

# The Right to Be Rich or Poor

by [PETER SINGER](#)

Ira. W. DeCamp Professor of Bioethics, University Center for Human Values, Princeton University



The New York Review of Books, March 6, 1975

[www.PeterSingerLinks.com](http://www.PeterSingerLinks.com)

---

When times are hard and governments are looking for ways to reduce expenditure, a book like *Anarchy, State, and Utopia* is about the last thing we need. That will be the reaction of some readers to this book. It is, of course, an unfair reaction, since a work of philosophy that consists of rigorous argument and needle-sharp analysis with absolutely none of the unsupported vague waffle that characterizes too many philosophy books must be welcomed whatever we think of its conclusions. The chances of Gerald Ford reasoning his way through Nozick's book to the conviction that he ought to cut back the activities of the state in fields like welfare, education, and health are not high. The book will probably do more good in raising the level of philosophical discussion than it will do harm in practical politics.

Robert Nozick's book is a major event in contemporary political philosophy. There has, in recent years, been no sustained and competently argued challenge to the prevailing conceptions of social justice and the role of the state. Political philosophers have tended to assume without argument that justice demands an extensive redistribution of wealth in the direction of equality; and that it is a legitimate function of the state to bring about this redistribution by coercive means like progressive taxation. These assumptions may be correct; but after *Anarchy, State, and Utopia* they will need to be defended and argued for instead of being taken for granted.

*Anarchy, State, and Utopia* falls into three sections, as its title indicates. Part I tries to show that a minimal type of state—the "nightwatchman" state of classical liberal theory, limited to protecting its citizens against force and fraud—can arise legitimately, without violating anyone's rights. In the second part Nozick argues that the minimal state is the most extensive state that can be justified and that any more extensive state does violate people's rights. The book ends with a section contending that the minimal state is, harsh appearances notwithstanding, an ideal worth fighting for.

All three sections are well worth reading, although the third is the slightest. Here Nozick, finding incredible the supposition that there is one best form of society for everyone, proposes instead a "meta-utopia"—a framework for many diverse utopian experiments, all formed of voluntary communities, so that no one can impose his version of utopia on others. Within a community people may voluntarily adopt redistributive measures, and those refusing to participate may be excluded from the

community; but within a nation, which would include many communities, there should be no compulsory redistribution. The idea is appealing because it enhances individual freedom. But there are serious objections that are not adequately considered. Could a community that wanted a lot of redistribution survive the departure of the wealthy members whose moral principles are weaker than their desire for wealth? Could it withstand the pressure of applications to join from the down-and-outs left to starve in neighboring communities run by ruthless capitalists?

Or, to take a different kind of objection, could a community maintain its dedication to an austere life of virtue if it were surrounded by the flashy temptations of American capitalism? Nozick would say that the choice between austere virtue and flashy temptation must be left to the individual; but doesn't this assume an ability to make free rational choices that most people simply do not possess? Is the free flow of information sufficient to wash away the encrusted muck of billions of dollars worth of advertising for a style of life devoted to the acquisition of consumer goods and the elimination of stains and odors? Nozick's vision of utopia fails to deal with the fundamental Marxist objection to classical liberalism: people may make choices, but they do so under given historical circumstances which influence their choices. We do not enable people to govern their lives by giving them a "free" choice within these limits while refusing to do anything about the contexts in which these choices are made.

To say this smacks of paternalism and has unpleasant totalitarian associations. But what if the choice lies not between paternalism and freedom, but between making a deliberate attempt to control the circumstances under which we live and allowing these circumstances to develop haphazardly, permitting only an illusory sense of individual liberty? I ask the question seriously, not rhetorically. Perhaps it can be answered, but Nozick passes it by with a fleeting reference to Tocqueville's idea that being free develops the capacity for freedom, and this reply does not touch the heart of the issue.

