a state should be inspiring. In this chapter, Bader also tries to defend a number of Nozick’s claims, responding to several criticisms of the latter’s arguments against patterned and end-state theories of justice (pp. 89-98, 100, and 104-6). Since by his own admission what makes Bader’s commentary on Nozick unique is his analysis of the arguments for a state and its utopian possibilities, I will focus on these topics. This will at least give the reader some flavor of Bader’s analysis.

Bader rightfully presents Simon Hailwood’s several criticisms of Nozick’s meta-utopian framework (and adds a few more problems in the final chapter). Yet, Bader also jumps in to defend the third section of *ASU* when the opportunity presents itself. For example, consider his response to Peter Singer’s critique of Nozick’s argument that the minimal state is inspiring as a sort of meta-utopia. Singer’s main worry is that the free-market environment which the minimal state espouses will not result in a wide array of utopian communities available to sundry kinds of people as Nozick promises. As Singer argues, in the marketplace of possible communities to choose from it is more likely that a dominant culture will arise, especially as other communities wither away. Could an austere culture, for example, survive when the “flashy temptation” of a highly consumerist culture lies just next door?

Bader channels Nozick in offering a possible reply—that freedom comes with a cost, but this cost does not justify coercing some to contribute to saving fringe cultures (pp. 107-8). Regardless of whether one agrees with Bader on this point, there is a great deal of grist here. He succeeds in showing that these issues are relevant today even in ways that he doesn’t directly acknowledge, including debates over minority rights (especially with respect to the preservation of language and other cultural traits) and political sovereignty.

In the final chapter of the book, Bader expounds on what he takes to be Nozick’s legacy in political philosophy. Again, Bader’s account of Nozick’s work is very detailed and captures the spirit of Nozick’s vision. While Bader pays a good deal of attention to why Nozick is so important due to his reinvigoration of Lockean rights-based libertarianism, it is what he says about Nozick’s work in response to anarchists that is of particular interest.

Bader makes an intriguing case that Nozick put the topic of state legitimacy back on the map. Anyone who takes rights seriously also has to take seriously what any state has the right to do to the individual (p. 117). Bader notes that most contemporary political philosophers simply assume that the state is legitimate. But again, Nozick bucked this mainstream opinion and Bader brings out nicely how sympathetic Nozick is with anarchists, even if at the end of the day Nozick thinks that the minarchist position is more plausible.

Despite the praise that has been heaped on Bader and his project here, this judgment is not unqualified. Certain weaknesses in the book need to be identified. While the reader can marvel at Bader's lucid descriptions of the many criticisms of Nozick's political theory, there are surprising gaps in this presentation. One of these gaps arises when Bader tries to meet the sundry objections to the decided absence of a foundation for individual rights in Nozick's theory. It is understandable why Bader is careful to take on this topic; it is admittedly a major objection to Nozick's brand of libertarianism, since individual rights appear to be at the center of the theory. This is especially important because, as Bader readily admits, Nozick doesn't rely in a simple way on Locke's theory of property acquisition and never replaces it with a detailed theory of his own.

Bader's response in defense of Nozick is to note that it wasn't Nozick's purpose to build a moral theory from the ground up; the idea that individuals have rights is a plausible enough intuition to use as a starting point to see what sort of political theory could be built on this axiom (p. 114). This may be the case. However, there is another possible response to Nozick's critics that Bader could have explored which is already in the secondary literature. For instance, Loren Lomasky has written in great detail about how a libertarian account of a foundation for moral rights could be given.² This omission of Lomasky's defense of Nozick is all the more puzzling, since Bader does in passing refer to the possibility that Nozick's thoughts on the meaning of life have some role to play in grounding individual rights. Lomasky in fact fleshes out the possibility that individual rights are so important because they originate in an impulse to take seriously the ability of individuals to pursue the projects necessary to carve out their own individual lives. Lomasky also writes about other parts of *ASU* that Bader finds particularly neglected. For example, Lomasky devotes an article to Nozick's framework for utopia,³ but nowhere in Bader's book does he acknowledge this work. It is interesting that in so many places Bader is cautious and notes with great acuity and detail the secondary literature associated with Nozick's work, and yet these puzzling gaps exist.

