

Interview: Jan Narveson

[Dr. Jan Narveson is Professor of Political Philosophy at the University of Waterloo where he has been teaching since 1963. Narveson is Canada's most published Philosopher with well over 200 articles to his credit, and several books including *The Libertarian Idea*, *Morality and Utility*, and, most recently, *Respecting Persons in Theory and Practice*. In 1990 he became a Fellow of the Royal Society of Canada, and was awarded the Order of Canada (the country's highest honour) in 2003.

In this interview, Narveson discusses his own conversion to libertarianism, the obviousness and naturalness of rights, as well as the story of Nozick's possible non-libertarianism in the years following the publication of *Anarchy, State & Utopia*. This interview was conducted by email over a period of two weeks.]

I. CONVERSIONS

Peter Jaworski: *“Most books defending the position now known as “libertarianism”, the thesis that government ought to confine itself only to the most minimal functions of preventing or punishing force and fraud, can be dismissed with little scruple as the work of cranks” (Narveson 1977: 298). This appeared as the opening salvo to your 1977 review of Robert Nozick’s Anarchy, State & Utopia [A,S & U]. How did you go from thinking some libertarians were cranks, to thinking they were mostly right?*

Jan Narveson: I don't entirely know. Common sense, I hope, had something to do with it. So did the major switch in my understanding of the foundations of morality, which was due especially to David Gauthier, whose work I seriously encountered in 1974. I had also been reading and teaching in my classes about Marx, and came to understand his mistakes rather clearly. Interestingly enough, almost none of it came from acquaintance with libertarian writings, for in fact I knew very little of those before reading Nozick. (This puts in perspective that opening sentence! The “most works” that I found one could “dismiss” couldn't have amounted to as many as five!) I had had some contact with a few very bright people in my university days who were already into libertarian thinking (and practice, in a way — one of them became rather wealthy rather quickly after finishing his undergraduate

career!) However, I didn't really pay all that much attention to them. At least so far as I can remember, I mostly just figured it out for myself.

PJ: *Commenting on the literary quality of A, S & U, you wrote that it "is clearly the work of a person of extraordinary brilliance, penetration, and learning, possessed of a pungent style and an uncommon flair for paradox and counterexample..." [p. 298] What do you think now? Do you still think it a first-rate literary work?*

JN: Yes. Of course, it should be recognized that Mill's *Essay on Liberty* stands at the head of the class, so far as English literature is concerned. But Mill's work hasn't nearly the depth, insight, and philosophical sophistication that Nozick's has. And then, all those predecessors whom Nozick had read certainly provide food for thought as well. And finally, it should be noted that when I wrote that review, I still thought that utilitarianism must somehow be the right general view, and some of Nozick's claims seemed at the time to be criticizable in light of utilitarian theory. But still Nozick made a strong impression, and I would have to say that he persuaded me in favour much more than my previous understanding of utilitarianism persuaded me against.

PJ: *What role, if any, did Nozick's book play in your shift from a defender of utilitarianism, to a defender and proponent of libertarianism?*

JN: Some, but not a huge amount. In fact, my book on utilitarianism was devoted mainly to an effort to reconcile Mill's utilitarianism with *On Liberty*. I have been quite surprised when I look into that book (*Morality and Utility*, 1968) at just how substantively libertarian it actually is. By far the main influence on me was David Gauthier's work on behalf of contractarianism. I certainly found Nozick impressive, though. He's a wonderful writer, and the obvious intelligence that shines through in every paragraph is very attractive.

PJ: *Here's a bit from your The Libertarian Idea commenting on the importance of Nozick's work: "Most notable among professional philosophers has been Robert Nozick in his brilliant work, Anarchy, State, and Utopia — a work of which it may certainly be said, as Kant said of Hume's Treatise, that it 'woke a number of us from our dogmatic slumbers.' This 'dogmatic slumber' bit is interesting ... I wonder if you could comment on it with a view to the role of Nozick's A, S & U?"*

JN: At the time, my point was that in the circles of professional, academic philosophy, *A* , *S* & *U* must have been startling, for few of those had any idea of it before. In retrospect, I could well add that Nozick himself, like most libertarians, is essentially dogmatic in setting forth the libertarian idea as obvious, or “natural” etc. This last, by the way, is why I wrote *The Libertarian Idea*, actually.

II. NATURAL RIGHTS

PJ: *Nozick begins A, S & U assuming that, generally, folks will adhere to 'natural rights' and generally follow that model even without a government. This is John Locke's view, which differs significantly from Thomas Hobbes who thought that life in a 'state of nature' would be "nasty, brutish, and short." In light of this distinction, who's right, and what impact does that have on the strength of Nozick's opening assumption?*

JN: Beyond doubt, Locke is right. Nozick does nothing to explain *why* he is right — we owe Anthony de Jasay a debt for being the first (I think) to provide a really good explanation of that. Again, mind you, it was always clear that Hobbes was quite far from the truth, since if he were really right, there would be no societies today. Still, the project of showing just where Hobbes goes wrong is important. And where he does so is in failing, grotesquely I'd say, to appreciate the force of moral as opposed to political influence in society. That influence is quite substantial. Beyond that, there is the important point that at least in smallish societies, morality is close to self-reinforcing because of the influence of iteration.