The arguments of Part I are directed mainly against the anarchist who objects to any state at all. Nozick does not say that a state is a good thing and we are all better off with a state than we would be without one. This obvious procedure for dealing with the anarchist would be foreign to Nozick's entire approach and would set a precedent subversive of his aim in the second part. Instead he maintains that we can get from a state of nature to a minimal state without violating anyone's rights, so that there is no point at which anyone can claim that the state has assumed authority illegitimately. Nozick begins his story in a state of nature modeled on that of John Locke, but he leaves this natural condition by another route, avoiding the need for the agreement or social contract that has been a source of so much criticism for Locke and his followers.

Nozick's minimal state, or "state-like entity" as he sometimes calls it, is a kind of protection agency to which people in the state of nature pay a fee for protection from assault, robbery, and so on. Nozick argues plausibly that clients of the agency would give up to the agency their rights to punish violations of their rights, and that one protective association, or federation of protective associations, would become dominant in each geographical territory. So, without any express agreements or over-all intention on anyone's part, people in the state of nature would find themselves with a body that satisfies two fundamental conditions for being a state: it has a monopoly of force in its territory, and it protects the rights of everyone within the territory.

Together with the story of the development of the state in the first part there are many other interesting subsidiary discussions. There are sensible answers to such puzzling questions (for laissez-faire liberals) as why blackmail (payment for the service of silence about another's affairs) should be prohibited; and why, for that matter, we should ever prohibit anything, rather than allow violations of rights provided that the victims are adequately compensated. Although Nozick admits that the book contains no full-scale presentation of the moral basis for his views, there is some unorthodox moral philosophy, including a lengthy discussion of the place of nonhuman animals in morality. Nozick thereby becomes one of the small but growing number of contemporary philosophers who have given this neglected topic genuine consideration, and he joins those who urge radical changes in our treatment of nonhumans, including the recommendation that we stop eating them.<sup>[1]</sup>

Interesting as the first part is, for those of us who have little difficulty in accepting the moral legitimacy of some minimal kind of state, the excitement begins only when we enter the second part. A reader who is sympathetic to government policies designed to redistribute wealth and who has taken for granted the justice of such policies will be surprised at the strength of the arguments Nozick brings against this view.

One book cannot deal with all the reasons that have been urged in support of extending the functions of the state beyond the protection of its citizens against force and fraud. Therefore Nozick selects what he considers the strongest, and most widely accepted, case: the claim that a more extensive state is justified in order to achieve justice in the distribution of wealth. It is this claim that receives the brunt of his attack on the extended state.

Nozick uses the term "holdings" to describe the goods, money, and property of all kinds that people have. The issue, then, is what holdings people would have in a just society.

The position Nozick takes is a radical departure from the theories of distributive justice discussed by most philosophers,

especially in recent years. Nozick characterizes the principles of justice usually advocated as "patterned." A patterned distribution is one which (to put the matter more loosely than Nozick does) can be summed up in some simple formula of the type: "To all according to his----." The blank can be filled in by "need," "labor," "moral desert," "IQ," "noble blood," or whatever—the result will always be a patterned distribution. In any existing society, the distribution of wealth will presumably not correspond exactly to any preordained pattern, so that to achieve a just society we shall have to take a bit from here and give a bit there, until people's holdings correspond to what we think is the right pattern.

In contrast to all patterned theories, Nozick proposes the "entitlement theory": a distribution is just if it arises from a prior just distribution by legitimate means. Basically, you originally acquire something justly if you take something that belongs to nobody, without thereby making worse the position of others no longer able to use the thing. (For example, I can appropriate land for myself if it is unowned and there is enough good land left for others.) Here Nozick again follows Locke, although his account is more precise. Then there are legitimate ways of transferring things you own, especially voluntary exchange and gift. As a result there is no pattern to which a just distribution must conform. People may choose to retain what they start with, or give some of it, or all of it, away. They may make profitable investments, or unprofitable ones. They may live frugally and hoard what they have, or dissipate it in a wild spree. They may gamble. So long as their original holdings were justly acquired, and the decisions they made involved neither force nor fraud, the result will be just no matter how widely people's holdings vary. The entitlement theory of justice makes the justice of a given set of holdings depend on the history of those holdings, and not on the conformity of the outcome to a given pattern.

