

Chapter Eleven

The Anarchist's Case

Introduction

The anarchist is all but universally regarded as a wild-eyed, dangerous character. Wildness of eye is imputed on the basis of conceptual confusion and impractical utopianism: anarchism is thought to be virtually self-refuting, impossible to expound clearly, and dependent on obviously false estimates of the capabilities of human nature. The ascription of danger has two sources: first, a perception that the anarchist is out to destroy something of great value, something on which the stability of society rests, which of course is assumed to be or be due to the state; second, that some who have called themselves anarchists did actually throw bombs and the like. These are not just frivolous charges: certainly some purported anarchists are guilty on both counts. Both must be refuted, at least in principle, if anarchism is to be regarded as a legitimate option in social theory.

At the same time, however, the charges against the state that motivate anarchism have a tendency to be swept under one or another of several available carpets. We move the theory of anarchism out of the dustbins of political theory if we can give decent replies to the familiar claims against it, while at the same time pressing our complaints against the state in a clear-eyed way, both as regards its theoretical claims and in the cold light of the empirical facts. And we move it to the front of the desk if, in addition, we can supply positive motivation for the anarchistic outlook.

The present paper undertakes sketchy, outline-level responses on all of these fronts. The task is rendered more manageable by the perception that the critique of the state is largely coordinate with the positive construction required. What's wrong with the state is what's right with anarchy. More than that, it's also what's *good* about anarchy. However, the new case for anarchism requires complete repudiation of the older, utopian-socialist type of theory. No one in the history of social theory has been wronger about anything than Marxists about the nonnecessity of telling us quite a bit about what their system would be like if the Revolution succeeds.

To see this, of course, we must expound the moral outlook underlying

anarchism. To do this, we must first make an important distinction between two general options in anarchistic theory, one of which fully deserves anarchism's disdainful view in the public eye, but the other of which is not only enormously plausible on the face of it, but apparently feasible as well. The two are what we may call, respectively, the socialist versus the free-market, or capitalist, versions.

Anarchism 1: The Socialist Version

Anarchism is the view that the best state of society is the stateless state: society lacking centralized, authoritative decision-making and decision-enforcing agencies. Is this compatible with any sort of socialism? By the latter we understand what Marx understood by it: rejection of private ownership of the “means of production.” It is useful to open our discussion by considering whether socialist anarchism—by long odds the historically most popular version—makes any sense. We begin by seeing why it does not.

States tell people what to do. They don't just *tell* them that, of course: they do so with “authority,” meaning, in effect, that they make their directives stick by backing them with highly credible threats to use force against those who do not comply. States enforce uniformities across society: all are required to do things one way rather than any of an indefinite number of possible other ways. In a free-market or private-enterprise economy, productive resources are under the direction of individuals or voluntarily acting groups, acting on their own. If it is claimed that this is somehow morally wrong, because we do not approve of what those individuals do or fail to do with the products resulting from this uncontrolled activity, or to the manner in which they are produced, then there is a problem. For socialism imposes requirements on at least the disbursement and/or production of those products that are typically at odds with the interests of the producers. The socialist's proposed cure for the alleged deficiencies is to scuttle private control, thereby opting for an enormous range of what he takes to be “corrections” of voluntary activity. Since those activities are voluntary, the “corrections” in question must be markedly at odds with the intentions of the producers. A uniform system is imposed where what would happen otherwise can be expected to be quite nonuniform. Could this possibly be done in the absence of central authority? The short answer is that it cannot.

At this point, to be sure, the socialist will opt for democracy—in the workplace, in the committee rooms, and in society at large—but democracy cannot bring about society-wide changes of heart; it merely settles things by voting. Any expectation of unanimity regarding such things as what to produce and for whom deserves the name “utopian”—assuming what we should not accept anyway, that a society in which uniformity of production and consumption prevails is such a good thing that an extreme state of it deserves the adjective “utopian” rather than the reverse. The majority, then, will simply overrule the minority, just as it does at present. There is, then, no possibility of achieving socialist goals without a state or what amounts to one. Those who

hope for it without the state are starry-eyed; those who prefer the state to the nonattainment of those goals are not anarchists; and those who suppose that decision-making methods coercively enforceable over all does not amount to a state are confused.

It is regrettable that so much and so interesting a stretch of intellectual history should have to be dismissed so briefly, but there is no way around this result, and nonmarket anarchism will accordingly be ignored hereinafter.

Anarchism 2: Market Anarchism

The alternative version is what is now called “market” or sometimes, if misleadingly, “capitalist” anarchism. The moral of my story so far is that if anarchism is possible at all, it must be in the market version. There, production is always under the control of individuals or groups acting on their own, and distribution likewise is effected only by voluntary exchange, which may be assumed to consist typically of commercial exchange. In short, it consists precisely of that very “anarchy in the system of production and exchange” that Marx deplored. On the face of it, then, the market system is such that everything that is done is done because somebody wants to do just that, rather than because someone has threatened the doer with evil if he does not.