PJ: *How important is the reliance on 'natural rights' for Nozick in particular?*

JN: Fairly. Note: in his last work, *Invariances*, there's a long concluding chapter on ethics, quite fascinating, showing that he has indeed learned much from the decision theorists, and as far as I can see is now (sorry: was at the end of his life . . .) saying much the same thing as I do.

PJ: *How and why does the argument in favour of natural rights fail?*

JN: The big trouble with unanalyzed natural rights is that the claim that *x* is a natural right tends to be sheer assertion. Alternatively, it is sometimes circular — "Natural rights" are the rights you have "by nature" which means that you just have them and can't say why; or it means, they are what you have when nature is working the way it should.

There are two other ways to read Natural Rights (actually, they're not alternative to the above; they simply say enough more to enable us to say more specifically what's wrong with them).

Way One: Natural Rights are read off the Nature of Things. In this form, there is, of course a formidable problem of the Naturalistic Fallacy type. Or often, the argument is wildly underdetermined. Example: human reproductive equipment is made for reproduction; therefore, it ought to be used only that way. (This is stated in “natural law” terms, but the problem is exactly the same.) Problem: but it is also built in such a way as to provide very pleasurable entertainment for a pair (or so) of users. Therefore, it should only be used *that* way! This can be generalized, fatally, for natural rights theory: either the theory tells us what something or other *cannot* do anything else than what the theory tells us to do with it, in which case there would be no issue, if the premise was true; or else, it admits that it *can* do various other things as well, in which case it has to provide us with a real reason for preferring the one and not preferring or disallowing the other. My reaction to all this is: give it up!

Way Two: *People* are built in such a way that they have natural rights software built into their heads. The trouble with this is that it is either compatible with doing what is contrary to that software, or it isn't. If it is, then the question again is: why should I do what the alleged software says to do instead of some different package? If it is not, then why are there murderers and thieves at all?

The long and short of it is that natural law/natural rights theory is hopeless.

Note: of course, one could just mean by ‘natural rights’ the rights we would have antecedently to human law, government. In that case, I of course am a big-time proponent of “natural law.” But this use of the term doesn't even purport to offer an explanation of *why* natural law should have this content rather than that, or indeed any at all.

III. SPONTANEOUS GOVERNMENT

PJ: *Nozick argues that, through a process that respects libertarian side-constraints, something like a government would arise out of something like anarchy.*

JN: Notice that Nozick's argument isn't only that it would arise, but that it would do so compatibly with libertarian constraints. He takes this to imply that the resulting state would be legitimate. We may wonder about that, incidentally, and especially, of course, we should point out the immensely high probability that whatever its origins, a

state is going to have enough power to start operating against those constraints. Surely that is a main worry about the state, and Nozick does not say as much about that as one would like.

PJ: *Can you detail Nozick's argument for this process?*

JN: The argument is very, very tricky. First there is a claim that protection is a service that has a natural bias toward monopoly “in any given area.” Second, there is a claim that when there is a disagreement among the “Dominant Protection Agency” (DPA) and some lesser agency, there will be a question of which rules of procedure to go by to adjudicate this. Each will presumably think its own legitimate, but the bigger one will be able to win out in such disputes. Third, it will then be in a position to deprive other agencies of the power to adjudicate disputes, and having done this it will have to compensate them for thus depriving them. This will be redistributive, and so crosses the border into being a genuine state, if a minimal one. My account leaves out nuances — the argument is detailed and intricate and lengthy in *A, S & U*.

PJ: *How plausible is the notion that government would arise, spontaneously, out of a situation of no government?*

JN: Here the distinction I make at the outset is absolutely crucial. We all know that the answer to your question is, as it is stated here: namely, *virtually certain*, if it's a community of some size. We also know, I understand, from the anthropological lore that for tiny communities it won't happen at all. Hobbesian equality and Lockean moral control asserts itself in tribes of 200 or less, but the state will take over in larger ones — that is, as I understand it, the pattern. There is a currently famous possible exception in Somalia, which has no central government at present. (It's a matter of minor debate, since now and then somebody claims to be the government, but apparently nobody pays much attention...) Somalia is significant because it's quite sizable both geographically and in population (many millions, way above any threshold of significance for this purpose).

But it's one thing to say that it would arise and another that it would arise within libertarian constraints. *Prima facie*, the latter is simply unbelievable. Nozick's account of the process has important nodes in it where he is hypothetical, and where the real world is likely to go against his argument. What we know is that governments, by

and large, are takeovers by gangs who manage to get up the power to do so. And their subsequent rule is anything but libertarian!

