

*A State-Tolerant Anarchism*

Given that this book is about anarchism, it may seem odd that so little has been said about the state. Section 1.1 did introduce the consent theory of legitimacy and the associated conclusion that no one is obligated to comply with the laws of the state (as practically no one has actually consented to the state's governance). However, this *philosophical anarchism* is a much weaker claim than the *political anarchism* typically espoused by self-identified anarchists. For the philosophical anarchist, the state merely lacks a certain kind of moral power, where this does not necessarily entail that one has any obligation to dismantle the state. Indeed, the philosophical anarchist may even allow that persons are obliged to *support* the state and the activities of its agents if doing so aligns with demands of justice. By contrast, the political anarchist contends that states are *unjust*, where this, in turn, implies that persons have a duty to abolish existing states (or, more modestly, that each state has a duty to abolish itself). More strongly, the political anarchist holds that similar duties would obtain vis-à-vis all – or at least most – possible states.<sup>1</sup> Thus, the fact that the proposed social anarchist position does not declare states unjust in this sense may come as a disappointment to those interested in a more radical sort of political anarchism.<sup>2</sup>

<sup>1</sup> As noted in Footnote 17 of Chapter 2, Simmons persuasively argues that there is no reason to deny the legitimacy of a state if everyone has consented to comply with its laws; thus, one should reject Wolff's (1970) contention that there are *necessarily* no legitimate states and, instead, take philosophical anarchism to assert that there are no *existing* legitimate states (1987, 269fn2). Further, there is no obvious reason for thinking that the existence of a state is unjust if it is legitimate or all persons otherwise endorse its existence. Thus, a charitable interpretation of political anarchism would not assert that states are *necessarily* unjust. Rather, it would allow that consensual states are just but no others. Or, perhaps some other possible states would be excepted, so long as it is still the case that the vast majority of possible states are declared unjust.

<sup>2</sup> An anonymous commenter has suggested that the proposed position might be redescribed as "socialist minarchism," as it holds that a state is just if and only if it takes the minimal form required to promote luck egalitarian redistribution while respecting self-ownership rights. Any regulatory action of the state beyond advancing this end would be unjust – and, thus, persons would have reason to strip the state of the power to carry out such activities.

This chapter will argue that political anarchism is misguided. This is not because there are pragmatic disadvantages to eliminating the state in favor of some non-state political arrangement. Rather, the chapter will argue that there is a conceptual problem with political anarchism that undermines its plausibility. Specifically, it will note that the political anarchist must provide an analysis of statehood such that one can determine what must be changed if existing states are to be abolished. Further, if political anarchism is to be plausible, the posited analysis must satisfy two *desiderata* (introduced in the subsequent section). However, it will be argued that none of the most plausible analyses of statehood satisfy both of these *desiderata*. Thus, political anarchism is implausible and should not be incorporated into the social anarchist position.

### 7.1 Two *Desiderata* of Political Anarchism

As was just noted, the political anarchist must provide an account of the necessary and sufficient conditions of some group qualifying as a state. Further, if political anarchism is to be plausible, these conditions must satisfy two *desiderata*. First, the analysis must support the political anarchist's contention that the mere existence of a state constitutes an injustice, where that injustice is negated by the elimination of the state. Thus, the political anarchist must endorse the following *grounding desideratum*: Any acceptable analysis of statehood must entail that (a) any given state is unjust and (b) the elimination of that state would eliminate the injustice.<sup>3</sup> One can test whether Proposition (a) is true by considering whether there is any case where some group meets the posited sufficient condition of statehood but no injustice obtains. If, for example, the posited analysis held that some group constitutes a state if and only if it has more than 1,000 card-carrying members, then Proposition (a) would be false, as there are many possible worlds where some group exceeds that size but no injustice obtains. This is a way of testing the adequacy of the sufficient condition(s) of the proposed analysis. Additionally, if injustice obtains when the sufficient condition of statehood is met, one must ensure that

<sup>3</sup> Proposition (a) needs to be qualified in light of the discussion that appears in Footnote 1. If the state has obtained universal consent to carry out the activities that render it a state, then the political anarchist will presumably have to concede that there is nothing unjust about the state. However, this is a special case, and the political anarchist might reasonably maintain that all states that lack this consent are unjust. Thus, the *grounding desideratum* should be understood to be satisfied by an analysis if and only if that analysis entails that Proposition (a) is true for all states *except* those that have obtained universal consent.

Proposition (b) is true by considering whether, for each posited necessary condition of statehood, that same degree of injustice would still obtain in the closest possible world where that necessary condition of statehood is not met. If the injustice persists, then Proposition (b) is false and the grounding *desideratum* goes unsatisfied. This test assesses the adequacy of the analysis' posited necessary conditions of statehood.

Second, the political anarchist needs an analysis of statehood that delivers the result that there are actually existing states, where these states at least roughly correspond to the groups that are pre-theoretically understood to be states. For example, the proposed analysis should not deliver the result that the United States Federal Government is not actually a state. Such a result would conflict with the intuition that motivates the political anarchist in the first place, namely, that the existing institutions that we call states are unjust. Call this constraint on analyses of statehood the *actuality desideratum*.

The political anarchist is committed to endorsing both of these *desiderata*, as they are presupposed by her claim that arrangements like the United States Federal Government are morally defective and should be abolished. However, the subsequent section will argue that none of the most plausible analyses of statehood satisfy both *desiderata*. Thus, political anarchism does not meet its own presupposed criteria of plausibility and should be rejected in favor of the more modest philosophical anarchism posited by the social anarchist position. Finally, the chapter will conclude by considering a recent argument that philosophical anarchism collapses into either political anarchism or statism.