² See Loren Lomasky, *Persons, Rights, and the Moral Community* (New York: Oxford University Press, 1987).

³ See Loren Lomasky, "Nozick's Libertarian Utopia," in *Robert Nozick*, ed. David Schmidtz (New York: Cambridge University Press, 2002), chap. 4.

It is also strange that Bader does not point to some of the most well-known (and likely most caustic) critiques of Nozick's *ASU*. In this case, we need to look no further than to some of the immediate negative reactions to Nozick's work that came in the form of early book reviews of *ASU*. Brian Barry is a case in point, as he launched a particularly ferocious attack on the book shortly after its publication.⁴ Now of course, defenders of Nozick might say that Barry's scathing review of Nozick's work so closely borders on *ad hominem* that it doesn't deserve a serious reply. But even some who thought that Barry's review of *ASU* was unfair to Nozick still took the time to point out the transgression. For example, even though Jerry Millet objected to the review as a "hysterical attack on Nozick," he at least thought Barry's critique warranted a response.⁵ In a book that does so well otherwise to give the flavor of the reaction to Nozick's *ASU*, neglecting to mention Barry's review is a noticeable oversight.

But even having noted these fairly minor shortcomings, Bader writes a fabulous book that is a must-read for any serious researcher on Nozick's political philosophy. It is ideal for the researcher who wants a quick survey of important critical replies to *ASU*. It is also essential reading for the graduate student who needs a crash course on Nozick's political philosophy that doesn't sacrifice rigor to accessibility. The writing is sufficiently clear and jargon-free to serve advanced undergraduates who want an introduction to Nozick's political theory in a way that brings the issues of *ASU* alive. Bader is sympathetic to Nozick without being overbearing. In fact, it is interesting to witness how Bader defends Nozick on numerous occasions and on a variety of topics against critics coming from a number of different perspectives. This is not the usual tack for a commentator and adds to the vivacity of the work, suggesting that Nozick continues to stimulate vigorous debate.

3. Bader and Meadowcroft's (ed.) *The Cambridge Companion to Nozick's Anarchy, State, and Utopia*

For the *Cambridge Companion*, Bader and Meadowcroft have assembled an impressive array of philosophical talent. In addition to fine essays by Bader and Meadowcroft themselves, the guest contributors include Richard Arneson, Michael Otsuka, Fred Feldman, Eric Mack, Gerald Gaus, Peter Vallentyne, David Schmidtz, Barbara Fried, and Chandran Kukathas. As one would expect from a Cambridge Companion, all of the essays contain numerous fine and interesting insights. Yet, just as with Bader's *Robert Nozick*, what makes the *Cambridge Companion* of particular interest is the

⁴ Brian Barry, "Review of *Anarchy, State, and Utopia*," *Political Theory* 3, no. 3 (1975), pp. 331-36.

⁵ Jerry Millet, "On Brian Barry's 'Review of Nozick'," *Political Theory* 4, no. 2 (1976), pp. 236-37.

attention that is paid to topics in Nozick's political thought which have been left relatively untouched.

After a brief introduction, the *Cambridge Companion* is divided into four sections. The first is called "Morality." The other three are devoted to "Anarchy," "Justice," and "Utopia," respectively. The "Morality" section begins with Arneson's strong essay entitled "Side Constraints, Lockean Individual Rights, and the Moral Basis of Libertarianism." He argues that while "Nozick hints at several arguments supporting his claim that fundamental enforceable moral requirements binding all of us consist entirely of side constraints with the content of Lockean libertarian rights," Nozick never really shows that this is true (p. 35).

In chapter 2, Michael Otsuka focuses on the role of moral side-constraints in *ASU*. These side-constraints are designed to be in keeping with the Kantian idea of the separateness of persons, and that one should not be sacrificed to any other entity. In this case, Nozick is worried that the rights of individuals might be sacrificed to the state. This is a particularly interesting piece, since Otsuka addresses a criticism I made of Bader's *Robert Nozick*. I noted that Bader doesn't really acknowledge Lomasky's connection between the promotion of a meaningful life and side-constraints. Otsuka doesn't mention Lomasky by name, but he does discuss a strategy like Lomasky's, even though he doesn't find it useful (pp. 49-50).

