CONTENTS

Preface Acknowledgments ix xv

PART I

State-of-Nature Theory, or How to Back into a State without Really Trying

1.	Why State-of-Nature Theory?	3
	POLITICAL PHILOSOPHY 4	
	EXPLANATORY POLITICAL THEORY 6	
2	The State of Nature	10
2.	PROTECTIVE ASSOCIATIONS 12	
	THE DOMINANT PROTECTIVE RECOGNITION	
	INVISIBLE-HAND EXPLANATIONS 18	
	IS THE DOMINANT PROTECTIVE ASSOCIATION	
	A STATE? 22	
3.	Moral Constraints and the State	26
	THE MINIMAL STATE AND THE ULTRAMINIMAL	
	STATE 26	
	MORAL CONSTRAINTS AND MORAL GOALS 28	
	WHY SIDE CONSTRAINTS? 30	
	LIBERTARIAN CONSTRAINTS 33	
	CONSTRAINTS AND ANIMALS 35	
	THE EXPERIENCE MACHINE 42	
	UNDERDETERMINATION OF MORAL	
	THEORY 45	
	WHAT ARE CONSTRAINTS BASED UPON? 48	
	THE INDIVIDUALIST ANARCHIST 51	

vi

4.

54

Prohibition, Compensation, and Risk INDEPENDENTS AND THE DOMINANT PROTECTIVE AGENCY 54 PROHIBITION AND COMPENSATION 57 WHY EVER PROHIBIT? 58 **RETRIBUTIVE AND DETERRENCE THEORIES OF** PUNISHMENT 59 DIVIDING THE BENEFITS OF EXCHANGE 63 FEAR AND PROHIBITION 65 WHY NOT ALWAYS PROHIBIT? 71 RISK 73 THE PRINCIPLE OF COMPENSATION 78 PRODUCTIVE EXCHANGE 84

5. The State

PROHIBITING PRIVATE ENFORCEMENT OF 88 JUSTICE "THE PRINCIPLE OF FAIRNESS" 90 PROCEDURAL RIGHTS 96 HOW MAY THE DOMINANT AGENCY ACT? IOI THE DE FACTO MONOPOLY 108 PROTECTING OTHERS IIO THE STATE II3 THE INVISIBLE-HAND EXPLANATION OF THE STATE 118

6. Further Considerations on the Argument

for the State

STOPPING THE PROCESS?120PREEMPTIVE ATTACK126BEHAVIOR IN THE PROCESS130LEGITIMACY133THE RIGHT OF ALL TO PUNISH137PREVENTIVE RESTRAINT142

PART II Beyond the Minimal State?

7.	Distributive Justice
	SECTION I: 150
	THE ENTITLEMENT THEORY 150
	HISTORICAL PRINCIPLES AND END-RESULT
	PRINCIPLES 153
	PATTERNING 155

120

149

Contents

HOW LIBERTY UPSETS PATTERNS 160 SEN'S ARGUMENT 164 REDISTRIBUTION AND PROPERTY RIGHTS 167 LOCKE'S THEORY OF ACQUISITION 174 178 THE PROVISO SECTION II: 183 RAWLS' THEORY 183 SOCIAL COOPERATION 183 TERMS OF COOPERATION AND THE DIFFERENCE PRINCIPLE 189 THE ORIGINAL POSITION AND END-RESULT 198 PRINCIPLES MACRO AND MICRO 204 NATURAL ASSETS AND ARBITRARINESS 213 THE POSITIVE ARGUMENT 216 224 THE NEGATIVE ARGUMENT COLLECTIVE ASSETS 228 232 Equality, Envy, Exploitation, Etc. 8. EQUALITY 232 EQUALITY OF OPPORTUNITY 235 SELF-ESTEEM AND ENVY 239 MEANINGFUL WORK 246 WORKERS' CONTROL 250 MARXIAN EXPLOITATION 253 VOLUNTARY EXCHANGE 262 PHILANTHROPY 265 268 HAVING A SAY OVER WHAT AFFECTS YOU THE NONNEUTRAL STATE 271 HOW REDISTRIBUTION OPERATES 274 276 9. Demoktesis CONSISTENCY AND PARALLEL EXAMPLES 277 280

THE MORE-THAN-MINIMAL STATE DERIVED HYPOTHETICAL HISTORIES 292

PART III Utopia

10. A Framework for Utopia		
THE MODEL 297		
THE MODEL PROJECTED ONTO OUR WORLD	307	
THE FRAMEWORK 309		
DESIGN DEVICES AND FILTER DEVICES 312		

vii

297

Contents

THE FRAMEWORK AS UTOPIAN COMMON
GROUND 317COMMUNITY AND NATION 320COMMUNITIES WHICH CHANGE 323TOTAL COMMUNITIES 325UTOPIAN MEANS AND ENDS 326HOW UTOPIA WORKS OUT 331UTOPIA AND THE MINIMAL STATE 333

Notes Bibliography Index

335 355 361

viii