## 7.2 Twelve Analyses of Statehood

So what is a state? As just discussed, the political anarchist must provide an answer to this question that satisfies both of the posited *desiderata*. To this end, she might draw upon Max Weber's influential claim that a state is "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory" (1991, 78).<sup>4</sup> This proposal suggests a number of potential analyses of statehood, beginning with one that makes use of Weber's appeal to legitimacy. Previously, the term "legitimacy" has been used to refer to the Hohfeldian power to oblige others via the issuing of edicts. However, political anarchists cannot posit that some group is a state if and only if it is legitimate in this sense, as they

<sup>4</sup> Emphasis in the original text.

are also philosophical anarchists who deny that those entities popularly assumed to be states – and more generally, any existing candidates for statehood – are legitimate.<sup>5</sup> Thus, if legitimacy in the just-specified sense is a necessary condition of statehood, then there will also be no existing states, where this result entails that the proposed analysis does not satisfy the actuality *desideratum*.

Alternatively, one might construe Weber's claim that states monopolize "the legitimate use of physical force" as an assertion that some group is a state if and only if it possesses *political authority*, that is, a special moral permission to use violence/coercion that ordinary people lack (e.g., a permission to coercively regulate behavior or violently enforce rights). However, this second proposed analysis of statehood runs into the same problem as the first, as political anarchists also deny that states possess political authority in this sense. Given this commitment, the second analysis of statehood would imply that there are no existing states, thereby failing to satisfy the actuality *desideratum*.

Given the failure of an analysis that makes reference to the actual moral status of candidates for statehood, one might employ the notion of "legitimacy" as Weber interprets it, that is, to express a claim about what people *believe* about the moral status of these candidates for statehood. According to this third analysis, a group is legitimate if and only if its purported subjects believe that they are obliged to obey the edicts issued by some members of the group (but not edicts issued by nonmembers). Or alternatively, the group is legitimate if and only if its purported subjects believe that the group possesses political authority – that is, that coercion/violence deployed by some members of the group is permissible while identical acts of violence by nonmembers is impermissible. In either case, this proposed analysis makes statehood a function of the beliefs that the purported subjects have about the candidate's Hohfeldian incidents rather than the actual Hohfeldian incidents that it possesses.

This revised analysis aims to satisfy the actuality *desideratum*, as one can concede that all existing candidates for statehood are not legitimate and lack political authority while also observing that most people mistakenly believe that entities like the United States Federal Government, the Government of the United Mexican States, etc., are legitimate and possess political authority. However, note that *not all* of the purported subjects of

<sup>5</sup> Technically, one could be a political anarchist without being a philosophical anarchist. In other words, one might think that states both have the power to oblige their citizens and are unjust and ought to be abolished. However, in practice, no one seems to hold this conjunction of views.

these entities hold these beliefs. As a contingent matter, every society contains at least a few philosophical anarchists who explicitly deny that the purported state of that society possesses legitimacy or political authority. Thus, strictly speaking, the actuality *desideratum* is not satisfied by this third analysis of statehood.

If one wanted the proposed analysis to satisfy the actuality *desideratum*, one would need to posit a fourth analysis of statehood such that a group is held to be a state if and only if *some suitable portion* of its purported subjects believe that it has special powers to oblige and/or special permissions to enact violence. However, it is not clear how one would specify the required portion without rendering the analysis of statehood arbitrary and *ad hoc*. Additionally, the proposed analysis would fail to satisfy Proposition (b) of the grounding *desideratum*. Suppose that everyone in the United States were to endorse philosophical anarchism. On the posited account, the United States Federal Government would not, in this world, qualify as a state. However, presumably the political anarchist would not judge the United States Federal Government to be just in this world. Thus, the *desideratum* is not satisfied, and the revised legitimacy-based account of statehood must also be rejected.

Perhaps these problems can be avoided by embracing Weber's proposal that a state *claims* the monopoly on legitimate violence. On this line of thinking, what matters is not whether a group has special moral status or is believed to have special moral status but, rather, whether *it contends* that it has a special moral status (i.e., that it possesses either political authority or the power to oblige and that its subjects lack the associated permissions and powers). This fifth analysis of statehood would maintain that a group qualifies as a state if and only if it publicly affirms that, unlike its subjects, it is legitimate and/or possesses political authority. However, as Nozick notes, this analysis proposes an implausible sufficient condition of statehood, as it is implausible that any single person can transform herself into a state by making a public moral claim (1974, 23).<sup>6</sup> Or, to slightly restate this point, the analysis does not satisfy the grounding *desideratum* because it allows that there are many possible just states (since, presumably, there is no injustice when an arbitrary person insists to her friends that she has the power to impose obligations on them via the issuance of edicts). Additionally, suppose that the United States Federal Government formally endorsed the philosophical anarchist position while sustaining all of its

<sup>6</sup> It is not fully clear whether this is Nozick's observation or if he is recapitulating a point made in an unpublished paper by Marshall Cohen.

current activities. Such a resolution would render it no longer a state on the proposed analysis. However, given that this endorsement does nothing to eliminate the injustice posited by the political anarchist, Proposition (b) of the grounding *desideratum* goes unsatisfied.

