

Feser on Nozick

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On Nozick

Edward Feser

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Edward Feser's *On Nozick* is an overview of Robert Nozick's political philosophy from a rare perspective—that of someone who, generally, agrees with it. Writes Feser (2004, 6), “this book promises to be something unique in the literature on Nozick—a more or less *sympathetic* introduction to his political philosophy.”

The sympathy with which Feser treats Nozick is both a highlight of this very short book (it spans less than 100 pages), as well as something of a detraction. While a book about Nozick that speaks so well of him is welcome, Feser seems, at times, to be a little too kind to Nozick, making it seem as though Nozick's was the final word on most topics.

Feser's work appears to have two goals. The first, explicit, is to outline, analyze, and defend Robert Nozick's version of the libertarian political philosophy. The second, implicit, is an explication and general defense of the libertarian political philosophy in general. Throughout, Feser painstakingly details what amounts to the general libertarian political position, which holds that we ought to be free to pursue our own goals to any extent we would like—restricted only by the requirement that we not harm non-consenting others in the process. The book is of significant value to those studying Nozick's political philosophy, as it capably defends Nozick, provides us with the panoply of objections leveled against him, and attempts to provide counter arguments. For all of that, Feser's is a fast-paced, accessible, and readable overview.

In a chapter entitled “Libertarianism,” Feser goes to some length identifying the various reasons someone might choose to subscribe to libertarianism. Thus we learn about Adam Smith’s “invisible hand” as an argument for the market (15), Friedrich Hayek’s “spontaneous order” and evolutionary defense of market institutions (15–17, 23), and Hayek’s and Ludwig von Mises’s objections to even the feasibility of central planning—as a consequence of the inability to get adequate knowledge about all of the circumstances to make the right decisions (18–21). Feser also addresses concern about the indigent and poor, discussed in the light of, for instance, David Beito’s research into the role of voluntary charities (27). The environment is not neglected either as Feser provides us with reasons to think that a private property system would be better for the environment than alternatives (85). In short, the book offers as thorough a primer on libertarianism as its length allows.

The arguments, however, do not always hit their mark. Commenting on Nozick’s legacy, Feser writes: “A lasting effect of Nozick’s work has been to put the idea of rights back into play in mainstream philosophy, and even philosophers unsympathetic to Nozick’s overall conclusions nevertheless acknowledge that a doctrine of rights of *some* sort or other is essential to a complete political philosophy” (5–6). It’s difficult to see exactly why Feser might say something like this. He mentions, just prior to this quote, that natural rights are but one *foundational* notion among others. Thus, the political philosophy of David Hume, founded on a complex notion of conventions, is a contrast to a natural rights theory—to, indeed, rights theory *in general*.

Similarly for Hayek, whose analysis of processes—spontaneous order and the evolution of systems of knowledge and behavior—underscored his approach. For Hayek, legitimacy was a consequence of the right process, not necessarily a correlation with some pre-set expectations. This minor oversight is particularly surprising given Feser’s extensive familiarity with Hayek.¹

In fact, Feser’s discussion of the principle of self-ownership is illustrative of the appeal to and reliance upon intuitions. Central to most versions of libertarianism, especially Nozick’s, is the notion that

we own ourselves—that our bodies and minds are property, and that we are the (legitimate) owners of that property. Feser claims that for most of us the principle of self-ownership will just seem right intuitively. If we can sensibly speak of owning anything, what better candidate for ownership than ourselves—our own bodies and minds?

This idea, however, is not always met with universal assent. We might shrink from it on the grounds that it simply offends us aesthetically—to think of humans as property in any sense is to associate something commercial with humanity, for instance. And, unlike most libertarians, we might not think very highly of commercial sorts of things. Feser is aware of the possibility of just such an objection, and offers us the following: “But for anyone who doubts it, the main argument given in its defense is that unless we assume the truth of the thesis of self-ownership, we have no way of explaining the immorality of many practices we all consider clearly immoral” (32–33). What sorts of practices? He mentions the “almost universally” considered “very great evil” slavery. For Feser, the only way to account for this shared moral intuition is that “in making someone a slave, a slave owner simply violates the slave’s property rights in himself: No one *else* can properly own you, because *you* already own yourself, and a slave owner is in effect stealing from you” (33). Notice that this “main argument” for the principle of self-ownership is a direct appeal to intuitions. We’re expected to make use of these intuitions to validate the principle of self-ownership, from which we derive the notion that slavery is wrong. And this is dangerously close to going in a circle.

Feser seems to think that the principle of self-ownership is the only worthwhile defense of our distaste for slavery, unless we bite the bullet and admit that what we’re working with is just a matter of social convention or, worse, *preference*.² Feser wants to deny the (logical) possibility of this approach. In defending Nozick, he proposes that the right to self-ownership has to be considered in some sense *natural* or else it wouldn’t be the antecedent condition to some social state of affairs. Thus, “if [rights] are granted to me by others under some convention or agreement, then it would again seem to follow that I don’t fully own myself—for in that case these *other* people would have

the *right* to give me rights over myself, which entails that *they* at least partially own me” (45). The first thing to say here is that the entailment seems not quite right. It does not appear to follow that just because these others may have the right to decide about whether or not to agree to a general convention of abiding by a right to self-ownership that they somehow partially own, well, *anything*. At any rate, it’s difficult to see how this follows. Secondly, why couldn’t we have agreed to this at some time in the past such that Feser, Nozick, Marx, you, and I, and so on, are *here and now* full self-owners? People may not have owned themselves in 1812 but, with the nascent self-ownership convention of 1814, say, fully owned themselves since. And do so now.