Fred Feldman follows with an essay on a different topic: the experience machine. This thought-experiment has now become standard in philosophy classes as a robust challenge to utilitarianism. Since, broadly speaking, utilitarians believe that happiness or pleasure is the highest good, any demonstration that in fact happiness or pleasure is not the highest preferred moral goal would work against the theory. On the usual view, we would agree with Nozick that we ought not to plug into the machine, because we value "reality" or "authenticity" more than happiness. However, Feldman challenges this conventional view. He presents an intriguing analysis of possible interpretations of the experience-machine example as a critique of utilitarianism or any form of hedonism, contending that they all fail.

The second section ("Anarchy") begins by featuring Eric Mack's reflections on whether Nozick succeeds in his claim that a state is justified via an invisible-hand process (pp. 89-115). Mack thinks that Nozick fails at this endeavor and on interesting grounds. Mack's complaint is that while Nozick claims to endorse only a minimal state, he inevitably supports a state that is more expansive in its function.

In chapter 5, Gerald Gaus's contribution also focuses on invisible-hand theorizing, but this time examines even more closely the project of explanatory political philosophy that Nozick undertakes (p. 117). Gaus mainly ends up accepting Nozick's position on explanatory political philosophy. He also accepts Nozick's argument for the state, concluding that states are morally legitimate and that they are more efficacious in the preservation of life, liberty, and property rights than would be the case in the state of nature.

Peter Vallentyne leads off the “Justice” section of the book with his essay on Nozick’s theory of justice generally, focusing on the Wilt Chamberlain example (pp. 145-67). Vallentyne not only nicely outlines Nozick’s principles of just acquisition, just transfer, and rectification, but also extends Nozick’s theory by including additional principles of self-ownership and other principles that would presumably protect individuals from injustice. Vallentyne concludes that the Wilt Chamberlain example does not show what it is alleged to demonstrate, namely, that all patterned theories of justice are illegitimate. Vallentyne goes on to contend that the Wilt Chamberlain example gives us little reason to criticize what he calls starting-gate and other theories of distribution that initially have patterns but then use procedural transfer principles.

In chapter 7, Meadowcroft comes to a quite different conclusion from Vallentyne concerning Nozick’s theory of justice. After noting a rare point of agreement between Nozick and Rawls—that both base their critique of utilitarianism on the separateness of persons—Meadowcroft goes to great lengths to defend Nozick’s entitlement theory and to vindicate his famous critique of Rawls’s theory of justice as fairness. Meadowcroft does an especially nice job of describing Nozick’s complaint that Rawls makes tacit assumptions that load the case in his favor with respect to the selection process of contractors in the original position. These assumptions prevent them from selecting entitlement principles and pave the way for them to choose the Liberty and Difference Principles.

David Schmidtz follows Meadowcroft’s essay with a contribution that looks more generally at some of Nozick’s most important contributions to political philosophy (p. 197). Schmidtz’s essay shares with Meadowcroft’s a focus on Rawls’s theory of justice. Schmidtz makes the crucial point (consistent with Vallentyne’s interpretation) that the Wilt Chamberlain example does not work as well as Nozick thought against weak patterned theories. However, Schmidtz thinks that Nozick’s use of the example as a critique of strong patterned theories of distribution remains instructive to this day. Perhaps the highlight of Schmidtz’s essay is his intriguing argument involving moral luck. Schmidtz argues that Nozick was right to question Rawls’s claim that justice must be sensitive to the moral arbitrariness of the genetic and social lotteries. In order to show why, Schmidtz makes a distinction between a benign version of moral arbitrariness that should be considered a sort of randomness and a more virulent version that is more capricious. However, Schmidtz argues that the genetic and social lotteries result in a sort of randomness that should not be corrected by the state (pp. 218-22).