Fabian Wendt (2015, 329) revises this proposal by suggesting that the defining feature of a state is that it both denies that persons have a permission to privately enforce their rights – that is, it asserts that it alone has political authority – *and* it legally enshrines that assertion by denying them the legal right to carry out acts of private enforcement. The problem with this sixth suggested analysis is that, from the perspective of the philosophical anarchist, there is no moral difference between a group that refuses to grant persons some legal right and a group that publicly asserts that they lack this right. In her view, laws do not have any normative implications; thus, the issuance of a law can seemingly do more than command people to act in certain ways and inform them that there might be consequences for noncompliance. Granted, laws are typically enacted via a complicated social process, where the exact nature of this procedure will depend upon one's substantive view of the necessary conditions of lawmaking. However, irrespective of how one fills in those details, it is unclear how that process could render the issuance of a law against private enforcement more unjust than a mere public declaration that only the state has political authority. Thus, the proposed legal analysis of statehood would fail to satisfy the grounding *desideratum* for the same reason that the previous analysis failed to satisfy it: There would be no improvement vis-à-vis justice if the United States Federal Government were to eliminate its laws against private enforcement (while still continuing to carry out all of its current coercive operations to preclude such enforcement). And, similarly, a private individual might – without committing any injustice – develop her own legislative process and declare others' rightful actions illegal according to her set of laws (so long as she does not coercively enforce those laws). In this way, the proposed analysis fails to make statehood adequately track injustice in the way that the grounding *desideratum* requires.

The foregoing discussion has demonstrated that, for the political anarchist's purpose, statehood cannot be a function of the special moral properties of some candidate for statehood, the beliefs that people have about its moral properties, or the assertions it makes about its moral properties (where the passing of laws is one such mode of assertion). Rather, there must be some other property of groups, the possession of which is a necessary and sufficient condition of statehood. Here one might

appeal to the final component of Weber's account of statehood and contend that some group is a state if and only if it has an actual monopoly on violence; that is, it successfully uses its power to preclude its subjects and/or those within its claimed territory from employing unauthorized violence or coercion. However, this seventh analysis also fails to satisfy the actuality *desideratum*. As Marshall Cohen has noted in an unpublished paper, for any given purported state, some of the subjects in its territory continue to use violence and coercion that is not authorized by the state (e.g., various gangs).<sup>7</sup> Given that no group successfully monopolizes violence, this proposed analysis would unacceptably entail that there are no existing states.

This result suggests an alternative analysis of statehood that drops the requirement that states must *successfully* monopolize coercion/violence in the way just described. Specifically, one might, instead, endorse Nozick's proposal that, although states need not actually monopolize the use of violence or coercion, "a necessary condition for the existence of a state is that it. . . announce that, to the best of its ability (taking into account costs of doing so, the feasibility, the more important alternative things it should be doing, and so forth), it will punish everyone whom it discovers to have used force without its express permission" (1974, 24). However, while Nozick puts things simply in terms of what the group announces, it seems better to analyze the notion of statehood in terms of what the state actually attempts. Otherwise, the proposed analysis will fail to satisfy the grounding *desideratum* for the same reason that the fifth proposed analysis of statehood failed to satisfy it: If mere assertion is a sufficient condition of statehood, then a person would become a state simply by making the relevant assertion, despite there not being any attendant injustice. Thus, to avoid this problem, the eighth proposed analysis of statehood posits that some group qualifies as a state if and only if it attempts to preclude its subjects and/or those within its claimed territory from employing unauthorized violence or coercion whenever doing so is both feasible and within the bounds of prudence.<sup>8</sup>

<sup>7</sup> This paper is not available but its details are discussed by Nozick (1974, 23).

<sup>8</sup> This seems to be what Vallentyne proposes when he contends that "to be a state, an organization need neither have, nor claim to have, a *de jure* (i.e., rightful) monopoly on the use of force. It just has to prohibit the use of force without its permission (i.e., it has to claim a *de facto* monopoly)" (2007, 189n5). As Wendt notes, it seems odd to think that the defining feature of a state is that it *asserts* that it has a *de facto* monopoly on the use of force, as opposed to actually having such a monopoly (2015, 321). However, one might make sense of this claim if one interprets Vallentyne's assertions that states "prohibit the use of force" and "claim a *de facto* monopoly" to mean that states *attempt* to regulate all use of force by their respective subjects and/or those within their respective territories.

Unfortunately for the political anarchist, this analysis has problems of its own. First, consider the case of a large armed group that attempts to preclude all other persons from using unauthorized violence – that is, a group that qualifies as a state according to the proposed analysis. However, that group also authorizes each person to carry out all and only those acts of violence/coercion that the political anarchist deems morally permissible (acts of proportionate self-defense, coercive acts required to preserve the just distribution of resources, etc.). Further, the group’s agents act in only those ways that the anarchist judges permissible. Would such a state be just? It is unclear on what basis the political anarchist could deny that it is. From her point of view, the actions of its agents are all morally impeccable. And the only actions it attempts to prevent are those that she believes ought to be prevented. Thus, there is no apparent basis for her maintaining that the state is unjust, with the proposed analysis thereby failing to satisfy the grounding *desideratum*.

Alternatively, consider the single anarchist who attempts to directly realize justice via her actions. Presumably, she will also attempt to preclude unauthorized acts of violence – at least, when doing so seems feasible and reasonably prudent. For example, she will intervene to break up fights or threaten people to deter them from violating the rights of others. Further, there is no obvious limit to her ambitions: If she could prevent all rights-violating coercion and violence, she would. The only reason she does not attempt to intervene is because she knows that she will either not succeed or incur great costs for doing so. However, this makes her efforts of a kind with those of the hypothetical state discussed in the previous paragraph, as it, too, presumably tolerates a certain degree of unauthorized violence simply because it lacks the ability to prevent that violence from occurring. While there is a difference in the degree to which these two entities are able to regulate others’ use of violence, they are both still states as far as the eighth analysis of statehood is concerned. And, because their respective efforts are seemingly just, these cases entail that the proposed analysis fails to satisfy the grounding *desideratum*.

Does the mere act of authorization render the state posited two paragraphs prior unjust (despite the fact that it authorizes all and only morally permissible acts)? Wendt argues that it does, as he contends that imposing “an authorization process on others is a violation of their moral immunity protecting their moral power to enforce their rights” (2015, 325). However, there are a few problems with this suggestion. First, it seems to problematically imply that individual anarchists act unjustly when they allow some acts of violence while trying to prevent others.



