

Meddling in Other Men's Affairs: The Case for Anarchy

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Let none of you suffer as a murderer, or a thief, or a wrong-doer, or a meddler in other men's affairs. [1 Peter 4:15]

Abstract: The foundational myth of political theory, the myth of the necessity of the state, is outlined and the question of its moral status raised. The anarchic counterposition is then briefly sketched before some central anti-anarchic arguments are considered and rejected.

The Myth of the State

Political theory is dominated by a myth, the myth of the necessity of the state. The state is considered necessary for the provision of many things but primarily for the provision of peace and security. Where a state is that group of people which wields a territorial monopoly of alleged legitimate force financed by a compulsory levy of the inhabitants of that territory, the myth holds that without such an entity there would be widespread disorder, violence, and chaos; in a word, anarchy. So dominant is the myth of the state that the claim that the state as we know it today is both historically contingent and functionally unnecessary is typically met with a mixture of bewilderment, incredulity, derision and hostility; such a claim, however, is the burden of this paper.

An Argument for the Necessity of the State

Despite scepticism as to its goals and achievements, the principal justification for the necessity of the state is that without it there would be an eruption of disorder that would threaten human society. Put into explicitly argumentative form, the argument runs:

1. X is a necessary condition for human flourishing (where X is parsed out as peace or security or some other such desideratum or combination of desiderata);
2. *Only* the State can provide X;
3. Therefore, the State is necessary.

If factor X can be provided in other ways or by bodies other than the state, then it becomes an open question as to which of these ways or bodies (including the state as one contender among others) is the best way or body or, even more fundamentally, which, if any, of these ways or bodies is a legitimate way to provide for this activity. The argument, in essence, hinges upon the assertion that without the state, there will be disorder, social disharmony, criminality, and attacks on the whole society from inside and from outside, that the state is necessary for the production and preservation of order and the maintenance of social relations.

Some Preliminary Reflections

First, a little reflection will demonstrate that most of our relations with other people come into being outside the ambit of positive law and would, for reasons of mutual benefit if for no more elevated reasons, continue in existence and operation even if there were no state to enforce its laws.

Second, the state does not in fact prevent or punish most internal violence. Even with the state there is disorder, social disharmony, criminality, and attacks on the whole society from inside and from outside and thus the state fails in regard to one of its fundamental or central functions.

Third, in the history of mankind, most killing has been done by one state or another, or by some armed group seeking to control the coercive apparatus of the state. The number of people killed in the twentieth century in state-sponsored conflicts is, at a conservative estimate, about 175,000,000; although impossible to say for definite, it can reasonably be judged that the number of people killed in the twentieth century by what we may call normal criminality—murders, muggings, and so on—is nowhere near that number.

Fourth, finding its role as the preserver of civil order unrewarding, expensive and time-consuming the state intrudes coercively upon other areas into which it has no business going and in which, we may be thankful, its renowned inefficiency is manifest. In a classic strategy of distraction and displacement, the state, bored with and indifferent to those things for which, allegedly, it primarily exists becomes ever more interested in curtailing and interfering with the lives, liberty and property of its citizens in ways that are more systematically devastating and irresistible than any danger posed by the ordinary criminal. Lovers of the grotesque must surely cherish

the irony that the dubiously moral organisation known as the State, in addition to its purporting to provide services that are genuinely required (albeit doing so inefficiently and expensively), should also set itself up officiously as the guardian of public morals.

The Moral Status of State Action

It is important, in considering political matters, not to commit the fallacy of misplaced concreteness. We talk of the ‘government’ and the ‘state’ as if these were real entities of a different and higher order of reality from the mundane things we encounter in daily life. But the government is simply a name for a particular group of people acting, or being willing to act, in particular ways at a particular time and place. Such being the case, the (rebuttable) presumption will have to be that such people are bound by the normal rules of conduct that apply to us all. What is good for one is good for all; what is bad for one must be bad for all. If it is presumptively wrong for me to initiate aggression against you, it must be presumptively wrong for those people calling themselves the government to do so. If someone wants to make the contrary case then the burden of proof resides with him. If someone claims that being a hitman for the Mafia and taking money for killing to order is wrong, then he is going to have to work hard to show why being a soldier and doing what appears to be the same thing (somewhat more efficiently but for somewhat less money per hit) is right. Without in any obvious way possessing a different moral status from ordinary mortals, the government of the state does things that, if done by anyone else, would be illegal, immoral, and criminal—for example, it making war, it kills; in taxing, it steals; in drafting troops for war it kidnaps.