Both the strengths and the weaknesses of the entitlement theory are immediately apparent. On the one hand, can it really be just that one baby should come into the world with a multi-million-dollar trust fund, the best possible schooling, and family connections with the nation's leading politicians and financiers awaiting him, while another baby faces life in a dingy apartment with no money and nothing else to help him on his way in the world? Neither baby at the moment of birth can possibly deserve anything; an equal division would therefore seem the only just one.

On the other hand, if the father of the first baby acquired his holdings legitimately, violating no one's rights in the process, doesn't he have the liberty to give whatever is his to his son, if he should so choose? Isn't it implied in someone's owning something that he has the right to do with it what he will, provided he violates no one else's rights? And surely it is far-fetched to hold that the poorer baby has a *right* to some of the other baby's wealth, merely because his ancestors were less fortunate, less astute, or less frugal in their handling of their holdings.

Our intuitions lead us in both directions. One must be wrong. Nozick tries to convince us that it is the former set of intuitions—those relating to the injustice of inherited wealth and other inherited assets—that we should give up. He does not attempt the hopeless task of arguing that those born with large fortunes or valuable natural talents have done anything to deserve these assets. Nevertheless, he says, people are entitled to their inherited assets, whether or not they deserve them. In the case of wealth he points out that orthodox theories of justice overlook the right of the donor when they consider the worthiness of the recipient of the inheritance. As for natural talents, people do not violate anyone else's rights by having the natural talents they are born with. An artist has the right to keep a painting he has done even if his artistic talent was inherited and he did nothing to deserve it. So why shouldn't a born entrepreneur have a similar right to the fortune his talents have brought him through legitimate means?

The legitimacy of redistribution in the direction of equality is, as Nozick says, more often assumed than argued for. We discover that, say, the wealthiest 5 percent of the population hold 40 percent of the national wealth, and then we ask what can be done about it. On the entitlement view these facts do not in themselves suggest that we ought to do anything. It all depends on how the present distribution came about. It might have come about by unjust means, through force and fraud, or through an unjust original acquisition, in which case reparations should be paid to those who are now worse off because of this injustice (though Nozick is unable to explain how we decide whether a person's ancestor left sufficient good land for others when he appropriated his first field five hundred years ago). But the present distribution might also have come about entirely legitimately, in which case the compulsory redistribution of wealth would be a serious violation of people's rights.

Nozick's position sounds severe, and so it is. According to Nozick we have no obligation to help those worse off than we are. If a starving man drags himself to our house, where we are entertaining our friends with a sumptuous banquet, we are perfectly within our rights in sending him away without a crust. In mitigation, though, it is important to remember that Nozick has nothing against voluntary donations from the rich to the poor. The rich are within their rights to keep everything they have and throw what they cannot use down the sewer; but they also have the right to give everything away, and the generous and charitable will no doubt give some away.

Indeed, on the question of voluntary donations Nozick has some interesting points to make. He argues, I think conclusively, that those relatively wealthy people who advocate greater government redistribution (which would take from people like themselves and give to those poorer) can have no sound reason for not making, while they wait for the government to act, voluntary donations from their own pockets of the sum that would be taxed from them under the scheme they advocate,

Presumably this argument applies to those who advocate greater government foreign aid, as well as to those who limit themselves to internal redistribution.

An ingenious illustration buttresses the entitlement theory. We start by supposing that holdings are distributed in accordance with some patterned conception of justice—let's say the conception of equality, so that everyone has exactly equal holdings. Now suppose that several basketball teams would like to have Wilt Chamberlain playing for them. He signs a special contract with one, stipulating that he gets twenty-five cents from the price of every home game ticket. The fans are happy to pay the surcharge; the excitement of seeing Chamberlain play is worth it to them. One million people attend during the season, so that Chamberlain winds up with \$250,000, far more than anyone else in the society.