The only way to avoid this implication is to contend that a state's authorization process goes beyond that of the individual in a way that is morally significant. But what is the morally salient difference? The political anarchist cannot claim that, unlike individual anarchists, the state changes the moral status of actions when it authorizes or refuses to authorize them, as this would presuppose that states are legitimate – a premise that she rejects. In her view, state authorization can be no more than the declaration of an intention to prevent certain acts of violence. Given that such a declaration might be equally issued by any street gang or individual anarchist, it is unclear on what basis she might maintain that the individual anarchist's authorization process is just while the morally impeccable state's authorization process is not.

Second, even if one sets aside this problem, Wendt's proposal seems to be making a pair of category mistakes. He contends that state authorization – or, really, the state's refusal to authorize – violates a moral immunity protecting the power to enforce one's rights. However, first, people have *permissions* to enforce their rights, not powers. Powers give people the ability to alter what Hohfeldian incidents they or others possess while enforcement is a physical activity that is either permitted or not. Second, while rights might be violated, immunities cannot be. Assuming that one working within the Hohfeldian analytical system, an immunity is the correlative incident of the absence of a power. In other words, to say that a person is immune from the loss of her permission to enforce her rights is just to say that no other person has a power to negate her permission (i.e., oblige her to not enforce her rights). Thus, when the state refuses to authorize some person's act of enforcement, the immunity implies that this refusal does not strip her of her permission to enforce. But no violation occurs that would ground the proposition that the state has acted unjustly.

Of course, if some group like the United States Federal Government goes out and actually prevents people from enforcing their rights, it will violate their claims against interference and thereby act unjustly. One, might, thus, suggest that *this* is the necessary and sufficient condition of statehood, as such an analysis will ensure that the grounding *desideratum* is satisfied. However, this ninth proposed analysis of statehood also runs into problems. First, if statehood is defined in terms of unjust actions such as violating claims against interference, then it follows that a group could cease to be a state simply by refraining from carrying out such actions – a result that will likely run contrary to the intuitions of most political anarchists, who may not want to concede that the United States Federal Government would no longer be a state if it refrained from violating

persons' claims against interference. More significantly, this result trivializes political anarchism: If the only difference between a state and its counterfactual non-state counterpart is that the former carries out some unjust action(s) that the latter does not, then clearly justice requires that the latter entity be realized rather than the former. If this is all that political anarchism demands, then there would be no disagreement between the position and the one advanced by this book (as well as by other philosophical anarchists who are typically taken to reject political anarchism).

Additionally, this analysis of statehood would counterintuitively imply a proliferation of states, as private individuals will often try to prevent others from enforcing their rights. Further, there is no apparent basis for insisting that an agent is a state if and only if she violates one kind of right – namely, a person's claim against interference when enforcing her own rights – while also holding that she is not a state if she violates other kinds of rights. Thus, a consistent political anarchist would seemingly have to maintain that states are abolished if and only if no one violates others' rights. However, this contention would both further proliferate the number of states and also further trivialize political anarchism.

Perhaps the idea of the state having a monopoly on violence can be salvaged by appealing to another popular account of statehood put forward by exponents of anarchism (e.g., David Miller (1984, 5–8) and Michael Huemer (2013, 232–3)). In this view, the defining feature of a state is its nonvoluntary character and the absence of choice when it comes to state affiliation. For example, an analysis focusing on the absence of choice would posit that some group is a state if and only if (a) there are other people who receive services from the group conditional on deferring to its regulations and (b) there is an insufficient number of alternative groups that those persons could choose to receive services from instead. Such an account would help support the anarcho-capitalist's claim that she is endorsing the abolition of the state when she proposes that the police and military should be replaced with competing private security firms that people hire in an open market. Additionally, it might appeal to social anarchists who envision security and welfare provision being administered by small, decentralized, and voluntarist private societies. However, this tenth proposed analysis would also seemingly violate the actuality *desideratum*, as the fact that there are multiple existing governed regions that allow immigration entails that persons are able to choose to receive security (and welfare) services from a variety of groups.

Granted, the conditions that persons must meet to change security services in the status quo are a bit more onerous than what anarcho-capitalists

envisage when they propose their security markets. For example, for a Canadian to receive (indefinite) protection from the United States Federal Government, she must move locations, go through a difficult bureaucratic process, and be subjected to a novel regulatory regime. However, it is not clear that these barriers are different in kind from what she might encounter in a private security market. It seems entirely likely that the anarcho-capitalist's private security firms would limit the areas in which they operate such that a person must move to a particular location if she wishes to be protected. Similarly, one might expect that these firms would run background checks on prospective clients and require them to go through an onboarding process that is not substantially dissimilar from that which the United States Federal Government imposes on people who apply for American citizenship. And such firms would similarly make regulatory compliance a condition of service provision. (They will protect some person only if she refrains from theft, does not start fights with others, refrains from the use of amphetamines, etc.) Thus, there is not an obvious basis for maintaining that the status quo does not offer people genuine choice of security provider of the kind provided by private security markets. This, in turn, makes it difficult for the political anarchist to contend that the actuality *desideratum* is satisfied by the tenth proposed analysis of statehood.