So, at first sight, it looks as though, at one stroke, we have the reason both why the market system should be feasible, and at the same time why it should be desirable. But that would be too quick. Some theorists, of course, will insist that people getting what they want has nothing to do with whether it is a good society anyway. In the present discussion, we will ignore such complaints. But even granting liberal premises, it is still too quick. For perhaps a society in which people *do* what they want is not necessarily a society in which people *get* what they want. Some will be inclined to get what they want by doing what others do *not* want: by using force, in short. And many will no doubt complain that a society in which everyone does only what he wants will fail to bring it about that many get what they not only want but need. To say that a market-anarchic society is one in which people “do what they want” is thus cheating. The *idea* of a market society is that people do what they want, yes; but what do we do about all the people who won't *let* some of them do what they want? Anarchism in the sense in which they do what they want would seem to have to be the result of the operation of a normative system in which people *may* not use force: interferences with voluntary activity are forbidden. But surely, it will reasonably be said, at least some of those people, in turn, will not be put off from using that force except by the prospect of force being used against them. Does this not bring us back to the state? And if the case is accepted that the needy must be helped regardless, then similarly a role for the state may seem to be assured.

It would take more space than is available here to respond to the latter group. If it is accepted that one may permissibly help the needy by coercing one's neighbors to do so, then lessons in both economics and morals are

required before the discussion can resume on a reasonable plane. However, the anarchist's case that the needy will almost certainly do better without the State would at least have to be regarded as plainly relevant by all concerned, if it can be made out. But if the answer to the former question, about private violence were to prove to be, as Hobbes and his successors all insisted, in the affirmative, then it would be game over for anarchism.

Fortunately, that answer is by no means certain. It turns out that there are very good reasons for thinking that the private allocation of force, without central control, is indeed possible, both in principle and, on the basis of ample evidence, in practice as well.¹ Careful attention to both evidence and analysis will make this clear beyond peradventure; yet it is quite understandable why people should believe the contrary. Their governments, after all, have been telling them for several millennia that it is not. And should we not believe everything our governments tell us ...?²

In a real society, some people will resort to force. For that matter, to speak of "resorting" to force may be to understate the case: some people may positively relish the idea of using force. Whatever their motive, the use of interpersonal force inherently conflicts with market liberty. More precisely, it is the use of coercive force that does so: the ballet dancer who lifts his partner in a graceful maneuver uses force, but does not coerce. The coercer, on the other hand, uses power, which often enough is force, in order to get his victim to do what the victim would have preferred not to do. Let us understand this to be the sort of force we intend in present contexts. We may thus say that a libertarian society is one in which force may not be used against those who, in their turn, do not use it against others. The word 'may' is a moral one: the sentence containing it says that the use of force against the innocent is wrong. The status of this prohibition as a moral claim raises several questions. I shall address two in particular, one essential for present purposes, the other important for wider purposes of social theory.

Defining Libertarian Rights

The first question is, just what is meant by 'may'? Fortunately, it is also fairly easy to answer: to say that someone "may not" do something is to say that he is prohibited from doing it. But doesn't that just mean, in turn, that he *may be prevented* from doing it?—there's that word 'may' again. Have we made any progress, then? Indeed we have, as I shall now explain.

Someone, S, who believes that a person, A, "may" be prevented from doing something, x, envisages that some person(s) B (who may or may not be identical with S) are such that if B acts to prevent A from doing x, then S will be inclined, in turn, not to intervene to prevent B from so intervening. If, on the other hand, S believes that A may not be so prevented, then S will incline to disapprove of B's intervention and will be inclined to do, or at least to support the doing of something to see to it that B does not do that. Moral attitudes, attitudes of approval and disapproval, are directed at two sorts of activities, not

just one. First, they are directed at the actions of people in general, people having no particular relation to the activities of further people. But second, they are directed at activities that, in their turn, are intended to control or influence people's actions, not necessarily consensually. In other words, we may distinguish between simple approval and disapproval, on the one hand, and approval or disapproval of reinforcing activity on the other. A theory of right and wrong, insofar as it is relevant to political theory, is a theory about the latter: about the use of methods of social control or influence, including force. Qua political theory, it is essentially about the use of force in particular, for a state is just a monopoly of control over the use of force.

A libertarian morality, then, holds that force may be used only to counter³ force. Many put this in terms of “initiating” or refraining from initiating force, and we will accept that terminology as broadly appropriate. The innocent do not initiate force against anyone; the guilty initiate force against the innocent; and a libertarian morality says that we are not to use force against any except the guilty. Market anarchism is really just the instantiation of the libertarian moral theory.⁴

It is of fundamental importance to note that force may be used only to counter aggressive force, but it does not follow that we must use it. The misconception that libertarianism says the latter is perhaps the major source of supposed support for statism from within what is claimed to be libertarian theory. Some will think this nonobligatoriness of using force even when justified the Achilles heel of anarchism; others will think it liberating and right. Whichever, only the weaker view is really consistent with the libertarian idea.⁵

The idea of a market is the idea of people who are free to make exchanges and, in practice, often do so. No one is to intervene to prevent initiation or completion of an exchange, so long as it is a free exchange in the sense that both parties to it voluntarily agree to that exchange. (How much information they must supply each other in order for it to be accounted 'voluntary' is, of course, an important question; but the information supplied must be, literally, information, not *misinformation*. Fraud, in other words, is ruled out.⁶) Importantly, there is no assumption or presumption that the parties to exchanges are antecedently equal in any respect other than that each is under no coercive pressure from other persons to choose one way or another: no one acts under threat of force by another. They may act under self-imposed compulsions, of course—that is quite another matter. They may well act under threats of withdrawal of love, companionship, or other services previously voluntarily supplied by spouses, friends, or associates. But they do not act under threats of force, unless there is a previously accepted arrangement calling for such means in the case in question. (Boxers in the ring have agreed in attempt to hit each other. Plenty of force is employed, but no coercion.)