In chapter 9, Barbara Fried makes the case that Nozick’s theory of property rights does not hold up to critical scrutiny. Mainly, she thinks that Nozick’s *ASU* is disjointed. For example, Fried claims that Nozick has a roughly utilitarian argument in the first section of his book, in which he claims that the state is morally justified. However, in his second section on what *sort* of state is justified, he shifts to a Lockean understanding of property rights to

set the rules that allow for only a nightwatchman state. Furthermore, Fried recalls that in the “Utopia” section of *ASU* Nozick resorts to a minimally constraining state where a possibility of exit is ensured. That is, opting out must be possible at the national level even though it doesn’t have to be possible at the local level, despite the fact that there are only a certain number of communities available and there may not be a particular community that is conducive to each individual’s preferences. In Fried’s estimation, this motley assortment of arguments is inconsistent and consequently does not leave us with a coherent theory of property rights (p. 244).

Bader then provides his own strong contribution in chapter 10, at the beginning of the book’s final section on “Utopia.” He provides a detailed description and analysis of Nozick’s model for utopia. As he did in *Robert Nozick*, Bader sets Nozick’s utopia in the context of the overall argument of *ASU*, emphasizing that the meta-utopia is supposed to serve as a distinct argument for the minimal state. Not only is it the case that the minimal state can arise via invisible-hand means and is the only sort of state justified (as all others will overreach and violate the rights of individuals), but it is an inspiring framework for an array of communities that will allow individuals to realize their own conceptions of the good life (p. 255). While Bader does not think it is clear that Nozick succeeds in offering an *independent* argument for the minimal state, he does think that the third section of *ASU* provides support for Nozick’s arguments for such a state in Parts I and II.

In the book’s final contribution, Chandran Kukathas offers a critique of the idea that the minimal state provides a sound framework for utopia. He argues that Part III of *ASU* shows us “neither a plausible account of a utopian community nor the inspiring conception of a minimal state that Nozick promises” (p. 289). I will say more about this chapter below.

While all of the chapters are well constructed by philosophers, political theorists, and experts in jurisprudence, I want to highlight some particularly interesting accounts of Nozick’s work in the *Cambridge Companion* where either conventional wisdom has been innovatively questioned or some relatively unexplored topics are broached. This in no way should signal to the reader that the remainder of the chapters have shortcomings or don’t provide profound and useful insights.

Feldman’s contribution is compelling in challenging the mainstream way of understanding the experience-machine thought-experiment. He addresses interpretations of the experience machine which claim that it damages the positions of ethical hedonism, psychological hedonism, “mental-state” theories of welfare, and utilitarianism. Feldman concludes that the experience machine is not a particularly good criticism of any of these positions. He thinks that part of the problem is that the example (especially when examined in the classroom) is taken out of its original context. Most anthologies only use the short excerpt of the experience-machine example itself without any note of explanation. This allows readers to miss the point of the thought-experiment, according to Feldman. Additionally, he thinks that even those somewhat familiar with *ASU* too easily assume that simply

because Nozick discusses utilitarianism in the vicinity of the experience-machine example, the thought-experiment must be a criticism of the theory (pp. 64-65).

Feldman explains that the experience-machine example is actually located in the midst of a series of digressions, the last of which concerns what Nozick calls a “thicket of questions” concerning the application of utilitarianism to animals and a predecessor of the non-identity problem (p. 62). With respect to the latter topic, the question arises: Is it morally permissible to kill a person if you immediately replace him with another person who is slightly happier? This likely raises issues concerning utilitarianism in human lives, but does it necessarily cause problems for how utilitarianism applies to animals? According to Nozick, the experience machine appears because we need to know whether there is anything that matters to people (and animals) besides their felt experiences. Hence, we are presented with the case of whether one would willingly plug into a reliable machine that could create any set of experiences we might wish for in life. Nozick presumes we would not do so, for we want something more than the *experience* of doing certain things—we actually want *to do* certain things.

Feldman notes that Nozick has plenty of other arguments against utilitarianism that never refer to the experience machine. Also, Feldman argues that the passage itself would not support the interpretation of its being an argument against utilitarianism. Utilitarianism assumes that an act is right only if it indeed maximizes net utility. However, on the face of things, people would not and should not plug in to the machine, as this would not maximize utility. After all, my plugging in might increase *my* hedonic value, but would likely do little to increase the utility of *other* people (p. 66).