The task of the defenders of the state is not easy. They have to explain that it is wrong to forcibly expropriate another’s property—except when the one doing the appropriating is the state.² They have to explain that it is wrong to take the life of another—except when it is the agents of the state who do the taking. Slavery and kidnapping, they will tell you, are wrong—unless it is the state that enslaves you or kidnaps you by means of conscription.

Eight arguments against anarchism³

1. Anarchy leads to mutual aggression

In a state of anarchy, mutual aggression is unavoidable. Without a coercive monopolistic state, long-term stable social relations become difficult, if not impossible, to maintain. The comparative advantage of the strong over the weak will be opportunistically employed to the permanent detriment of the weak. The cost of warding off this aggression will be high, even for the stronger party, and both parties will be worse off than they would be in a situation where aggression is either limited or impossible.

This is Hobbes all over again. In the absence of empirical evidence, it is an assumption, nothing more, that predation will be the daily fare in an anarchist world. Our ordinary experience, however, suggests that human interaction is normally mutually beneficial and that much if not most human interaction is positive-sum rather than zero-sum. Through communication, before, during and after their interactions, people make cost/benefit judgements that are usually more-or-less accurate and while there will always be some who will seek to benefit from exploiting their greater strength opportunistically, this is a short-term strategy that in the end is likely to be of diminishing utility and, on occasion, even-counter-productive.⁴

2. Law requires the state

You cannot have law, especially public criminal law, without a single monopolistic agency to enforce this law. Customary social cooperation requires coercive law in the background; we trust each other only because there are forces that will punish the wrongdoer if rights are violated.

We can all agree that the enforcement of law is necessary for any society to flourish yet not necessarily conclude that such enforcement need be public and monopolistic. History has demonstrated the emergence and operation of customary law and systems and private arbitration and security. The Hobbseian position assumes that there can be no social cooperation without law, that there cannot be law unless such law is enforceable by physical force or the threat of physical force and that you cannot have such enforcement without its monopolisation by a state.

These assumptions all appear to be false: (i) cooperation without law occurs all the time; (ii) you can have law without a physical enforcement apparatus—take, for instance, the emergence and development of the Law Merchant in the Middle Ages, whose enforcement method amounted to a form of blacklisting; (iii) you can have

legal systems that use enforcement methods that are not part of a monopoly state apparatus.⁵

It is sometimes contended that anarchy can work, if it works at all, only in very simple, non-complex societies.⁶ Again, this is an assumption. From the fact that anarchy has worked in relatively simple, non-complex societies it cannot be validly concluded that it can only work in such societies. At one time, all civilised countries were monarchies; the notion of democracy was unthinkable. Now it is the other way around.

3. Coercive government is the only solution to the problem of public goods

We need the state in order to secure rights because these rights are, as it were, public goods and so can only be secured by an agency with a monopoly on the initiation of force.⁷ It is claimed that there are things we all need but that cannot be provided voluntarily, typically defence against foreign aggression and internal security against criminals. Since all (allegedly) benefit from the provision of these services and since the services will still be provided even if any one person fails to contribute towards their provision, there is an incentive for 'free-riding'. To prevent the free-rider problem, such public goods must be financed through a coercive levy on all.

Whatever the extent to which the free-rider problem is a problem (and it is not obvious to me that it is a problem at all), there is a fundamental difficulty with proposing government as the solution to the 'public goods' problem. Suppose the state is instituted to provide the appropriate services and to eliminate the 'free-rider' problem. What then? Who will guard the guardians? Let us suppose that the state was instituted to protect us from foreign and domestic threats of violence. But the state now has a monopoly of force. Who or what will protect us against the state? Who or what, in Locke's terms, will prevent us being devoured by lions? If the answer to this question is that the state can be trusted to be self-restraining, then, given that any state is composed only of men, the same must be true of men in society pre-state and so the alleged necessity for government to solve the public goods problems disappears. However, if the public goods problem were in fact genuine, then we cannot rely on voluntary restraint by the state to prevent it abusing its power and so, logically, we require a super-state to restrain it. But—and you can see where this argument is going—even if we arrive at a One World state, we still have a problem of who or what is going to restrain *it*?⁸ What we have, then, is a dilemma. Either the provision of the