Moral Reinforcement

The second question to address, then, is: What resources for enforcing market arrangements could there be in an anarchic society? May we expect such arrangements actually to be made when needed and to be effective? Putting the matter this way might suggest the need to alter our definition of 'market society' as one in which people do not initiate force. But if we are to have a useful definition, applicable to real-world society, we shall have to say instead that a market society is one in which the rule is not to initiate force. In what sense, though, may a society be said to "have" a rule? The answer lies in the prevailing pattern of attitudes among its people. If virtually everyone in the society has the appropriate attitudes and generally acts on them, then we have a market society in about as full a sense as could be realistically hoped.

The societies that we live in are not fully market societies. There is a good deal of the market attitude in many people, and yet most people are not anarchists. They think, or at least think they think,⁷ that it is just fine to have a centralized authority with the power to enforce rules. And most of them perhaps think that that authority may do much *more* than that. It is, to be sure, unsafe to speculate about what people "really think." Much of what they think, after all, is heavily influenced by information, much of which may well be misinformation. It is the job of a theorist who thinks that what appear to be the prevailing attitudes on some matter are wrong to identify the errors that lead people to make the professions they do, in hopes that recognition of those errors will revise those professions. And when this is done, the market theorist supposes that every reasonable person will wind up accepting the market idea rather than some other. His claim, in short, must be that anarchism is *reasonable*.

The informal enforcement of morals consists in the main of two things. One is that expressions of approval and disapproval are marshaled on behalf of the type of behavior called for by the principles under consideration. Strongly supplementing these are a range of more robust responses to behavior, including such things as "admission to the society" of the persons in question. Our dealings with those who adhere to those principles are likely to be more extensive and more profitable than with those who do not; withdrawal of opportunity for such dealings is a considerable inducement to deal honestly if one deals at all.

The other sort of enforcement, of course, is by outright employment of coercive force. Precisely what it may be used for is an important question, to which the market anarchist answers, broadly, that it may be used when necessary for the defense of oneself or legitimately acquired property, or of anyone else or their property, provided the others are willing to be defended in that way by you. And for nothing else. The question of the viability of anarchism is open precisely because such force, which we may assume would sometimes be necessary, is not and need not be wielded exclusively by governments. Is there anything about power that inherently drives us to statist control over its use? The tendency has been to assume this, but that assumption is in question here.

Forcible Enforcement

Many agreements among individuals are not enforced, or at least not overtly so, and yet these agreements are effective. Friends and acquaintances, colleagues, relatives, and even random strangers often enough make agreements that the parties to them keep, feel obliged to keep, and moreover, keep because they feel thus obliged. How is this possible? Hobbes argues that agreements in the “state of nature,” the stateless state, would not be valid, citing the frailty of “mere words.” But he overlooks the fact that much “enforcement” of agreements is internally monitored by the parties to them. The costs of reinforcement in such cases are very low—or at least, those costs are psychical rather than physical. Many other agreements, to be sure, are enforced, or at least are agreed to be enforceable. This brings up the question, Which are which? How do we decide whether an agreement is enforceable or not?

The terminology in which this last question is formulated is, however, insufficiently discriminating. For there are many means of enforcement. If a loved one will receive you coldly unless you do x, that is likely to induce your performance of x; but between persons who scarcely know each other or who do but do not particularly care about each other, that is unlikely to be effective. We must distinguish, at least, between, on the one hand, enforcement that consists in effective threats to punish or to forcibly restrict the party's freedom and, on the other, enforcement confined to withdrawal of previously supplied services or alteration for the worse of previously held attitudes. Since we are talking about social arrangements, arrangements to prevail in a sizable society with many members who are unfamiliar or not particularly friendly with each other, it is the former that requires special attention in the present context. Politics is about the use of force. The market anarchist's thesis is that force may be used only to counter force and not for any wider purpose. We assume that force against people's property is included in the proscribed uses of force.⁸ Clearly, the libertarian view entails the market anarchist's: we may make whatever agreements we wish, such as that if I don't do x, you may hit me, or I shall pay a fine of \$X to your solicitor, and so on.

A market society, then, may now be described as one in which the accepted rule is that one refrains from using force just to get one's way, confining the use of force instead to defensive activity or to any employments agreed to by the parties against whom it is used. There are then two questions to ask. One is whether we can expect a society so organized to work—granting that it is very unclear just what “working,” in the relevant sense, consists of. One aspect that seems clearly relevant is stability. Would any such society be able to achieve stability? That is, would such a society persist in that form, or would it be crucially susceptible to takeover by a state-type agency? Would an anarchy inevitably turn into an “archy” of some kind? Why should or would everyone accept that rule—the rule of liberty, as we might call it—and not some other? Why should we accept a principle that restricts use of coercion so narrowly?