Feldman then considers the possibility that the anti-utilitarian argument is really that since people will not plug in, they must value something more than pleasure. This, in turn, shows that hedonism is false. Since utilitarianism relies on hedonism, then if hedonism is false, utilitarianism is also false. This indeed seems like the most standard interpretation of how the experience machine allegedly causes problems for utilitarianism. Feldman responds that this interpretation fails, because (again) there is no textual evidence that Nozick intended this critique and that this critique would only affect hedonistic brands of utilitarianism. Preference utilitarianism, he argues, would not be affected. Feldman recognizes the opportunity to kill two birds with one stone: If the experience machine fails to constitute an argument against hedonism, this would *a fortiori* show that it doesn't make an argument against classical utilitarianism either. He thinks that without certainty about the reliability of the machine, people will not plug in, but this says nothing about valuing goods others than pleasure. Furthermore, even if we had certainty about the machine's reliability, and were fully rational and selfish about our welfare, it would be irrelevant to ask whether such a person would enter the machine, as we are not like this (pp. 70-72).

Feldman makes a strong case, though perhaps he worries a bit too much about what Nozick's intentions were in devising the experience-machine example. After all, what comes out in *Robert Nozick* and in some of the chapters in the *Cambridge Companion* (Bader's, Meadowcroft's, and Gaus's come to mind) is that Nozick's style of argumentation is more exploratory and speculative. That said, no matter what Nozick's intentions were, his arguments *could* be classified as any combination of anti-utilitarian, anti-hedonistic (descriptively or normatively), and anti-welfarist. Additionally, Feldman spends too much time criticizing interpretations of the experience machine on the grounds that people would not enter due to worries that the machine might break down. This seems to miss the point of thought-experiments (a more charitable reading of the passage would likely assume the machine is reliable). We are to assume that the machine is reliable, since the whole point is to isolate the variables to be examined that concern what we prefer or value. This would likely circumvent facile criticisms of the example. Granted, one could criticize the experience machine as being too farfetched and hence a faulty thought-experiment, but nowhere does Feldman note that this is his concern. On the other hand, Feldman is thorough enough in his analysis to argue that *even if* we had knowledge that the machine would not malfunction, the reasons we might not (or should not enter it) do not show that utilitarianism, psychological hedonism, ethical hedonism, or mental-state theories of welfare are false. These criticisms of Feldman's analysis are minor. Overall, he questions the conventional wisdom well, and provides a forceful reminder that commentators (and instructors!) need to be much more mindful of properly setting the context of the examples they analyze and use.

Meadowcroft's contribution is strong in its detail of Nozick's critique of Rawls. But along with that, his work here is unique in the innovative responses he designs to try to defend Nozick from some of his toughest critics. Just as one case in point, Thomas Nagel contends that the only way the Wilt Chamberlain example really works is if we assume that our rights to property are absolute, but points out that under a Rawlsian approach, property rights would not be absolute. Since the example is supposed to be able to accommodate *any* initial distribution and voluntary agreement and still show that there is nothing wrong with Chamberlain's greater holdings given voluntary exchanges, taxing Chamberlain would be justified.

Meadowcroft argues, however, that Nagel's challenge doesn't do much to blunt the force of Nozick's Wilt Chamberlain example. First of all, Nozick does not think that property rights are absolute in all instances, and hence doesn't seem to rely on them. Even if Nagel were right, Meadowcroft thinks that Nozick still shows that "in any conceivable society there will be continuous deviations from any preferred or ideal time-slice/end-state distribution and there is no obvious basis for believing that the new distributions will be unjust" (p. 178). Secondly, even though property rights are not absolute, this does not mean that individuals fail to have *any* entitlement to their holdings. This seems to suggest, argues Meadowcroft, that entitlements still have some role to play in any viable theory of distributive

justice. Moreover, he asserts that even if Nagel were correct in this particular criticism of the Wilt Chamberlain example, there still remains the issue of whether a patterned theory would be worth accepting given the likely constant interference in people's lives necessary to maintain it. This is an intriguing response and one to which defenders of Rawls's theory of justice will have to attend.