In response to this worry, Huemer argues that competition between security firms would keep the costs of choosing a different security firm low – much lower than choosing a different state via emigration (2013, 232–3). Thus, he might maintain that a group is a state if and only if it provides persons with security *and* the cost of their receiving services from a rival provider exceeds some threshold. This eleventh analysis would then satisfy the actuality *desideratum* if and only if the posited cost threshold is set to be lower than the current costs of emigration (but higher than the costs of switching security providers in a free security market, as this is needed to prevent Huemer's security firms from qualifying as states). However, the analysis would not seemingly satisfy the grounding *desideratum*, as the difference in cost between emigrating and switching security firms does not appear to ground a difference in justice between the current system of security provision and its replacement with a private security market. The difference in cost might ground a difference in justice if the cost of emigrating were prohibitively high such that persons did not have a genuine exit option. In this case, there would be a difference in kind between the cost of emigrating and the cost of switching firms, where such a difference could explain why the current system of security provision is

unjust in a way that a security market is not. But if the difference in cost is merely a matter of degree – as appears to be the case – then it does not seem that one can posit a nonarbitrary threshold such that security provision arrangements with exit costs above the threshold are unjust while those with exit costs below the threshold are just. This, in turn, implies that the posited analysis of statehood would not satisfy the grounding *desideratum*, as a state dropping below the threshold would cease to be a state without any concomitant improvement vis-à-vis justice.

In response to this objection, Huemer might reply there is a unique injustice that arises when some group artificially drives up exit costs by preventing competition in a way that violates the rights of competitors. Such a proposal would seemingly articulate the difference between the current state system and the private security market, as the former is characterized by groups like the United States Federal Government violently preventing certain varieties of security provision. However, Huemer would not need to appeal to increased exit costs to establish that the group in question is unjust; rather, he would merely need to cite the fact that it violates the rights of its competitors when it suppresses competition. But this reveals that this posited reply trivializes political anarchism as it has been previously described: If a state is just a group that acts unjustly, then justice trivially demands the abolition of the state, thereby rendering political anarchism an uninteresting thesis.

Given these difficulties, a final posited analysis of statehood might suggest that it is not the absence of choice *between* security providers that renders them states. Rather, it is the absence of a choice about whether to affiliate with a security provider *at all* that makes those security providers states; that is, it is the nonvoluntary character of state regulation and security provision that is the defining feature of statehood. Stated explicitly, this twelfth analysis of statehood holds that some group is a state if and only if it either provides others with benefits or regulates their behavior without their consent. However, this analysis also fails to satisfy the grounding *desideratum*. Consider, again, the individual anarchist who acts in a morally impeccable fashion. Sometimes she will provide people with benefits even when those benefits are not requested (e.g., when those benefits are necessary and sufficient for ensuring that the recipient acquires her just share of advantage). Similarly, the anarchist will sometimes coercively regulate others' behavior without their consent, for example, by preventing them from violating others' rights. Thus, the proposed analysis of statehood entails that such anarchists are states despite the fact

that they act in a just fashion. This result implies that the grounding *desideratum* is not satisfied by the proposed analysis.

It is not possible to provide an exhaustive list of potential analyses of statehood. However, this section has attempted to present the most plausible analyses that the political anarchist might incorporate into her position. And, in each case, it has argued that the proposed analysis fails to satisfy one of the political anarchist's crucial *desiderata*. Thus, there does not appear to be a plausible, nontrivial version of political anarchism – and, for this reason, the proposed social anarchist position rejects political anarchism in favor of a more modest philosophical anarchism.<sup>9</sup> Granted, there may be some overlooked analysis that satisfies both the grounding and actuality *desiderata*, in which case political anarchism might be shown to be a viable position. However, Section 7.3 will argue that there is a general reason for thinking that no such analysis can be provided.

### 7.3 A State-Tolerant Anarchism

The similarity of many of the previous objections to proposed analyses of statehood suggests that there is a more general problem with political anarchism. Specifically, it appears that political anarchists face a general dilemma that precludes them from providing a satisfactory analysis of statehood. Note that, when analyzing statehood, one must hold that the defining feature of a state is either (a) some action that the state carries out (e.g., preventing private rights enforcement) or (b) some structural

<sup>9</sup> Wendt (private communication, 2022) wonders whether the difficulties of analyzing statehood also create problems for the philosophical anarchist position defended here. After all, philosophical anarchism is typically characterized as the position that there are no existing legitimate states. But how can one assess this claim if no satisfactory analysis of statehood can be provided? In response to this question, it should be noted, first, that the foregoing argument merely maintains that there is no analysis of statehood that is compatible with the political anarchist's own prior commitments. Thus, one cannot infer that there is no analysis of statehood suitable for the philosophical anarchist's purposes. More directly, the philosophical anarchist can contend that her thesis does not have to be stated in terms of there being no existing legitimate states. Rather, she merely contends that the entities that *we pre-theoretically think of as* states are illegitimate. Note that the position defended here grounds the philosophical anarchist thesis in the consent theory of legitimacy: If consent theory is correct, then the United States Federal Government and other such entities are illegitimate because they have not obtained the consent of those whom they claim to govern. However, note that this conclusion does not presuppose that these entities have anything in common, and the premise that the United States Federal Government is a state does not play any role in the proposed argument. Given this proposed argumentative structure, no analysis of statehood needs to be provided to support the proposed philosophical anarchist conclusion. By contrast, political anarchists are committed to the view that the United States Federal Government is unjust *in virtue of the fact that it is a state*. Thus, it seems that they *do* have to provide an account of statehood to support this contention – and, more specifically, an account that satisfies both the grounding and actuality *desiderata* introduced earlier.

property that does not entail that the state carries out any set of actions. If one opts for the latter variety of analysis, then one is faced with the problem of the possible state that meets the sufficient condition in question while acting in a morally impeccable fashion. The possibility of such a state – and there should always be such a possibility given that the sufficient condition of statehood implies nothing about the candidate for statehood's actions – entails that the grounding *desideratum* goes unsatisfied, as there is seemingly nothing unjust about the state that acts impeccably. That means that the political anarchist must adopt an analysis that declares some group a state if and only if it acts in some unjust way. But such an analysis will trivialize political anarchism for the reasons discussed previously. Thus, political anarchism ends up being either implausible or trivial.