The first question sounds like one for or against which it should be

possible to assemble empirical evidence. If that is so, then the evidence certainly looks to be entirely against the anarchist. There appear not to be or to have been any anarchies amongst sizable and enduring societies on earth. But that is much too quick; a distinction must be made here. A state assumes power over all, and in principle it assumes unlimited power—power in all respects; yet, the extent of power actually wielded or even merely claimed by states, though it has varied a great deal, has never been totally unlimited. Within the boundaries of political states, there are and have been many areas of life within which anarchy is the order of the day. People frequently interact in various ways without evident leaders and in the absence of acknowledged central rule makers among the group of participants. This, indeed, is what makes sociology and economics possible. People relate to each other on their own various terms, and structures and patterns result that are of interest to the social scientist. The question is whether these innumerable constellations of independent actors are dependent for their existence on an overarching state, as some appear to think, or at any rate whether an anarchic condition would inevitably be such as to evolve into statelike arrangements.

Market Enforcement

At the level of logic, at least, the anarchist seems to be on solid ground. Market interaction requires that people predominantly respect the property rights of those with whom they interact. The occasional violator either gets away with his violation and is subsequently ignored, or something is done about him and he gets punished or his victims suitably compensated. Those who administer the punishment or compensation can be acting on behalf of the victim exclusively and need not have assumed a general duty to rectify all situations in which violations of rights have taken place. There is certainly no strictly logical necessity that any centralized agency possessed of statelike powers perform such functions.

It seems to be true, nevertheless, that constellations of independent actors readily succumb to statelike arrangements. We may describe this either (1) as a matter of participants seeing advantages in, or a “need” for, such an agency, or (2) of their falling prey to the wiles of the power hungry. Which of the two it is, though, is an important question. People will likely see the need for such an agency if there really is a need for it, but it does *not* follow that if they profess to see such a need, then there also *is* one. Whether there is would seem to be a matter of logic, conceptual analysis. Either there is something about human interaction that inherently requires states, or else those who profess to see such a need are mistaken.

They may be not only mistaken, however, but biased as well. We can expect the holders of power to be disposed to spread the doctrine that states are necessary even if they are not. Government may rest on error, and the error may even be deliberately fostered by those in power. Government may, in short, rest essentially on what amounts to fraud.⁹

If government is unnecessary, though, something else is: a basis of

interpersonal agreement regarding the underlying rules to be followed, and moreover, that those rules include essential prohibitions of force and fraud. That is, the fact that someone got something by force or fraud must be accepted by essentially all as constituting a basis for grievance, compensation, and perhaps retribution. Thus it sounds as though there must be what has been called a “natural law” of human association. Especially in view of its historical associations with our project, a few words about it are in order.

Natural Law

Most ways of expounding the idea that some moral rules are “natural” have the notable disadvantage that what they claim appears to be empirically refuted. Obviously it is untrue that people *do* behave strictly in accordance with the tenets of any recognizable version of “natural law.” And apparently it is untrue that all human infants emerge into articulate consciousness espousing those rules. Most of them do manage something of the sort, to be sure; but (a) by then they've been exposed to a good deal of social teaching and reinforcement; and (b) unfortunately for the natural law hypothesis, it seems that there is a good deal of variability in what particular individuals end up accepting in the way of general rules of conduct, especially insofar as they are members of differing groups. St. Thomas's dictum that the natural law is “written on our hearts” evidently needs to be taken with quite a few grains of salt. What, then, are we to replace it with?

There is, I think, a fairly short and quite reasonable answer to this, supplied in essentials by Thomas Hobbes, whose Laws of Nature are claimed by him to be “theorems” of prudence. People concerned about their own well-being, he thinks, will have to accept these rules as being rationally called for by a combination of four things: (1) their interests; (2) their powers; (3) the proclivities and capabilities of their fellows; and, of course, (4) the characteristics of the nonhuman environment. People wishing to do well will see the benefits of association with their fellows, and will see the need for such association to be along peaceful and cooperative lines rather than the reverse. The need in question will be perceived, in Hobbes's account, as arising from the evident rough equality of the human capacity for destruction and violence and the evident impossibility of getting on if others are free to use those destructive capacities. In short, Hobbes argues that the general shape of the rules of human interaction are not self-evident and certainly not matters of some special sort of “intuition,” but rather, pretty straightforward inferences of common sense about the four factors mentioned.

Yet Hobbes, as we know, was also the champion of the state, of “Sovereignty” as an essential device for securing the actual benefits of the rule of natural law. Natural law, he thinks, will rule only if *somebody* rules. But—fortunately for the would-be anarchist—Hobbes's argument is flawed, and fatally. It is important to see where he went wrong in order to understand which way is right.

Hobbes's argument makes use of an idea that is still regarded as virtually a theorem of decision theory. A familiar type of human interaction exemplifies the

general structure known as Prisoners' Dilemma. In such a structure, each participant chooses freely between two alternatives whose payoffs are a function of what others choose as well. If all choose x, then everybody is better off than if all choose y; yet each individual is best off if he chooses y while the others choose x. Since he will then be better off than in any alternative outcome, that is the one he will prefer. So Hobbes held, and most modern decision theorists join him in holding, that the rational actor will indeed choose y in such situations. All making this individually best choice in a condition in which there are absolutely no rules about *anything* leads to the famous "war of all against all," in which everybody is enormously worse off.