public goods of security can be provided only by government (A) or it can be provided by voluntary cooperation (B). If B, then the state is not necessary. If A, this provides us with another public good that can either be provided by voluntary constraint (A1) or that requires restraint by a superior body—i.e. another government (A2). A1 short circuits to B and A2, of necessity, leads to A3 etc. and so, either generates an infinite series, which is impossible, or to A which is either self-restraining (and we return to B) or which must frankly be admitted to be unrestrainable.

4. State action is not really coercive

The state's actions are not really coercive because people have consented to the state's existence. Explicitly, by (i) voting in elections for state governments or tacitly, by living within the territory of the state and accepting its benefits, much as one tacitly contracts in normal over-the-counter purchases or in a restaurant setting. (ii) In any event, the state is really just us deciding what to do for ourselves via representatives. (iii) Furthermore, the payment of taxes is another indication of support for state government that legitimates it.

There are a number of issues here that require disentangling: one concerns the nature of our consent to government; another, the nature of representation; and a third, the nature of taxation.

(i) Consent to Government

It is said that voting in elections signifies one's assent to the state and its government. It is far from clear that this is so. Even if most people approved of what a state government is doing at any particular time this would still make it at best a matter of majority tyranny. In any event, the morality of an act is not determined by polling the general public. Acts of murder or theft don't cease to be what they are just because most of us agree that they may be performed. Secondly, my voting in an existing political system may just be a matter of self-defence rather than signifying my assent to that system. Lysander Spooner remarks that

...without his consent having even been asked a man finds himself envisioned by a government that he cannot resist; a government that forces him to pay money, render service, and forego the exercise of many of his natural rights, under peril of weighty punishments. He sees, too, that other men practice this tyranny over him by the use of the ballot. He sees further, that, if he will

but use the ballot himself, he has some chance of relieving himself from this tyranny of others, by subjecting them to his own. In short, he finds himself, without his consent, so situated that, if he uses the ballot, he may become a master; if he does not use it, he must become a slave. And he has no other alternative than these two. In self-defence, he attempts the former. His case is analogous to that of a man who has been forced into battle, where he must either kill others, or be killed himself. Because, to save his own life in battle, a man attempts to take the lives of his opponents, it is not to be inferred that the battle is one of his own choosing. (Spooner (1973), p. 15)

A problem with implicit contract arguments as applied to the state and its government is that we're not really sure what the contract is, when it took place, and what its terms are, unlike the case in the restaurant where we know that if we order and consume food then we have agreed to pay the advertised price.

(ii) Representation

It is said that we have representatives whom we have elected and that this justifies our being coerced by the government of the state. There are some immediately obvious problems with the notion of political representation. Suppose I don't vote, or vote for someone who is not elected; how then is the person elected my representative? However, there is a much more fundamental question over the very notion of representation. In what way are our public representatives *representative*? Under normal circumstances, those who represent me do so at my bidding and cease to do so at my bidding. They act on my instructions within the boundaries of a certain remit and I am responsible for what they do as my representatives. Is this the situation with my so-called political representatives? Furthermore, the central characteristic of representation by agency is that the agent is responsible to his principal and is bound to act in the principal's interest. Can a political representative be the agent of a multitude? This seems unlikely. What if the principals have interests that diverge from each other? A political representative must then of necessity cease to represent one or more of his principals. The best that can be done in these circumstances is for the politician to serve the many and betray the few. Some additional items that may serve to distinguish the very special sense of representation embodied in the notion of political representation are: in contrast with the day-to-day notion of representative agency, political representatives are not (usually) legally answerable to those whom they allegedly represent. In fact, in modern democratic states, the mass of a representative's putative principals are in fact unknown to him.

Some may take issue with the notion of representation presented here. Indeed, the common or garden notion of representation now dominant is indistinguishable from a kind of iconic identity—A is said to represent B if A is like B in some respect; so, a woman, simply by virtue of being a woman, represents other women; a person of a particular skin colour, simply by virtue of that fact, represents other people with the same skin colour. But there is a logical problem here. Everything is like everything else in some respect or other and so it comes about that, on this notion of representation, anything or anybody represents any other thing or anybody else. Such a notion of representation evacuates it of any real significance.