The transactions between Chamberlain and his fans have upset the original, hypothetically just, pattern of holdings; but, Nozick asks, is the new distribution unjust, and if so, why? Can it be a source of injustice that a million people chose to spend twenty-five cents on seeing Chamberlain play, rather than on candy bars or magazines? Since they chose to spend it in this way, knowing that it would go to Chamberlain, surely they can have no just claim against the man they have made rich. As for those citizens who did not attend the games, their holdings are entirely unaffected by the transactions between Chamberlain and his fans. If these third parties had no just claim against the holdings of the transacting parties before the payments took place, how can the transfer give them a just claim to part of what was transferred? Yet that is precisely what those who accept taxation for redistributive purposes must believe.

In general, Nozick says, no patterned principle of justice can prevail without continuous interference in people's lives. A socialist society would, as he puts it, have to "forbid capitalist acts between consenting adults."

I have been able to indicate only the main strand of Nozick's argument. There are many fascinating sidelines as well. For instance Nozick is able to show that if workers' control of factories is desirable, it will be possible to establish it within the framework of his theory, by voluntary action. Indeed, he points out, the larger trade unions already have sufficient financial reserves to set up worker-controlled enterprises; and even smaller groups, or a single wealthy radical, could do the same, especially since consumers who favor worker-controlled enterprises could band together and buy only from these companies. Why, Nozick asks pointedly, has this not happened?

Nozick also challenges the view that greater equality will produce an equality of self-esteem and the elimination of envy. Self-esteem, he claims, is based on criteria that differentiate; if these criteria are equalized it will need to be based on something else. Trotsky's vision of a communist society in which the ordinary man is able to fulfill his potential to such an extent that he becomes an Aristotle, a Goethe, or a Marx does not mean that the ordinary man will have greater self-esteem. New peaks will rise beyond the heights of Aristotle-Goethe-Marx, the ordinary man will think of himself as just another Aristotle-like commoner, and envy the new super-Aristotles.

There is also some hard-headed discussion of the Marxist idea of exploitation and the labor theory of value. On these side issues Nozick may not always be right, but he is always stimulating; an open-minded study of what he has to say could be a healthy tonic for romantic leftists.

On the main issue, what I have said should be enough to show that Nozick's case against compulsory redistribution is strong. Can it be met, and if so, how?

The first question here is whether to attempt to meet Nozick on the ground he has chosen—ground clearly indicated in the very first sentence of *Anarchy, State, and Utopia*:

Individuals have rights, and there are things no person or group may do to them (without violating their rights).

So we must decide whether to try to show that a system of justice based on individual rights, including a right to property, can permit—or require—compulsory redistribution; or, on the other hand, to deny that individuals have the rights that Nozick says they have, in the strong sense of the term that he intends.

In raising this question we come back to the most basic division between moral and political philosophers of modern times. For centuries there have been two lines of thought about justice. According to utilitarian theory, espoused by [David Hume](#), [Jeremy Bentham](#), and later [utilitarians](#), principles of justice are rules that work for the greater good of all. They are governed by the principles of utility. If we take from the rich and give to the poor we do so not because the poor are entitled to some of what the rich have but because the poor will benefit more from this redistribution than the rich will suffer. The utilitarian who is not trying to hedge will admit that his account of justice allows property to be confiscated from one person so that another, or several others, may benefit.

The alternative view of justice associated with John Locke and Immanuel Kant starts with individual rights and prohibits the use of one person as a means to another's end. The incorporation of Lockean rights into the Declaration of Independence and

the Constitution of the United States ensured the dominance of this tradition in the political rhetoric and in the moral, legal, and political thinking of this country. There is a certain appropriateness in the fact that Nozick's chief opponent within this tradition is the American philosopher, his Harvard colleague, John Rawls.