In order to head off this unfortunate result, thinks Hobbes, situations with such structures need to be fundamentally altered. Those who choose y must not be *able* to do so without entailing some further disutility not included in the original picture. This disutility is a penalty. In the Hobbesian scenario, it is to be wielded by a state. Why a state? Because, Hobbes reasoned, only a state has the necessary power to force any and all miscreants into line.

There are several questions to ask. First, is the "state of nature"—the situation we would have in the absence of government—indeed of broadly Prisoners' Dilemma type? Second, is the proposed inference to the individual superiority of the noncooperative strategy sound? And third, even if it is, would there be means of dealing with it other than Hobbes's proposed Sovereign?

Regarding the first question, most theorists who have considered the question at all have, in effect if not on the verbal face of it, accepted Hobbes's characterization. We should perhaps take note of a possible description of society according to which the situation facing humans is not even a Prisoners' Dilemma, but instead a *zero-sum* game—a situation in which one person's gain is another's loss. Of course, if nobody can improve his own situation without worsening that of someone else, there is no hope of cooperation, and the general advancement of society is simply out of the question. Fortunately, the zero-sum thesis is simply wrong.¹⁰ (The modern version of it invokes claims about limited resources and the like. Those versions are also wrong, but the point cannot be argued here.¹¹)

A situation in which all are free to resort to violence at will is dominated by one in which no one is: every single individual will do better than that very individual will have done if everyone, including himself, takes on a reliable commitment to refrain from violence (and the other vices detailed in Hobbes's list—all of which, of course, Hobbes claims, I think correctly, to follow from the fundamental vice,¹² which is the disposition to resort to violence in the promotion of one's various ends). Is there any real reason to doubt this thesis?

This, it turns out, is a rather tricky question. The short answer is "No": of course everyone will do better to take that alternative than to take the single alternative of having no commitments *at all*. But is that really the only other option? It seems not. In real life, people are often reliable but sometimes not. A selective mix of cooperation and defection will at least seem to pay, and is certainly what almost all individuals actually do exemplify in any considerable stretch of social life.¹³

Matters get considerably more complicated when we consider the

possibility that human interactions might have the structure known as “Chicken” rather than Prisoners’ Dilemma (henceforth PD, for short). In both games, the participants have a common second-best; but in the Chicken game, they have a common worst outcome, in contrast to the PD, in which both parties have a common third-best outcome. In PD, therefore, one player’s best is the others’ worst: A’s best response to B’s threat of aggression is defense—A can’t do better by knuckling under. But in Chicken, unfortunately, he *can*. If he insists on resisting, and the other does not back down, then both will lose; if, instead, A knuckles under, then A may be enslaved, but at least he is still alive. Faced with the choice between being the chicken and being the hawk, A may prefer being the chicken, nor is A clearly irrational in so choosing, as Peter Danielson¹⁴ so cogently points out.

This problem is clearly not an easy one, but certain general comments are in order. One is that if it is possible to prevent social Chicken games from developing, then it is plausible to say that we should do so, and plausible for the same reasons that recommend cooperation in PD. It is not at all surprising that it is a theorem of commonsense morality that we ought not to employ coercion, just as we ought to refrain from violence. This response may be lame, for the question then is whether social rules of that kind have the clout necessary to achieve their purpose. But then, the very same question can be asked about PD; and certainly the answer, in a vast range of real-life cases, is that it certainly does. Social life is generally not a fracas, despite the many temptations for the unscrupulous or the sociopathic. That we have much to gain by cooperation and much to lose without it, as a general observation about our situations *vis-à-vis* our natural environment and each other, seems too obvious to need more than a mere mention.

Nevertheless, Danielson’s challenge does seem to me to be right in one very important respect: it probably accounts for the existence and survival of the state. We shall return to that later.

The second of our three questions is whether the Hobbesian deduction from the premise of individual rationality is correct. Now on this, it seems to me, there is room for another view. That other view has been interestingly expounded by David Gauthier in recent times. Gauthier holds that the disposition to choose the “defect” option in PD is a mistake. We should instead adopt a disposition to cooperate, provided that the person with whom we are dealing is also disposed to do so, and to defect only if it looks as though that’s how he is disposed. This Gauthier calls “constrained maximization,” in contrast to the strategy of “straight maximization,” which calls for defection no matter what the other person does.

Gauthier’s solution has seemed to many to smack of moralism. And it is undoubtedly more complicated than the game theorist’s response. Instead of adopting a simple, unconditional “nasty” strategy, the rational individual, according to Gauthier, sees the need in such situations to operate on a more complex strategy. Now, the complexity of this strategy is seen to be especially deep when we ask how we could know that the other person has the similar disposition—and above all when we reflect that that disposition is a disposition

to cooperate if I am disposed to cooperate, so that part of my solving my problem about him is that he has to have solved the same problem about me.¹⁵

Even so, though, it looks as though there must be some kind of empirical solution to this problem, for we in fact do successfully cooperate, without depending on coercive enforcement agencies, in countless cases; and we all think that people should keep their agreements and that people who do not are on that account to be criticized. Is this last fact to be shrugged off as irrelevant? In accepting it, after all, I move from the rationality of actually doing the cooperative thing to the rationality of certain types of reactions to those who do not.