A represents B when he is mandated to speak for B, either in part, or in whole; and for as long as he so speaks. As soon as he exceeds or falls short of his instructions he no longer represents; if and when his agency is removed from him he ceases to represent. What sense can be made of claims sometimes made that some group, say women, are ‘under-represented’ in particular professions? In most contexts, there is simply no representation at all going on. Suppose that I, a man, am employed in a particular capacity in a particular firm—just by virtue of being a man I do not represent men. By the same token, I don’t represent fathers, philosophers, the middle-aged, the cranky, or any other group. These are not appropriate arenas for representation and so there can be no under-representation simply because there can be no representation.⁹

(iii) Taxation

The claim that the payment of taxes is ‘really’ voluntary and non-coercive is easily dealt with. Remove the sanctions attached to non-payment and see what happens. If the taxes really are voluntary we can confidently expect no change in the amount of revenue collected. Some justify taxation on the grounds that it is the only way to make sure that all who desire to benefit from a project pay for it. Even if all my neighbours want something and I am happy to benefit from it but not to contribute towards it, to force me to contribute against my will is not any less coercion than if I derived no benefit from it. It is true that your average government does in fact provide some protection to its citizens (albeit inefficiently and expensively) but even if it were legitimate to coercively collect money to pay for such protection that would still leave the bulk of government spending unjustified.

5. Anarchy is irremediably inconvenient¹⁰

The objector here concedes that there could be some social cooperation under anarchy but holds that the ‘inconveniences’ of the anarchic situation would outweigh any counterbalancing benefits. These inconveniences are as follows: first, there wouldn’t be a universal body of law known and agreed to—and so people wouldn’t know what to count on; second, there would be a power of enforcement problem—without the state, no entity would have a sufficiently unified power to enforce the law; and third, people would end up being judges in their own cases and simply couldn’t be counted upon to overcome the inevitable human bias.

Could a universal body of law emerge in a non-state system? Manifestly. In the case of the Law Merchant it was self-provided not least because states weren’t in a position to provide it. In this case, uniformity and predictability were provided by the market because that’s what the customers, the merchants, needed and wanted.

Anarchy doesn’t mean lack of organisation or imply the disappearance of the need for order. The principles of division of labour and comparative advantage still hold. In such a situation, suitable enforcement procedures will develop probably *via* the specialisation of existing risk-distribution firms such as insurance companies. In assessing competing solutions to a problem, it is important to consider the merits and demerits of the solutions. The benefits of state law enforcement are widely touted. What is not so often adverted to is that when it comes to aggression the state is a much more dangerous aggressor than any band of random criminals. As other writers have pointed out (and as mentioned above), most people killed in the 20th century by human action have been killed either by state governments or by those aspiring to become state governments.

Apart from conveniently ignoring the fact that our courts as presently constituted are state courts so that in all cases to which the state is a party, one organ of state is judging another organ of state, this objection misses the simple logical point that one can adhere to the principle that disputants should submit their disputes to a third party without it following that there must be some one third party to whom all disputes must be submitted. You might as well assume since everyone should own one pair of shoes that there is one particular pair of shoes that everyone should own. The principle of *nemo iudex in causa sui* can be followed on an island inhabited by Albert, Bertha and Cornelius if Albert and Bertha submit their disputes to Cornelius, Cornelius and Albert their disputes to Bertha, and Bertha and Cornelius their disputes

to Albert. It is not necessary for the maintenance of the principle of *nemo iudex* that Cornelius should be installed as a permanent court of last resort. (See Skoble (1995))

6. One cannot avoid arriving at a (minimal) state

The private protection agencies that will emerge as agents of particular citizens will either engage in destructive and costly struggles or else will coalesce into what is, de facto, a minimalist state.¹¹

There can be no absolute guarantee that rival protection agencies won't engage in destructive struggles for supremacy much as many states do at present. However, we might wonder who is more likely to settle their disputes amicably, the state that does not bear the cost of the struggle or a private protection agency that has to pay its own costs. To ask this question is to answer it. Since violence and destruction costs money and would force agencies to raise prices (or lose money), any agency engaging in gratuitous violence risks losing customers to rival agencies. Unlike states that have captive customers and can externalise their costs, protection agencies have no guaranteed income stream since their customers are free to go elsewhere.