PJ: *How successful is this argument in the claim that dominant or monopolistic protection agencies would be better at protecting us than smaller ones?*

JN: I have come to be more and more certain that the premise about the tendency to monopoly is false. Notice that Nozick never tries to define this “geographic area” within which some agency will inevitably become dominant. If the area is, say, My Home, then the argument is fairly trivial. If it is our whole block, it is less so. And when you get to a multi-block area, my guess is that monopoly will *not* be the rule—quite the contrary. This is because protection of individuals from other individuals — which, remember, is supposed to be the primary context—observes great *diseconomies* of scale. Large police forces in big cities do much, much worse at protecting individuals than those in tiny towns in New Hampshire or Saskatchewan, and, frankly, self-help and local agencies protect people more effectively than any public police. Indeed, it has been pointed out that police don’t actually protect you at all. All they do is try to catch the bad guys after they’ve acted. And they do rather mediocre jobs even of that. (The failure to catch Bin Laden so far is something of a testimony here: think of the immense resources available to the American army — and yet, he’s still on the loose! If a fellow privately acting Arab really wanted to get him, I’d guess he’d do it quite quickly...)

The “dominance” idea is plausible in the context of large-scale, inter-government matters, i.e., war. National armies are indeed inherently monopolistic — but then, that’s because the governments that collect them are monopolies of force, so it’s hardly surprising.

I also have my doubts about the epistemological aspects of Nozick’s argument, but I have not thought those through as well as I’d like. I do think, though, that rules of evidence are not inherently matters of majorities etc., at all, and that as libertarians claims, all parties to a dispute must ultimately agree on the rules of evidence at some level, from which they can proceed, hopefully, to resolve the case. When they don’t and go to fighting, it is hardly safe to say that the one that emerges victor is in the right! But what to say in general is not easy.

IV. THAT L-WORD

PJ: *There was some controversy over the libertarian status of Robert Nozick. In his *The Examined Life*, Nozick explained that he viewed the libertarian position that he held in *A, S&U* as “seriously inadequate.” He explained this inadequacy, in part, as a consequence of not taking “public” institutions seriously in terms of their impact on binding us together as a community. In an interview with Julian Sanchez in *Laissez-Faire Books Review*, Nozick quashed rumours of his non-libertarianism with: “I never stopped self-applying [the ‘libertarian’ label]. What I was really saying in *The Examined Life* was that I was no longer as hardcore a libertarian as I had been before. But the rumors of my deviation (or apostasy!) from libertarianism were much exaggerated.”*

What do you think of this brouhaha? Is it important that some thought Nozick was no longer a libertarian, or was it just, basically, an internal philosophical soap opera of little consequence? 

JN: On this point, alas, I cannot profess to be sufficiently expert. But one thing is perfectly clear: in his last work, *Invariances*, he restates, very specifically, the libertarian view, and reaffirms it as resoundingly as in *A, S&U*. I am ready to believe that what may have happened between was relatively small potatoes.

As a case in point, consider my own chapter on [the Ontario Health Insurance Programme] in *The Libertarian Idea*. This chapter is stated in a way that makes it sound as though I am much more sympathetic to socialized medicine than I in fact am, and also than I really was at the time I wrote it. I am ready to believe that Nozick might have had similar thoughts. After all, the big problem with our view is that all of these institutions — the State with all its departments and bureaus and programs — do actually exist, and whatever we may think of their basic claims to rightful existence, they affect all sorts of people’s lives hugely, and we can’t ignore that. (How could we?)

So problems about how and how much we work within the framework of these institutions that we basically think shouldn’t exist are not easy matters. Whatever, practically speaking, we deal with them as if they were legitimate — as if they were, say, the hardware store instead of the customs department. And I am not about to advise anybody to start his private rebellion against the state by acting as though it weren’t there, or worse, by tossing bombs around. We libertarians are trying to figure out how things should be and we do need to devote attention to the question how to try to bring it about that they are that way; but our theory has no business ruling out reality.

PJ: *A few final questions: What sort of impact has Nozick had on the subsequent direction of political philosophy?*

JN: *A, S & U* has become the canonical text for libertarianism — the text that makes it unnecessary for the rest of the philosophical world to read anybody else. (Usually they've only read what people say about Nozick rather than himself, for that matter, but never mind.) While Nozick is brilliant, he's not perfect, and this attitude has, I think, retarded understanding and real discussion of the libertarian view.

PJ: *Do you have any concluding thoughts about Nozick that may be relevant to our readers?*

JN: My first parting thought would be — by all means, read the Ethics chapter of his last book, *Invariances*. This is his best work on moral philosophy. It is more theoretical, in a sense, than *A, S & U* and much more penetrating, especially as regards the most significant failing of the earlier book, namely the lack of a real discussion of the foundations of ethics. (I also don't recommend wading through the first parts unless you're really interested in those subjects. This is in marked contrast to my attitude toward *Philosophical Explanations*, where I think the ethics part is easily the weakest.)

My other final parting shot is: don't stop reading libertarian authors with Nozick. There are others And especially, of course, don't stop thinking about these matters. They are important!