But this, I insist, is actually sufficient for our purposes. It is rational for me to insist on your keeping your agreements with me and for you to insist on my keeping my agreements with you. The perception that this is so, as well as lively awareness of the likelihood of followup reinforcement, seems to be extensively motivating in human affairs, and for good reason. Other theorists have pointed out that if we turn from the *one-shot* PD to the *iterated* dilemma, in which we face, time and again, the same general structure with the same people, then the rationality of a rule to treat the other this time as he has treated you previously is very plausible indeed.¹⁶ People with a continuing tendency to defect will certainly do worse than people with the tendency to cooperate as long as the other person has done so. It is obvious that they will, and easy to demonstrate to them. Iteration, indeed, seems to be a context in which we have the kind of evidence regarding dispositions that the Gauthieran cooperator requires.

I shall therefore propose that we settle for something very close to the Gauthieran conclusion. It *is* rational to be disposed to cooperate where cooperation looks to be likely; it is rational to insist on cooperation wherever cooperation is possible—as it generally is; and it is irrational, in real life, to behave the way a Hobbesian state-of-nature maximizer is alleged to behave.

This brings us to the third question: even if we were to accept the miserable view of the standard game theorist, would there be means of dealing with it other than Hobbes's proposed Sovereign? It is here that the anarchist's case is the strongest, since the answer is so obviously in the affirmative. The topic, we should be careful to recognize, takes in a great deal of terrain. Hobbes's Sovereign is intentionally totalitarian, the scope of his power essentially unlimited. No one should want to defend such an institution. Those who think that the state is justified insist that a state must be very much less nearly omnipotent than Hobbes's argument would have it. In particular, virtually all theorists ever since, including his successor John Locke, insist that a state must be, broadly speaking, democratic *and* must operate in an environment of constitutional restrictions. The point is, then, that there seem to be many alternative sorts of Sovereigns alongside the anarchist's alternative of no Sovereign at all and that none of them accepts the fundamental argument of Hobbes. It is an important question whether this is somehow a pipe dream, but facts must be faced. Contemporary states do frequently refrain from various policies because it would be evidently in violation of their constitutions, and governments are, every now and then, chucked out of office by electoral

processes.

What should we do in the face of this apparent plethora of possibilities? The anarchist's answer is that we must find out what is wrong with the state *as such*, so that even as minimal a state as we can imagine will still suffer from that defect. In addition, the would-be anarchist must show that no state has compensating advantages such that it is nevertheless preferable to anarchy. Even if we can do that, there remains the daunting question of whether anarchy is really feasible in the world we live in. It may be that for some reason it is not—some reason other than any having to do with the virtues of states, if there are any. That would be a dismal result, indeed; even so, one might learn something from it.

The Case against the State

Why think that there is anything inherently and necessarily wrong with the state? To see the answer to this, we need to attend carefully to the distinction between states and associations. The bridge club, the gardening society, even the philosophical association can decide to set up a governing board, hold elections, subject themselves to the resulting rules, and so on. The individual may join some organization ruled, for all practical purposes, by an absolute monarch. What distinguishes the state from all these is that those subject to it don't *join*, and that its authority extends to all, in respects that have nothing to do with any reasons why those, if any, who do join did so. Given that many are certain not to share the purposes proposed as justifying what the state imposes, it is highly probable that they will be badly done by.

Is it certain, though? Let's think about that one. We may here propose a general formula for acceptable law. What is needed is that *each individual* subject to it is better off, *in his own terms*, from being so subjected than he would be if not so subjected to it. Bear in mind that this recipe applies not only to the general idea of law. It applies also to its *application* and does so in *each individual case*. Officer O'Malley rightly applies the law to Jones at time *t* only if subjecting Jones to this penalty at this time is such as to bring it about that Jones is better off on the whole, in his own view, than he would have been had he not been subject to the law in such a way that this penalty is called for by persons doing just what Jones does at *t* in the circumstances prevailing then.

It is logically possible that this criterion could be met. But it is incredibly unlikely. State officials are paid to administer some or other laws. Making their pay contingent on the right administration of those laws is exceedingly difficult—to the point of being humanly impossible. This probability is enormously increased if the people who administer the rules are hired by Jones to do so, and moreover to administer precisely the rule now being administered. (Enthusiasts for the state sometimes argue that that is the situation with the state. In order to make that stick, they must stretch the sense of 'hired' beyond recognition.) From the point of view of institutional design, an institution that incorporated the distinctive feature of the market, that the consumer is boss—"consumer sovereignty"—has a far better chance of success than any

recognizable state.

Democracy, to be sure, is widely advertised as incorporating this feature. If you find that idea compelling, just imagine a supermarket that advertised that you would, upon entering the store, enter a vote for a "buyer" who would buy whatever he thought was likely to get him more votes from all the customers than either of two other "candidates" for this position, and he would then give you whatever share of the goods he felt like, and there was nothing you could do about this until the next such election, four years hence. Only someone with remarkably dim perceptions of the functioning of the state, or with a bizarre sense of humor, could regard democracy as providing anything much resembling market services. For the rest, the track record of actual democracies in providing genuine services to their citizens is sufficiently dismal that what little theoretical support there is for this form of government at the conceptual level is reduced to nil at the empirical level.¹⁷ Lord Acton is too often quoted to the effect that "All power corrupts, and absolute power corrupts absolutely." But those who blithely quote him concentrate only on the evils of the spectacular tyrants of history—the Stalins, the Napoleons, and so on. But the anarchist's real case concerns the little guys—the ones elected by the people in hopes that they will actually do some good. Political power is inherently likely—"certain" is close enough to the truth—to cause more evil than good, and the good that it occasionally does can be better brought about by people who, either because it pays or because they are interested in it, are motivated to do it rather than to bring about the side payments of politics.