7. Anarchy leads to unending disputes

Under anarchy, there is no final arbiter in disputes and so disputes would be unending.

There is some ambiguity in notion of final arbiter. Does it mean someone who guarantees that the dispute is resolved forever and ever or a slightly less platonic person who puts a stop to a particular dispute? But here the state and the anarchist are on level ground. No social arrangement, including that of the state, meets the platonic standard. But, as a matter of fact, since energy, time and resources are finite most disputes do in fact come to an end. The example of inter-state conflict is revealing. They relate to each other anarchically and yet, in most instances, can interact without armed conflict.

8. The market presupposes law and so cannot be its source

Market exchanges presuppose a background of property law which cannot itself be a product of the market. Furthermore, the market is sufficient for the production and distribution of consumer goods but not for law. What, asks the critic, is to prevent some band of fanatics from prohibiting anything they take a dislike to, such as smoking, or homosexuality?

The picture seems to be that first, we have the law and then, when everything is legally in place, the market begins to operate. But market and law arise together. The legal system is not something completely independent of that which it constrains. People may think there is some guarantee of stability and legal orderliness under the state that disappears under anarchy. But the operation of law in any mode of social organisation depends upon its being generally accepted.

There is nothing in principle to prevent fanatics for interfering forcibly in the lives of others except the cost. However, it should be noted that such arbitrary prohibition goes on now anyway under your common or garden state. At the moment, all our friendly fanatics have to do is to go into a booth and vote for a particular policy—somebody else pays the cost of its enforcement; under anarchy, our fanatics would not only have to vote for a policy, they would have to pay for it too. The really fanatical will pay—the not so fanatical won't. The former group is likely to be much smaller than the latter.

Conclusion

I have attacked the myth of the necessity of the state by asserting its historical contingency and by calling its moral basis into question. I have attempted to present and reject some of the more obvious criticisms of anarchism. The points I have been able to make in this short paper are suggestive rather than conclusive; those whose interest has been piqued or whose intellectual hostility has been aroused are referred to the substantial literature in which these matters are discussed in greater detail and at greater length.

My political opinions lean more and more to Anarchy (philosophically understood, meaning abolition of control, not whiskered men with bombs) ... the most improper job of any man, even saints...is bossing other men. Not one in a million is fit for it, and least of all those who seek the opportunity. [J. R. R. Tolkien]¹²

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² My son recently bought a T-shirt in New York which had emblazoned on it: ‘Don’t steal—the Government doesn’t like competition!’

³ The arguments canvassed in the following sections are not original, in the main, with me but are derived from a variety of sources, including, in particular, the writings of Roderick Long, Edward Stringham and Robert P. Murphy [see Long (2004), Stringham (2007) and Murphy (2002.)].

⁴ While the findings of Game Theory are not uncontroversial, the general indication is that it is rational (as well as moral) to avoid predation in long-run interactions. This reflects the commonsense notion that it’s not a good idea to cheat, steal from or lie to someone you’re going to have to work with or do business with again.

⁵ See my ‘Legal Polycentrism’ [forthcoming in *The Journal of Libertarian Studies*] for an illustration of this point.

⁶ Thomas Jefferson held this view. He wrote to James Madison: ‘Societies exist under three forms, sufficiently distinguishable. 1. Without government, as among our Indians. 2. Under government wherein the will of everyone has a just influence... 3. Under government of force....It is a problem not clear in my mind that the first condition is not the best. But I believe it to be inconsistent with any great degree of population.’ [30 January 1787].

⁷ Students of economics will recognise this as a variation on a regular theme, the allegation that the market cannot at all, or only insufficiently, provide positive externalities (such as law and order), nor can it adequately restrain negative externalities (such as environmental damage).

⁸ My argument here follows Kennedy (2001).

⁹ Oddly enough, one rarely hears of groups being underrepresented in such non-glamorous occupations as refuse collection or oil drilling.

¹⁰ Based on Long (2004) section 3.

¹¹ This is essentially Nozick's (1974) argument. See Barnett (1998) and Skoble (1995).

¹² In a letter to his son Christopher (29th November 1943). See Carpenter (ed.), p. ?