

# Anarchism

## Political Obligation, week 7

### 1 A little recap

1. Hobbes: obey because the alternative is worse!
2. Locke: obey because you've consented!
3. Rousseau: obey because your own will commands it!
4. Kant: obey as a necessary condition of equal freedom!
5. Hart: obey because it's fair!

**Question:** What do you think of these theories? Do they give us good grounds for thinking that we have obligations to the state to obey the law?



An anarchist demonstration in Paris in 1883.

### 2 How to build an anarchist political theory:

“Commitment to one central claim unites all forms of anarchist political philosophy: **all existing states are illegitimate**” (Simmons, *Justification and Legitimacy*, p. 103).

#### 2.1 A priori vs. a posteriori

**A priori** anarchism holds that some essential feature or features of the state or necessary condition for statehood makes it the case that nothing can be both a state and legitimate.\*

**A posteriori** anarchism holds that, while all existing states are illegitimate (at least with respect to the vast majority of their members), states are not necessarily illegitimate.

Imagine that we think a fair play view of political obligation is correct, but that no states currently existing are structured as joint enterprises. Is this an anarchist position? And is it a priori or a posteriori?

#### 2.2 Strong vs. weak

**Weak anarchism** holds simply that (almost) all subjects of states may, morally speaking, treat state laws as non-binding and governments as non-authoritative.

**Strong anarchism** holds, in addition to the commitments of weak anarchism, that the illegitimacy of the state generates an obligation to oppose and, when it is possible, eliminate the state.

Simmons does not believe that strong anarchism generates an all-things-considered obligation to oppose the state: “How strong a strong anarchist position is will depend on how weighty or imperative the obligation to oppose the state is taken to be” (Simmons, *Justification and Legitimacy*, p. 107).

This is important. We can have a strong a priori anarchist view and still believe that we should not actively oppose the state we live in.

#### 2.3 Justification without legitimacy

On the ‘balance of reasons’ approach defended by Simmons, it may be the case that we ought to comply with the laws of the state. However, compliance should never be understood in terms of a moral duty to obey because the state ordered it.

States may be justified in enforcing laws (e.g., laws against murder), but not have legitimacy with respect to them.

“Our general duties to our fellow citizens qua persons, our general duties to promote justice and other values, and our other, nonduty moral reasons to treat others well will

“State legitimacy or authority is viewed as the logical correlate of the obligation of citizens to obey the law and to in other ways support the state, that is, to the obligation that is usually referred to as political obligation” (Simmons, *Justification and Legitimacy*, p. 106).

\* For example, if you believe that coercion is never permissible and that states are necessarily coercive.

“This, we may say, is the minimum moral content of anarchist judgments of state illegitimacy: the subjects of illegitimate states have no political obligations” (Simmons, *Justification and Legitimacy*, p. 107).

“Obligations and rights may on this view conflict with and possibly be outweighed by other obligations or rights, or they may conflict with and be outweighed by reasons for action of other sorts. Strong enough prudential reasons for action, for instance, may override weak obligations, just as strong enough reasons grounded in the happiness of others may render unjustifiable our acting on the weak rights that we possess. In short, the finality or imperativeness of rights or obligations is, on the balance-of-reasons approach, very much a function of the context within which the rights or obligations are exercised” (Simmons, *Justification and Legitimacy*, p. 108).

all often be good reasons not to disrupt the state's functioning or to act contrary to its laws" (Simmons, *Justification and Legitimacy*, p. 110).

### 3 Wolff's anarchism

"The defining mark of the state is authority, the right to rule. The primary obligation of man is autonomy, the refusal to be ruled. It would seem, then, that there can be no resolution to the conflict between the autonomy of the individual and the putative authority of the state" (Wolff, *Anarchism* p. 18).

Autonomy requires taking responsibility. "Taking responsibility involves attempting to determine what one ought to do, and that, as philosophers since Aristotle have recognised, lays upon one the additional burdens of gaining knowledge, reflecting on motives, predicting outcomes, criticising principles and so forth" (Wolff, *Anarchism* p. 12).

Wolff does think that there is one solution: unanimous direct democracy. However, this is so impractical as a solution so as to rule it out as a true solution.

**Question:** Does Wolff have an a priori or an a posteriori account of anarchism?

**Objection 1:** Should we place such a high value on autonomy? Are there not other values?

**Objection 2:** Doesn't the state also promote autonomy, for example by securing the conditions under which we can develop it?

**Objection 3:** Wolff claims that contractual democracies based on the promise of their citizens to obey are legitimate, but that they also achieve "legitimacy only by means of the citizens' [forfeiture] of their autonomy" (p. 70). Does this cause a problem for Wolff?

### 4 Some objections to anarchism

#### 4.1 It's too radical!

We might think that philosophical anarchism is in conflict with widely held intuitions about the moral status of states. The widespread adoption of philosophical anarchism might thus lead to significant negative consequences: in particular, increase law-breaking, even of morally important laws.

#### 4.2 It's not radical enough!

We might also think that philosophical anarchism lacks the courage of its convictions. Shouldn't an anarchist view that denies state legitimacy call more actively for resistance to the state? Isn't this too conservative a view?

"As I drew the distinction, the justification of a state defends its existence in terms of its virtues and the goods that it accomplishes, such as justice and the promotion of the common welfare. A state's legitimacy, by contrast, is its right to impose and coercively enforce binding duties on its subjects. It is the state's "right to rule," its "right to command and be obeyed"" (Simmons, 'Political Obligation: The Last Fifty Years of Philosophical Debate' in *Oxford Handbook of Political Obligation*, p. 144).

We have to distinguish between obeying a command and being persuaded or being brought to believe that acting in the way specified by the command is the right thing to do.

"The practical recommendations of philosophical anarchism will converge with those of defenders of political obligation wherever legally required conduct is independently required or recommended by moral considerations" (Simmons, *Justification and Legitimacy*, p. 118).

"Philosophical anarchism's less radical "teeth" will be found rather in its assertions that many distinctively political legal requirements — such as payment of certain taxes or military service — along with many paternalistic and moralistic laws and laws creating victimless crimes may be disobeyed without moral impropriety" (Simmons, *Justification and Legitimacy*, p. 115).