In his recent and widely celebrated book, *A Theory of Justice*, Rawls tried to develop a conception of justice that would be an alternative to utilitarianism, taking seriously "the distinction between persons" (which he claims utilitarianism, in subordinating individual rights to the general good, does not do) and ruling out "even the tendency to regard men as means to one another's welfare." The problem Rawls faced, however, was how to square this with his intuitive conviction that justice requires us to improve the condition of the poorest members of our society, whose poverty is not really their own fault.

Rawls attempted to solve this problem by arguing that if people in what he calls "the original position"—a hypothetical state of nature in which, to ensure impartial decision-making, people are assumed to be ignorant of their own talents and socio-economic status—were to choose the fundamental principles of justice to be followed in a newly formed society, one of the principles they would choose would be that inequalities are allowable only in so far as they improve the position of the worst-off group in the society.

Rawls thinks that people in the original position would make this principle—which has been called the maximin rule, because it seeks to maximize the minimum level of welfare existing in the society—subordinate to another principle guaranteeing maximum equal liberty for all. Whether they would give this priority to liberty need not concern us here, since we are considering only economic redistribution.

Rawls's maximin principle is compatible with considerable inequality. If, as some economists argue, steeply progressive taxation reduces the incentive to work of the most talented members of society to the point where they contribute less to the society and everyone, including the worst-off, suffers, then it would be just, according to Rawls's principle, to allow these people to keep most of their wealth, although others may have much less. Doctors, for example, might be allowed to keep more than other. Nevertheless the maximum rule is difficult for egalitarians to argue against, because any attempt to approach closer to equality would necessarily, at the same time as it narrowed the gap between the worst-off and the better-off, make the worst-off still worse-off than they were before.

Though strongly protected against the attack from egalitarians that appeared most likely, the maximin principle was soon shown to be vulnerable at other spots. Since the appearance of *A Theory of Justice* a book and a number of critical reviews<sup>[2]</sup> have exposed fundamental weaknesses in its central arguments, including the argument for the maximin principle. The devastating critique of Rawls in *Anarchy, State, and Utopia*, directed especially at the case for redistribution in accordance with the maximin rule, must very nearly complete the demolition of Rawls's impressive structure.

In part, the force of Nozick's criticisms depends on Rawls's own desire that his theory account for and systematize the particular judgments about justice that we ordinarily make.<sup>[3]</sup> For Rawls, finding a plausible general theory that confirms most of our ordinary judgments of what is just is the aim of any theory of justice. But as Kenneth Arrow has noted in a discussion of Rawls's theory,<sup>[4]</sup> the most widely held intuition about distributive justice—which Arrow and most other teachers find it difficult to dissuade introductory students from thinking completely self-evident—is the view that an individual is entitled to what he creates. This view is, of course, much closer to that of Nozick than to Rawls's.

I believe that Rawls is mistaken in thinking that the test of a moral theory is its ability to account for the particular moral judgments we already make. That approach comes too close to making the justification of what we already believe the sole task for moral philosophy. One of the strengths of Nozick's criticism, however, is that even if Rawls were to abandon his ideas about how moral theories are to be tested he would still be unable to defend his position. For Nozick has shown that Rawls's case for the maximin principle rests on an unjustifiable asymmetry between the worst-off and the best-off in a society. Rawls argues that the worst-off could accept the justice of, and cooperate in, a society governed in accordance with the maximin principle, but not one governed according to, say, the principle of utility. This is because in any society governed according to any principle other than the maximin principle there would always be a group of people at least as badly off as the worst-off in a maximin-ruled society.