Prospects for Anarchism: Not Good

There remains the question of why anarchy is not more popular than it is. With proper perspective, of course, it is in fact enormously popular, in the sense that the functionally anarchic parts of our societies, such as the markets for most consumer goods (despite the limits imposed by taxes and the welter of regulations hovering over everything), not only work superbly, but are perceived by all concerned to do so in practice. Nevertheless, anarchy in the sense of the total absence of government is so far from popular as to be almost entirely ignored, and treated with derision insofar as not ignored. Why should this be so, one wonders?

There are, I think, three kinds of answers, not entirely unrelated.

1. Throughout this essay I have ignored the nonrational aspects of government. Six million Britons volunteered to fight for their country in the First World War, even those who knew what was in store for them at the front. The first Canada-Russia hockey series culminated in a closely fought game that was televised around the world; in Canada itself, the country essentially came to a halt during that game. (This author recalls being at Stratford at a production of Shakespeare when, during the third act, suddenly the action on stage came to a temporary halt, and one actor stepped to center stage to inform the audience that Canada had just won the series by virtue of a heart-stopping goal in the last seconds of the final game. The audience broke into a five-minute ovation before

Shakespeare could be resumed. It is fair to say that things like this cannot be readily factored into my arguments above. Is the state justified because otherwise we would not have Canada-Russia games? Because the Olympics would never be the same? Because if the state goes, so does its pomp and majesty and suchlike? And a lot of what has been most interesting about history along with it? We'll leave the reader to ponder that one, but I do not want to underrate that factor. The question is whether the entertainment value of the state is really worth the costs. Frankly, I doubt it, and I doubt that most ordinary people would think so either.

2. There is no such thing as a free lunch—but there is such a thing as a boondoggle. Modern government encourages 90 percent of the populace to think it's getting something for nothing. The great majority of citizens belong to at least one group or other that has managed to induce legislators to do something for its own particular special interest. What it does is to provide a service that is virtually free to many people in its constituency—free in the sense that its (highly inflated) price is paid for by *others*. Each beneficiary group throws a cost onto the rest. This would not matter if everyone was a member of enough beneficiary groups and the service provided was sufficiently efficient that it would be worth it, from the point of view of each person, to pay as much as he is in fact paying in taxes for what he gets. But this is very far from being the case—a fact that much too rarely comes home to the clueless or bemused taxpayer.

3. Why is the taxpayer so clueless and bemused? Here we come to the most important reason of all: the self-interest of the governing class, which with big government is very large. The bureaucrats, policemen, secretaries, parliamentarians, and so on are interested in jobs: in keeping them and in their being secure. The power of government enables them to be fairly secure—in many cases *very* secure. It is also attractive on its own, enabling the office holder to wield authority over underlings and power over ordinary citizens.

To this, unfortunately, we can add the interests of considerable segments of modern populations who perceive that their careers or other interests are forwarded by the continued power of government. Not only popular media, but most of what we might call the intellectual upper-middle class, support the welfare state, the art-subsidizing state, the medical state, and the rest. All this effectively acts, in the end, to keep the lower orders down rather than to provide the help that well-meaning and intelligent people supposed they could provide by all these means. But that is not a message that easily gets through to such people—who, after all, forearmed with the meaningless but effective epithets of today's politics, stand ready to dismiss analysis as “right-wing,” after which who needs to read farther?

Good government is government in the interest of the governed, not of the governors. But, as we are coming more and more to appreciate, under the impetus of Public Choice analysts as well as common sense, the law is predominantly driven by the interests of the *governors*, not of the *governed*. And part of the package is that government has the power to induce people to believe that what it does for people is both necessary and useful.

Why does government remain in power? Why, in fact, are there still governments? The short answer is that governments command powers to which the ordinary citizen is utterly unequal. When an individual tries to defy the authorities—to “fight city hall”—he will be met by resistance. The ordinary citizen invariably pays his speeding fines instead of fighting them in court: the probability of losing is high, and even if he wins he has paid so much in time, trouble, and money that the gain is scarcely worth it to him. Multiply this by virtually the entire population, and the point becomes clear.

It is true that most laws are evaded or ignored much of the time and indeed, in a great many significant cases, most of the time. One may speculate that if the population suddenly were to “work to rule” and obey all the laws, society would come fairly close to grinding to a halt. The cost of this would likewise be terrific. How does all this happen? The secret lies in the Chicken game. When both parties resist, they both come out worse than if one or the other had knuckled under—but the cost to the individual of knuckling under is characteristically lower than the cost to the state. It's an unequal competition, and the individual generally loses.

Only at the polls does the citizen exercise real power—but that power is also minuscule, as we know. Moreover, the differences among candidates are generally trivial, so far as the citizen is concerned. None of the candidates is about to run on a platform of disbanding the government, nor would they get many votes if they did. Citizens are firmly, though not rationally, convinced that their government is a good and necessary thing, however poor its track record in detail. All candidates continue the time-honored tradition of promising what they know perfectly well cannot be delivered, and what they do deliver is at costs the citizen either doesn't understand, or believes will be largely paid by others.