Finally, Kukathas's contribution is unique in the way it attempts to demonstrate the implications that Nozick's preference for the minimal state has for his unsuccessful approach to achieving conditions for utopia. According to Kukathas, the sort of utopian vision Nozick wishes to defend is one that is ultimately achievable only outside of the state. So, the cost of Nozick's defense of the minimal state (which Kukathas thinks fails anyway) is that despite his efforts he can't show how individuals get to live their utopian dreams within the restricting confines of the state.

Kukathas systematically questions all of Nozick's arguments in favor of the idea of why we need even a minimal state (which is what Nozick means by a "framework for utopia"). Nozick thinks that others failed in their utopian visions because they employed a design approach to trying to realize a "best possible world." The problem is designing a system that can possibly accommodate the utopian ideals of different people with very different lives. In contrast, Nozick argues that his framework serves as a filter device, allowing people to devise their own communities within the framework of the minimal state. Over time, this would naturally filter out some communities which would not attract enough adherents to survive (pp. 296-98).

Kukathas argues that it is unclear why the minimal state (or framework) works as a filtering device. First of all, other alternatives (presumably anarchist ones) would serve the same result of allowing individuals to experiment in different ways of living. Even if we saw the framework as a sort of free-market economy, this still wouldn't require that a state needs to be involved. Kukathas also questions whether, if Nozick's argument is that the minimal state serves as a framework to serve as a kind of scientific experiment to find the best communities, the state would end up serving as a monitoring agent that judges the best sort of life. While Kukathas makes an intriguing case, this last point seems to be a bit of a red herring. It is unclear that Nozick is really suggesting that the minimal state *disallows* individuals to judge by their own lights what the good life is. Moreover, Kukathas doesn't fully acknowledge the value of a state in serving a protective function. He notes that the minimal state could have a somewhat beneficial role as a filtering device in allowing individuals peaceful emigration to other communities that better suit their preferences (pp. 299-300). But this is not the only condition that calls for the state as a protective apparatus; ethnic and religious hostilities, territorial disputes, and squabbles over resources between communities will likely need adjudication and sometimes require the use of force. Surely, defenders of Nozick could still make a *prima facie* case that the likelihood would be higher that individuals would have the opportunity to realize their own aspirations within that

structure peacefully than with competing protection agencies outside of a state. But beyond these considerations, Kukathas makes a strong case that the utopian vision of Nozick could be at least similarly achieved via an anarchist approach.

4. Conclusion

I would say that Bader and Meadowcroft are correct in the way they sum up the collective judgment on Nozick's work in *ASU* by the contributors to the volume. As they put it:

The contributions to this collection as a whole suggest that Nozick's main legacy consists in a large number of insightful suggestions, ideas, and arguments, as well as a range of powerful criticisms of alternative views. . . . The significant effect of shaping political philosophy over the course of the last thirty-five years is thus to be explained primarily in terms of the way in which *ASU* has challenged mainstream conceptions of justice, in particular by means of the Wilt Chamberlain example, while much of its continuing appeal is due to Nozick's vivid examples and insightful suggestions as well as his playful rhetoric and engaging tone. (p. 11)

In closing, Bader and Meadowcroft have left us with two highly engaging and stimulating books. One would be well served, after having ruminated on Nozick's *ASU*, to delve into Bader's *Robert Nozick*. This would not only allow one to receive an essential summary of Nozick's work, but also to familiarize herself with some criticisms of it. Furthermore, such a reading would also introduce one to some possible rejoinders to those criticisms from Bader. To delve deeper into the analysis of many of Nozick's specific arguments, one could then examine Bader and Meadowcroft's *Cambridge Companion*, which provides much more current, detailed, and pointed investigations of Nozick's assumptions and arguments on a bevy of topics. Regardless of reading strategy, any reader of these reflections on Nozick's work is sure to gain a wealth of knowledge from sustained study of them.