While Feser’s defense of Nozick’s foundational views *is* unconvincing, other arguments within the book are convincing. Perhaps most important is his rebuttal of the well-worn criticism of Nozick’s *Anarchy, State, and Utopia* as “libertarianism without foundations.” This famous objection, stemming from a book review by Thomas Nagel, argues that Nozick just asserts that we have rights, without doing the proper legwork. Why, for instance, should we think that we have these things? It’s possible that Nagel couldn’t get passed the first lines of Nozick’s book where Nozick writes that people have rights, and that there are certain things no one may do on account of those rights. But this criticism is well shy of the mark, as Feser capably demonstrates. Look, says Feser, natural rights do provide a foundation, even if, as pointed out above, those foundations may be shaky. And those natural rights stem from, in part, self-ownership. Even if we decide that this line of reasoning should be committed to the flames, it doesn’t change the fact that it is a foundational offering, and Feser drives this point home.

There are, however, still two more general points of criticism that can be raised against Feser’s *On Nozick*: the first is aesthetic; while the second is about the choice of content. Throughout the work, Feser has a somewhat irritating habit of overusing the option of italicizing words. Each paragraph is *peppered* with individual words *italicized* to *emphasize* a particular word, or phrase, presumably to *aid* in our understanding. Unfortunately, the effect is a tedious interjection of

someone else's cadence—the usual flow of reading is occasionally interrupted through an abuse of emphasis.

The second general quibble is a little more disconcerting; although the work seeks to be a general overview of Nozick's political philosophy taken as a whole, what it accomplishes, in effect, is to act as a summary and critical analysis of *Anarchy, State, and Utopia*. Indeed, the entire book is a chapter by chapter overview, explication, and analysis of Nozick's famous book, rather than a comprehensive look at all of Nozick's political philosophy offerings.

For instance, we are never told of Nozick's ingenious paper entitled "Why Do Intellectuals Oppose Capitalism?" (1986). Herein, Nozick attempts to explain the seemingly comical antipathy most intellectuals tend to have against the capitalist economic system. His argument boils down to something like this: Intellectuals do well in academic settings. Academic settings are obvious—the teacher decides who gets what sort of prize (generally measured in grades), and the basis of the prize is also somewhat obvious (usually the smarter kids, and harder workers, get better grades, and plenty of attention). The market, however, is not as obvious as all that, and the rewards it gives out are not always based on some obvious pre-described rubric. Indeed, smarter people do not always end up being the wealthier ones, since the market is dependent on the choices of millions of people, making their purchasing decisions in accordance with their own preferences (and not in accord with what smart people tend to think are smart reasons). Central planning, however, has all the features of an academic setting where the intellectuals find comfort. Committees set up goals, the hierarchy is obvious, and rewards are given out on the basis of some relatively obvious system of "merit." And this, according to Nozick, seems to offer us an explanation for that antipathy to capitalism. A neat account—although nowhere does Feser mention it.

We might be inclined to disregard these criticisms since the force of *Anarchy, State, and Utopia* is worthy of treatments of this sort. Indeed, for Nozick himself, papers dealing with political topics, including the ones mentioned, after *Anarchy, State, and Utopia*, seem to be simple afterthoughts and minor revisits to a topic already covered.

Somewhat famously, Nozick was a philosopher of transient tastes; he delved into one or another subject for some time, wrote some particular treatise or conclusion about it, and then moved onto some other topic that happened to interest him more. Thus, the end result is a political philosophy that basically starts and ends with this one book. Feser does talk about “The Zig Zag of Politics,” in which Nozick retracts some of his former libertarianism; but Feser quotes from Julian Sanchez’s interview with Nozick where Nozick says he’s still a libertarian.

One omission is particularly glaring, for readers of this journal; Feser does not mention Nozick’s response to the philosophy of Ayn Rand, even though Feser himself is well aware of the significant role she has played in libertarian circles (this journal is far from the only sign of Rand’s extensive influence). Feser’s book on Nozick is part of the Wadsworth Philosophers Series, in which a volume is also devoted to Rand.³ Indeed, Nozick himself authored an oft-cited article on Rand’s ethics entitled “On the Randian Argument,” and admitted there that, despite his criticisms of her work, he “found her two major novels exciting, powerful, illuminating, and thought-provoking,” and that she was “an interesting thinker, worthy of attention” (Nozick [1971] 1981, 222 n. 1).

These concerns notwithstanding, the overall effect of Feser’s *On Nozick* is impressive. Feser’s arguments are typically erudite and expose some of the more histrionic responses to Nozick’s libertarianism. The monograph is true to Nozick, and vividly exposes Nozick’s brilliant and capable philosophic mind. This is particularly impressive given the short size of the book—presumably a requirement of the series of which it is a part. In short, Feser’s work belongs on the shelf of every serious political philosopher as a guide to Nozick.

Notes

1. Just to give one example, Feser does a capable job of explicating and defending Hayek’s view of tradition in Feser 2003.

2. Some, however, do bite the bullet. Ken Binmore, for instance, or, perhaps more famously, David Hume declared the matter to be one of social convention plain and simple. We have a distaste for this or that and, should it be generally shared, we set up stories, conventions, laws, and so on, to give the convention an artificially secure foundation. *But it’s still just a convention.* Thus, in the context of

slavery, Binmore (2000, 16) writes “it is not *obvious* that slavery is ‘wrong’ in some absolute sense. Otherwise, Aristotle would not have overlooked the fact. . . . Our opposition to slavery is a *cultural* phenomenon. . . . Our social contract does not frown on certain behavior because it is ‘wrong’; the behavior is said to be ‘wrong’ because our social contract frowns upon it.”

3. See Gotthelf 2000, which was reviewed in this journal (Skoble 2000).

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