Given this dilemma, the suggestion here is that political anarchists should abandon their view in favor of a position that tolerates groups like the United States Federal Government conditional on their acting justly. When these groups discharge their duties, there is no reason for an anarchist to resist their activities. By contrast, when these groups violate others' rights, then the anarchist does have reason to resist the rights-violating activities in question. In this way, the proposed social anarchist position puts states on a moral par with private individuals: In both cases, one is concerned strictly with the deontic status of the agent's actions rather than some other property possessed by the agent. Further, this approach seems to follow from the denial of state legitimacy (which political anarchists endorse). Once one rejects that states have any special moral status, one should treat them as one would any individual or group agent. Given that anarchists typically respond to bad behavior by individuals and groups by positing that others have permissions and obligations to resist the unjust actions – as opposed to insisting that the rights-violating individuals or groups should be *abolished* – it seems that anarchists should adopt a similar attitude toward states.

That said, there is a contingent, empirical argument for political anarchism that is compatible with the posited social anarchist position and the arguments advanced previously. This argument begins with the plausible starting premises that (1) persons sometimes have obligations to prevent other agents from violating rights and (2) if one is obliged to  $\phi$  and  $\psi$ -ing is a necessary condition of  $\phi$ -ing, then one is obliged to  $\psi$ .<sup>10</sup> The argument

<sup>10</sup> Some libertarians and anarchists might reject (1) because they might insist that persons have only negative duties to refrain from actions without any positive duties to act in particular ways. The argument of the book has tried to remain neutral on the question of whether persons have positive duties, so it should be noted that the proposed argument for political anarchism does presuppose

would then propose that (3) there are certain properties of individuals or groups that are both (a) a necessary and sufficient condition of statehood and (b) a necessary and sufficient condition of some rights violation of the kind that all persons are obliged to prevent. Together, these three premises entail that persons have an obligation to prevent states from existing because they are obliged to negate the necessary conditions of statehood (as negating the necessary conditions of statehood is, itself, a necessary condition of preventing rights violations, which is obligatory).<sup>11</sup> For example, suppose that some group is a state if and only if it has a certain amount of power to realize its desired states of affairs. Further, suppose that simply having this degree of power will, as a matter of contingent empirical fact, lead any given group to violate the rights of others. In this case, other agents would be obliged to preclude any group from acquiring or possessing the quantity of power in question – that is, to abolish any existing state.

This argument is valid and may turn out to be sound. However, its soundness will depend upon whether empirical Proposition (3) is true, where the truth of this proposition seems quite difficult to establish. Thus, the political anarchist faces a demanding burden of proof that cannot be obviously met, even if the posited argument cannot be rejected *a priori*. If it were to be met, however, then one might amend the posited social anarchist position to include a political anarchist thesis in addition to its philosophical anarchist component.

#### 7.4 In Defense of Philosophical Anarchism

Before concluding, this section will briefly address Wendt's (2020) recent argument against philosophical anarchism, as it seems to threaten the posited endorsement of the position presented just prior. Specifically, Wendt suggests that the position is unstable and ultimately collapses into either political anarchism or a form of statism. Given that the social anarchist position advanced by the book includes a philosophical anarchist

the existence of such duties. That said, the political anarchist might avoid this commitment by restating the argument strictly in terms of the negative duties possessed by the state and/or the agents who compose it. Specifically, she would posit that these agents have negative obligations to refrain from carrying out actions that are a sufficient condition of the properties that are themselves a sufficient condition of both statehood and future rights violations.

<sup>11</sup> One might, alternatively, construct a probabilistic version of this argument, where this variant would contend that individuals are obliged to eliminate social structures that make rights violations *more likely* (with states being instances of such social structures).

component – and that this chapter has been a critique of political anarchism – it is worth discussing and replying to Wendt’s argument.

Wendt takes philosophical anarchists to be committed to three propositions. First, philosophical anarchists deny that the state has political authority, where Wendt stipulates that political authority entails both the power to impose obligations on others and permissions to coercively enforce laws (2020, 528). Second, because philosophical anarchists deny that states possess political authority, they also deny that the state has *legitimacy*, where Wendt defines this notion as referring to “the moral rights that allow the institution to function as the institution that it is” where “these moral rights are the rights that constitute political authority” (529). This definition is a bit odd because it seems to identify political authority and legitimacy, thereby rendering the second philosophical anarchist thesis trivial. For this reason, it seems better to revise Wendt’s definition of “legitimacy” such that the referent of the term is limited to the permission to enact and enforce certain kinds of laws.<sup>12</sup> Additionally, to avoid trivializing the second proposition, it seems better to redefine “political authority” such that it merely refers to the power to oblige, as opposed to the conjunction of the power to oblige and the permission to coercively enforce laws, which is to say, the power to oblige and legitimacy (otherwise, states would, as a matter of mere definition, lack legitimacy in virtue of lacking political authority). Thus, the first thesis would merely assert that states lack the power to oblige while the second would assert that, in virtue of this lack of authority, states also lack a permission to enforce certain kinds of laws – that is, they have a duty to not enforce certain kinds of laws. Finally, philosophical anarchists hold that states can be either justified or act justly, where the former notion entails that persons have content-dependent reasons to comply with laws or otherwise support states (e.g., because noncompliance would bring about a morally bad state of affairs) and the latter notion entails that states act permissibly when they enforce certain laws due to the content of those laws (e.g., laws against murder) (529).