Provided the maximin rule has been properly applied, this is necessarily true; but, Nozick insists, Rawls glosses over the equally important mirror-image question: why should the better-off accept the justice of and cooperate in the society? Under the maximin rule, after all, the better-off may have to make substantial sacrifices to help the worst-off, perhaps much greater sacrifices than they would have to make to satisfy the principle of utility. For instance, to put the matter in monetary terms, assume that a tax of 75 percent on all incomes over \$15,000 would, after deducting administrative and other costs, allow welfare payments to the worst-off group to be increased by only \$1 per person per year. The maximin rule would require that the tax be levied.

So Rawls is able to conclude that the maximin principle would be the one that people in the original position would agree to only because he considers the matter from the perspective of those who fear they will be among the worst-off, rather than from the perspective of those who hope to be among the better-off. For this reason he fails in his attempt to derive the maximin principle in a neutral manner from what reasonable people would agree upon under conditions requiring impartiality; and in addition Nozick is able to make the telling point that the fundamental flaw Rawls finds in utilitarianism—the failure to rule out “even the tendency to regard men as means to one another’s welfare”—can be found in Rawls’s own principle. The maximin rule treats the better-off as a means to the welfare of the worst-off. Indeed one could say (though Nozick does not) that the tendency to treat people as a means to another’s end is greater under the maximin rule than under utilitarianism, since a utilitarian would give *equal* consideration to everyone’s interests, whereas the maximin rule forbids giving *any* consideration to the interests of the better-off, allotting them goods *solely* in so far as doing so assists the worst-off.

There remain many interesting and illuminating points in Rawls’s long book, but its foundations are now seriously undermined. The question we must face, then, is whether *any* conception of distributive justice that accepts individual rights, particularly the right to property, and prohibits absolutely treating one man as a means to the welfare of another can with-stand the arguments Nozick has directed primarily against Rawls. If the answer is negative we shall have to choose between a conception of justice such as Nozick’s and our conviction that a society does not have to rely on the charity of its wealthy members for the relief of its poorest members.

The enthusiasm which greeted Rawls’s theory of justice when it first appeared may in part be explained by the fact that it was the first fully worked-out alternative to utilitarianism since W.D. Ross’s intuitionist theory lost favor in the 1930s.<sup>[5]</sup> If more careful consideration has found Rawls’s theory wanting, opponents of utilitarianism lack, once again, a developed alternative theory—except, that is, for Nozick’s entitlement view. Nonutilitarians not wishing to accept the conclusion that coercive redistribution of wealth is a serious violation of rights urgently require an alternative theory of rights.

What else is there? Not much. While, as Nozick points out, there is no lack of unsupported presumptions in favor of equality, there is a surprising dearth of *arguments* for equality. Nozick discusses one of the few arguments that have been widely discussed—generally with approval—by philosophers: that put forward by Bernard Williams in his article “The Idea of Equality.”<sup>[6]</sup>

Williams argues that the proper ground of distribution of medical care is ill-health; and that, therefore, it is irrational for the distribution of medical care to be governed by the ability to pay. On first reading many of us will find this argument for some degree of equality convincing. But, Nozick asks, why should the internal goal of an activity take precedence over the particular purpose of the person performing the activity? By a parallel argument it could be said that the proper ground of distribution of barbering services is the need to get one’s hair cut; but if we think a barber need cut the hair only of those able to pay, why should a doctor not do to the same?

What Nozick’s facetious counterexample indicates is that the plausibility of Williams’s argument lies not in any supposed necessary truth about the proper ground of distribution of medical care but in the claim that a society should provide for the most important needs of its members. This is a plausible claim, but it is *only* a claim and Williams does not argue for it. So we still do not have an argument for equality.

Wisely, Nozick remarks that his readers will probably feel that the case for equality all hangs on some other argument, and says he would like to see *that* argument set out in detail. That, unfortunately, is where the attempt to refute Nozick on the ground he has chosen—accepting a doctrine of individual rights that includes a right to property—rests at the present time. Which is not to say that it will rest there long. There is tremendous activity in moral and political philosophy nowadays and if a response to Nozick’s challenge is not already in preparation it soon will be.