Despite its brilliant track record and the abysmal track record of governments, the market has, therefore, little chance of expanding into domains taken over by the public. Superior force has a way of winning the battles. Government, indeed, depends on the market: if there is no income and wealth to tax, government goes out of business. This imposes a limit on the destructiveness of government activity, indeed, but that limit is very high, and government's capacity to keep us near that limit is immense. Prospects for anarchy, then, are not good. We will not soon see the end of government.

It is, however, unnecessary to talk, globally, of “the end of government.” Privatization in this, that, or the other domain is in principle possible and occasionally even happens. Many governments are about at the limit of their capacity to increase borrowing, after years of irresponsibly promising voters what others will pay for. They must, perforce, reduce spending at last. Here and there government programs will be virtually or completely suspended, and the beneficent influence of anarchy will be reinstated. The most that the anarchist can realistically hope for is an occasional small victory of that kind. At the practical level, his best hope is to chip away at small things. For the rest, patient labors expended in demonstrating, to the few who will read, that government provision of services is a bad idea in domain after domain are about the best anarchists can do for the foreseeable future. A certain amount of

intellectual satisfaction is the reward for that, no doubt, even if its immediate gain for the typical citizen is small.

But as for a general dismantling of Leviathan—don't hold your breath.

Notes

This essay was included in the collection edited by John T. Sanders and Jan Narveson, *For and Against the State* (Lanham, Md.: Rowman & Littlefield, 1996). It was also presented at the international meeting of the Society for Value Inquiry in Helsinki, Finland, 1994, among others. My thanks to Rowman & Littlefield for permission to reprint it here.

1. See David Friedman, "Anarchy and Efficient Law," *For and Against the State*, (Lanham, Md.: Rowman & Littlefield, 1996), 235-54.

2. See A. John Simmons, "Philosophical Anarchism," *For and Against the State*, 19-41, and Leslie Green, "Who Believes in Political Obligation?," *For and Against the State*, 1-18.

3. We cannot here go into the important distinctions between preemption, punishment, and exacted compensation.

4. See Jan Clifford Lester, "Market-Anarchy, Liberty, and Pluralism," *For and Against the State*, 63-80.

5. See Peter Danielson, "The Rights of Chickens," *For and Against the State*, 171-94.

6. It might be wondered why fraud is ruled out. The answer is straightforward. To communicate successfully, parties A and B require a common system of language sufficient to get the message in question across. These messages concern the way things are around them. If A intentionally misleads B, A utilizes this common system effectively to bring it about that B believes Q rather than P, where P is, so far as A knows, true. Now, when B acts on Q rather than P, B expects to bring about a result, R, which B supposes will occur if and only if Q. Since P is what is true, however, B's action will not result in the intended R. A has thus effectively brought it about, by action for which A is responsible, that B does not do what B wants. This, by definition, infringes B's freedom.

7. See Green, "Who Believes in Political Obligation?" *For and Against the State*, 1-18.

8. Again, it is too large a subject to go into here how a rule of property flows from the general rule against violating liberty. See *The Libertarian Idea* (Peterborough, Ont: Broadview Press, 2001), chaps. 6–8. An unpublished paper by the author, "The Justification of Private Property by First-Comers," is available on request. See also "Libertarianism vs. Marxism: Reflections on G. A. Cohen's *Self-Ownership, Freedom and Equality*," *The Journal of Ethics*, Vol. 2, #1, 1998, 1-26

9. This thought is developed in chapter 7.

10. I am assuming that the zero-sum claim is a general claim about humans. There perhaps are some few who get their kicks from seeing other people suffer, but to suppose that this is the dominant motive of typical human beings is to suppose what flies in the face of the evidence.

11. Among many valuable books and articles rejecting the current versions, the most amusing is P. J. O'Rourke's light-hearted but incisive *All the Trouble in the World* (New York: Atlantic Monthly Press, 1994). See also chapter 16 of this book.

12. R. E. Ewin, in *Virtues and Rights* (San Francisco: Westview Press, 1991),

argues that the Hobbesian moral rules are, as Hobbes at some places says, virtues and not "laws," despite their title of "Laws of Nature." In one sense, he is certainly right: morality has to be a matter of the internal disposition of the soul. But in another sense, the claim is wrong, or at least very misleading, for these laws may certainly be appealed to as the basis for settling claims and even, if need be, settling them by force.

13. A fascinating study by Jeffrey Olen, *Moral Freedom* (Philadelphia: Temple University Press, 1988), makes this point very effectively.

14. Peter Danielson, "The Rights of Chickens," *For and Against the State*, 171-194.

15. Peter Vallentyne, ed., *Contractarianism and Rational Choice* (New York: Cambridge, 1991), has a number of critical essays on the work of Gauthier and a response by him that readers somewhat versed in game theory will find extremely interesting and helpful.

16. See John T. Sanders, "The State of Statelessness," *For and Against the State*, 255-88.

17. A footnote referring the reader to detailed support would run to several volumes, but a good start is provided by William C. Mitchell and Randy T. Simmons, *Beyond Politics* (Boulder, Colo.: Westview Press, 1994). For another, see Anthony de Jasay, *Before Resorting to Politics* (Cheltenham, U.K.: Edward Elgar, The Shaftesbury Papers 5, 1996.)