<sup>12</sup> To avoid confusion, it is important to note that Wendt is switching the referents of “legitimacy” and “political authority” relative to how the terms are defined by the book. Prior to this section, “political authority” has been used to refer to the permission to coercively enforce laws while “legitimacy” has been used to refer to the power to oblige via the issuing of edicts. By contrast, Wendt uses the term “legitimacy” to refer to political authority and uses “political authority” to refer to the conjunction of legitimacy and political authority. To avoid misrepresenting Wendt’s argument, this section will adopt his definitions for the terms in question, but one should keep in mind that any subsequent appearances of the terms “legitimacy” and “political authority” correspond to different referents than the appearances of these terms in previous sections.



Wendt's argument against this position proceeds in two stages. First, he argues that the second and third theses are incompatible as a matter of definition: It cannot be the case that a state both lacks a permission to enforce certain kind of laws (i.e., it is not legitimate) while also being justified in enforcing those laws, as "having a [permission] not to do something simply means not having a duty not to do it" (533). In other words, because the illegitimate state *lacks* a permission to enforce the law, it has a correlative duty to *not* enforce the law, where this duty is incompatible with the philosophical anarchist's thesis that states are justified in enforcing the law.<sup>13</sup>

This incompatibility generates a dilemma for the philosophical anarchist. On the one hand, she can give up her contention that the state is justified in enforcing certain kinds of laws; however, to make such a concession is to abandon philosophical anarchism in favor of political anarchism, as one seemingly has reason to abolish the state if it is not justified in carrying out any of its law enforcement operations (535). On the other hand, the philosophical anarchist might insist that law enforcement is justified, but this would then force her to concede that the state is legitimate, which Wendt takes to be a form of statism rather than philosophical anarchism (532). Granted, the philosophical anarchist could avoid this conclusion if she revised her notion of legitimacy such that it did not refer merely to the permission to enforce the law but, rather, some other moral virtue, where this virtue (a) is not entailed by the permission to enforce laws and (b) is negated by the absence of political authority (536). However, this position is plausible only if some reason can be given for thinking that the state's lack of political authority is problematic enough to undermine the state's legitimacy (in this revised sense) but not so problematic as to render its enforcement actions unjustified (536). Given the apparent absence of such a reason, Wendt concludes that philosophical anarchism collapses into either political anarchism or statism.

There are two objections that can be made to this argument. First, one might contest Wendt's claim that a state cannot be both justified in carrying out enforcement actions and lack legitimacy, that is, a permission to enforce its laws. Wendt seemingly takes this to be a self-evident conceptual truth – one that follows from the similarly self-evident proposition that an action being justified implies a permission to carry out that

<sup>13</sup> Note that this sentence is simply negating both sides of the identity claim quoted in the previous sentence, as this transformation helps to clarify the logical relationship between the quoted claim and this section's exposition of Wendt's argument.

action (534). However, this entailment does not hold if one takes rights and duties to be merely *pro tanto* moral considerations such that a duty to  $\phi$  does not imply that one ought to  $\phi$ , all things considered. For example, one might think that even if  $P$  has a property claim against  $Q$  breaking into  $P$ 's cabin,  $Q$  may still break in if doing so is the only way for her to avoid freezing to death.<sup>14</sup> In this case,  $Q$ 's need does not negate her duty to remain outside, as evidenced by the fact that she would owe certain remedial duties to  $P$  in virtue of her action (e.g., a duty to compensate  $P$  for any damage or to at least apologize for using the cabin without permission). The persistence of this duty, in turn, implies that  $Q$  lacks a permission to break into the cabin, as one has a permission to  $\phi$  if and only if one does not have a duty not to  $\phi$ . Yet  $Q$  is, nonetheless, justified in breaking into the cabin (where a person is more generally justified in  $\phi$ -ing if and only if it is not the case that she ought not  $\phi$ ).

Given this plausible view of the relationship between duties/permissions and justification, Wendt is wrong to assert that a justified action is one that a person has a permission to do (i.e., no duty not to do). This, in turn, implies that a state might lack legitimacy vis-à-vis some act of enforcement but also be justified in carrying out that act of enforcement. Thus, contra Wendt, one might maintain that there is no contradiction between the philosophical anarchist's second and third commitments, that is, the denial that the state is legitimate and the insistence that it might be justified in enforcing certain laws.

Alternatively, the philosophical anarchist might argue that Wendt's objection to philosophical anarchism is primarily verbal rather than substantive. To advance this argument, the philosophical anarchist would simply concede that the state is legitimate in the sense that it has a permission to enforce some of its laws. She would then contend that the core philosophical anarchist claim is that the state lacks political authority but sometimes has Hohfeldian permissions to enforce its laws; that is, it is legitimate but lacks political authority. Given that the denial that states possess political authority is compatible with those states also being legitimate, the posited position sidesteps Wendt's argument, thereby avoiding any collapse into political anarchism.

Wendt anticipates this argument, and his preemptive reply is that the concession that states are legitimate is an abandonment of philosophical

<sup>14</sup> This case is borrowed from Joel Feinberg (1978, 102). Feinberg also endorses the proposed account of the relationship between duties/permissions and what one ought to do, all things considered. For another explication and defense of this account of duties, see Thomson (1990).

anarchism in favor of statism (542). Here one might object that this reply still makes the dispute sound merely verbal, as nothing of philosophical significance hangs on whether one labels the position in question “philosophical anarchism” or “statism.” However, Wendt argues that the disagreement is substantive, not verbal, as those who endorse the proposed position (i.e., that states are legitimate but lack political authority) “do not see themselves as anarchists. And they have good reason not to. A position that deserves the name ‘anarchist’ should deny that states are legitimate, and the position under consideration does not do this. As Simmons says, ‘one central claim unites all form [sic] of anarchist political philosophy: all existing states are illegitimate. I take this thesis to be an essential, if not defining, element of anarchism’” (543).<sup>15</sup>