What if we refuse to accept the ground Nozick has chosen? The natural alternative is then utilitarianism. There are other possibilities, but none that seems likely to be very attractive to those who reject Nozick’s position because of its prohibition on coercive redistribution of wealth. In *A Theory of Justice*, for instance, Rawls considers as alternatives to his own theory only utilitarianism and what he calls “the Principle of Perfection.” Perfectionism, which is the theory that we should maximize the achievement of excellence, was most strongly advocated by Nietzsche and is even further from concerning itself about the worst-off than Nozick’s theory is; and when more plausible advocates of a perfectionist position talk about social justice, they tend to water down their perfectionism with a dose of something that looks like utilitarianism.<sup>[7]</sup>

Utilitarianism has no problem in justifying a substantial amount of compulsory redistribution from the rich to the poor. We all recognize that \$1,000 means far less to people earning \$100,000 than it does to people trying to support a family on \$6,000. Therefore in normal circumstances we increase the total happiness when we take from those with a lot and give to those with little. Therefore that is what we ought to do. For the utilitarian it is as simple as that. The result will not be absolute equality of wealth. There may be some who need relatively little to be happy, and others whose expensive tastes require more to achieve the same level of happiness. If resources are adequate the utilitarian will give each enough to make him

happy, and that will mean giving some more than others.

A more serious possibility is the one we discussed in connection with the maximin principle. If it is necessary to give more to those with talents useful to society, to encourage them to develop these talents in a way that will benefit others, then utilitarians would have to do this. Actually the evidence for this commonly accepted hypothesis is weak; financial incentives may not be as important as we think. So some inequality would result from the application of utilitarian principles to a society like ours, but far less than there is now, and the inequalities that remain would not (in my view) be objectionable.

Nozick describes Rawls's view as an "undeniably great advance over utilitarianism." From his standpoint that is a reasonable estimate. Rawls's theory is a half-way house between utilitarianism and Nozick's own position. But if having gone half-way with Rawls we are forced by the logic of our position to go all the way with Nozick, it could be that we went wrong when we started out. None of the arguments Nozick uses against Rawls is decisive when invoked against a utilitarian position. Utilitarianism gives a clear and plausible defense not merely of progressive taxation, welfare payments, and other methods of redistribution, but also of the general right of the state to perform useful functions beyond the protection of its citizens from force and fraud. Utilitarianism also provides an argument in defense of the claim behind Williams's argument for equality—that society should, so far as its resources allow, provide for the most important needs of its members.

Nor do we have to go all the way with the utilitarians to be in a position to advocate state-directed redistribution of income. The problem of whether we can accept a utilitarian account of noneconomic rights like the right to freedom of speech or freedom of worship need not be raised here, for Nozick's argument is mainly addressed to economic rights. We can deal with property in a utilitarian manner, rejecting the doctrine of an intrinsic right to property, without necessarily rejecting the idea that there are *some* intrinsic rights against the state. For the remainder of this discussion, though I shall talk simply of "utilitarianism," it will be this limited economic utilitarianism to which I am referring.

Nozick, aware that utilitarianism is a more fundamental rival to his position than other conceptions of justice, tries to get it out of the way in the first part of the book, when discussing the moral background of his theory. The discussion is sketchy, however, and falls below the level of the later sections. Nowhere is utilitarianism fully and systematically confronted. Nozick mentions some well-known objections but, with one exception, does not pursue the replies that utilitarians have made when these objections have been raised in the past.

The exception is interesting. In opposition to the view, which utilitarians have held, that the only things that are good or bad in themselves are states of consciousness, or conscious experiences (pleasant or happy ones being good, painful or miserable ones bad), Nozick asks us to imagine that we can build an "experience machine" which would give us the satisfactions of a wonderful life—any life we'd like—while we float in a tank with electrodes plugged into our brains.