This reply is unconvincing for a few reasons. First, it seems to be no less of a verbal move than any of those it is supposed to support. So far, this section has granted that a state is appropriately labeled “legitimate” if and only if it has a permission to enforce some subset of its laws, with the term “political authority” being used to refer to a state’s power to oblige. However, as noted in Footnote 12, this is an inversion of how these terms have been used by both this book and many other philosophers. Given that different philosophers assign different referents to the term “legitimacy,” it is not clear that the denial of state legitimacy-as-Wendt-defines-it is the essential characteristic of an anarchist view as opposed to the denial of legitimacy-as-it-is-defined-earlier-in-this-book (i.e., the power to oblige). Indeed, when Simmons claims that the denial of state legitimacy is the defining feature of anarchism, he is using the latter sense of the term rather than Wendt’s (1996, 106) – a point that Wendt, himself, recognizes (2020, 541). Thus, Wendt’s appeal to Simmons’ authority seemingly *undermines* his contention that the book’s posited view would not qualify as a variety of anarchism.

Further, even if Simmons were referring to the permission to enforce rather than the power to oblige, it is not clear that one must accept his view as the correct one. As noted in Section I.1, it is difficult to answer the question of which philosophical positions deserve the “anarchist” label, and neither Simmons nor Wendt provide reasons for accepting their proposal that such positions must include the denial of state legitimacy (irrespective of what “legitimacy” refers to). Absent such reasons, one might assess this proposal by applying Section I.1’s posited criterion of

<sup>15</sup> The “sic” indicates a slight mistranscription of Simmons’ text by Wendt rather than an error in Simmons’ original text being noted by Wendt.

what counts as an anarchist view: The anarchist position is that which the bulk of self-identified anarchists would accept given adequate philosophical reflection. Of course, as was noted there, it is difficult to determine whether a given position meets this criterion a priori. However, it was suggested that anarchists' post-reflection uptake of some position is a function the extent to which the position is independently plausible and the extent to which it coheres with their prior beliefs. Thus, to convincingly show that the posited philosophical anarchist position is not a genuine form of anarchism, Wendt would need to show that a position that assigns states a permission to enforce certain laws is either (a) less plausible than a rival view that does not assign such a permission or (b) is less coherent with other anarchist commitments.

It does not seem that Wendt would be able to demonstrate (a). Doing so would require showing that states lack a permission to enforce all and only those laws that any private individual would be permitted to enforce (e.g., a law against violent aggression). But this seems implausible. Why would a police officer lack a permission to stop an assault when a person standing next to the police officer possesses such a permission? Perhaps the answer to this question is that the state and its officers uniquely lack this permission due to the fact that the state should not exist at all. This answer would also support Proposition (b), as the political anarchist commitments of self-identified anarchists would then be incompatible with the state having a permission to enforce certain laws. However, first, even if the state should not exist, it is not clear that this negates its permissions to carry out many acts of law enforcement. Consider, as an analogy, the case of a trespasser who witnesses an assault occurring within the bounds of the private property she is invading. Presumably, she would be permitted to stop the assault even though it is also true that she should not even be positioned to stop the assault in the first place. This result suggests that an agent's permission to enforce certain rights can persist despite her failure to discharge other duties. Thus, more argument would be needed to show that the state's duty to dissolve itself negates the permission of its agents to enforce certain laws. Second, the discussion of the previous section has aimed to show that the political anarchist insistence on abolishing the state is misguided. If that conclusion is correct, then any (purported) incompatibility with political anarchism does nothing to diminish the plausibility of the posited position. Further, the incompatibility would not preclude anarchists from endorsing the position after adequate philosophical reflection, as such reflection would lead them to abandon any prior political anarchist commitments.

For these reasons, one should reject Wendt's claim that the proposed view is not an anarchist one.<sup>16</sup>

In sum, there is nothing inconsistent about the book's allowance that, although states lack the power to oblige, its agents sometimes act permissibly when they enforce their laws. Indeed, Wendt does not dispute this basic point. Rather, his only argument against such a position is that it is a form of statism rather than anarchism. However, he does not provide an account of which positions are anarchist in character, and the account proposed in Section 1.1 does not appear to vindicate his contention. Thus, there is no apparent problem with the social anarchist position's rejection of political anarchism in favor of philosophical anarchism.

### 7.5 Conclusion

So concludes the book's exposition and defense of social anarchism. The posited position is an unorthodox articulation of social anarchism *qua* political philosophy. However, this unorthodoxy allows it to attain various theoretical virtues such as a high degree of coherence and independent plausibility. The book has not attempted to compare social anarchism's advantages and drawbacks with those of rival views such as utilitarianism, Rawlsian liberalism, or other varieties of liberal egalitarianism. Instead, it has focused on putting dialectical pressure on libertarians, arguing that their position ultimately collapses into social anarchism. That said, its efforts to defend the independent (i.e., non-comparative) plausibility of the position – for example, by showing that it follows from a plausible meta-principle and does not generate unacceptable implications – have hopefully sufficed to show that social anarchism deserves a seat at the table alongside the more reputable political philosophies that have garnered the bulk of philosophers' attention.

<sup>16</sup> Wendt (private communication, 2022) pushes back on this argument by noting that the declaration that a state is *illegitimate* connotes that there is something morally problematic about the state that demands remedy. Thus, he suggests that an adequate account of legitimacy should entail that an illegitimate state is morally defective in a way that extends beyond it merely lacking the power to oblige. However, this point can be accommodated by appealing to the fact that existing states tend to *act* as though they do have the power to oblige, where the conjunction of this behavior and the fact that they lack said power is morally problematic. Given that states act in this way, pointing out that they lack legitimacy is a serious moral accusation, with the proposed account thereby satisfying Wendt's constraint on what counts as an adequate definition of "legitimacy."