If we had such a machine, Nozick says, we would choose not to use it—and this shows that things other than experience matter to us. In anticipation of the reply that we would not use the machine because, as good utilitarians, we would be concerned about other people's (and other animals') experiences as well as our own, Nozick makes the further assumption that *everyone* is able to plug into one of these machines. This means that we cannot give point to our lives by improving the experiences of other beings; the experience machine gives everyone who wants them the best possible experiences anyway. Nevertheless, Nozick says, we would not plug in, and this is because in addition to wanting to have certain experiences we want to do certain things and be a certain sort of person. We desire to live in contact with reality, and this no machine can do for us.

Perhaps. It is worth noting, though, that it is difficult to know what, in a world in which everyone could plug into an experience machine, there would be left to do, other than plug in; and how it would be possible to "be a certain sort of person." How could one be, for example, a kind or courageous person (Nozick's examples)? What could I do to anyone else that showed kindness, if everyone else could have whatever experiences he wanted without my kindness? When would there ever be any point in being courageous? Maybe it would seem a pointless world, and plugging into the machine a pointless kind of existence, but that is because we are used to having the possibility of improving experiences, our own or those of another, to give point to our normal existence. Take away the point of trying to improve the experience of ourselves and others and perhaps we do take away the only thing beyond our own experience that gives point to our lives. Maybe life as a whole doesn't have any point beyond experience itself. Nozick's example is bizarre enough to have a bizarre answer, and the bizarreness of the answer that the orthodox form of utilitarianism gives is an insufficient reason for rejecting that theory.

Even if we find that Nozick's example does refute the idea that states of consciousness are the only things intrinsically good or bad, however, Nozick has refuted only one form of utilitarianism. Several recent utilitarian writers, including nearly all those writing in the field of welfare economics, have taken wants or desires, rather than states of consciousness, as the starting point for utilitarian calculations.<sup>[8]</sup> It is intrinsically good, on this view, if someone gets what he wants, and bad if he does not. This version of utilitarianism is not threatened by Nozick's experience machine; if there are things that we want other than experiences, well and good, utilitarianism will try to make it possible for us to get them.

So the utilitarian alternative to a theory of justice based on individual rights to property remains open; though other theories will no doubt be put forward, those wishing to avoid the conclusions of Nozick's book may find themselves reconsidering one or another version of utilitarianism, and questioning whether the right to property must be taken as seriously as American political thought has taken it for the last 200 years.

#### Notes

- [1] Some other philosophers who have written on this issue are included in *Animals, Men and Morals*, edited by S. and R. Godlovitch and J. Harris (Taplinger, 1973). See my review in *The New York Review*, April 5, 1973.
- [2] The book-length study is *The Liberal Theory of Justice* by Brain Barry (Oxford University Press, 1973). Among the more notable critical reviews have been those by Thomas Nagel in the *Philosophical Review* (April, 1973) and the two-part critique by [R.M. Hare](#) in *Philosophical Quarterly*, July and September, 1973.
- [3] This point was brought to my notice by Gregory Pence.
- [4] Kenneth J. Arrow, "Some Ordinalist-Utilitarian Notes on Rawls' Theory of Justice," *Journal of Philosophy*, LXX, 9 (1973), p. 248.
- [5] See W.D. Ross, *The Right and the Good* (Oxford University Press, 1930).
- [6] In *Philosophy, Politics and Society* (Second Series), Laslett and Runciman, eds. (Barnes and Noble, 1962).
- [7] For example, Bertrand de Jouvenal, *The Ethics of Redistribution* (Cambridge University Press, 1951).
- [8] See, for example, Jan Narveson's *Morality and Utility* (Johns Hopkins Press, 1967). The upshot of [R.M. Hare's](#) ethical theory is also a utilitarianism of this type; see *Freedom and Reason* (Oxford University Press, 1963) and "Wrongness and Harm" in *Essays on the Moral Concepts* (University of California Press, 1972).

---

[Peter Singer Links](#)

[www.PeterSingerLinks.com](http://www.PeterSingerLinks.com)