

The Problem of Political Authority

Also by Michael Huemer

ETHICAL INTUITIONISM
SKEPTICISM AND THE VEIL OF PERCEPTION

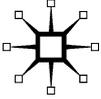
The Problem of Political Authority

An Examination of the Right to Coerce
and the Duty to Obey

Michael Huemer

University of Colorado at Boulder, USA

palgrave
macmillan



© Michael Huemer 2013

Softcover reprint of the hardcover 1st edition 2013 978-1-137-28164-7

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The author has asserted his right to be identified as the author of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2013 by
PALGRAVE MACMILLAN.

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-137-28165-4 ISBN 978-1-137-28166-1 (eBook)
DOI 10.1057/9781137281661

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
22 21 20 19 18 17 16 15 14 13

Contents

<i>Analytical Contents</i>	vi
<i>List of Figures</i>	xxvi
<i>Preface</i>	xxvii

Part I The Illusion of Authority

1 The Problem of Political Authority	3
2 The Traditional Social Contract Theory	20
3 The Hypothetical Social Contract Theory	36
4 The Authority of Democracy	59
5 Consequentialism and Fairness	81
6 The Psychology of Authority	101
7 What if There Is No Authority?	137

Part II Society without Authority

8 Evaluating Social Theories	183
9 The Logic of Predation	198
10 Individual Security in a Stateless Society	230
11 Criminal Justice and Dispute Resolution	265
12 War and Societal Defense	288
13 From Democracy to Anarchy	321
<i>References</i>	339
<i>Index</i>	357

Analytical Contents

Part I The Illusion of Authority

1	The Problem of Political Authority	3
1.1	A political parable	3
	A private party who performed acts analogous to those of the state would be strongly condemned. The state is not condemned because it is thought to possess 'authority'.	
1.2	The concept of authority: a first pass	3
	Political authority involves both political obligation and political legitimacy.	
1.3	Actions versus agents: the need for authority	7
	The difference between our attitudes toward the government and our attitudes toward vigilantes is due not to a difference in their actions but to a perceived difference in the agents.	
1.4	The significance of coercion and the reach of authority	8
	An account of authority is needed due to the ethical import of coercion. Many government policies depend on belief in authority.	
1.5	The concept of authority: a second pass	12
	The usual conception of authority includes five conditions: generality, particularity, content-independence, comprehensiveness, and supremacy.	
1.6	A comment on methodology	14
	The best approach to political philosophy involves reasoning from common-sense moral judgments.	
1.7	Plan of the book	17
	Part I explains why the state lacks authority. Part II explains how a society can function without authority. Readers should not dismiss the book merely because of its radical thesis.	
2	The Traditional Social Contract Theory	20
2.1	The social contract orthodoxy	20
	The social contract theory hypothesizes a contract requiring citizens to obey the state and the state to protect the citizens.	

2.2	The explicit social contract theory	21
	It is not plausible that such a contract was ever explicitly accepted.	
2.3	The implicit social contract theory	22
	Some argue that we accept the social contract implicitly, through our actions.	
2.4	Conditions for valid agreements	25
	Valid contracts satisfy four principles: (1) valid consent requires a reasonable way of opting out; (2) explicit dissent trumps alleged implicit consent; (3) an action can be taken as communicating agreement only if the agent believed that if he did not take the action, the agreement would not have been imposed on him; (4) contractual obligation is mutual and conditional.	
2.5	Is the social contract valid?	27
2.5.1	The difficulty of opting out	27
	There is no way of opting out of the social contract without giving up things one has a right to.	
2.5.2	The failure to recognize explicit dissent	30
	The state does not recognize explicit rejections of the social contract.	
2.5.3	Unconditional imposition	30
	The alleged social contract is imposed on citizens almost regardless of what they do.	
2.5.4	The absence of mutual obligation	31
	The state officially renounces any obligations toward individuals.	
2.6	Conclusion	35
	The traditional social contract theory fails.	
3	The Hypothetical Social Contract Theory	36
3.1	Arguments from hypothetical consent	36
	Some philosophers seek to base political authority on the claim that citizens would consent to a social contract in some hypothetical scenario.	

3.2	Hypothetical consent in ordinary ethics	37
	Hypothetical consent is valid only when actual consent is unavailable, and the hypothetical consent is consistent with the parties' actual philosophical beliefs and values.	
3.3	Hypothetical consent and reasonableness	39
3.3.1	Hypothetical agreement as evidence of reasonableness	39
	Some argue that hypothetical consent shows that a political arrangement is reasonable.	
3.3.2	Could agreement be reached?	40
	There is no reason to think that all reasonable persons could agree on a social contract.	
3.3.3	The validity of hypothetical consent	43
	The reasonableness of a contract does not make it obligatory for parties to accept it nor render it permissible to force parties to do so.	
3.4	Hypothetical consent and ethical constraints	46
3.4.1	Rawls's contract theory as an account of authority	46
	John Rawls, the most influential political philosopher, advances a hypothetical social contract theory.	
3.4.2	Could agreement be reached?	48
	There is no reason to think agreement could be reached in Rawls's hypothetical scenario.	
3.4.3	The validity of hypothetical consent, part 1: the appeal to fair outcomes	51
	The fairness of a contract does not make it obligatory for parties to accept it nor make it permissible to force parties to do so.	
3.4.4	The validity of hypothetical consent, part 2: sufficient conditions for reliable moral reasoning	52
	Rawls's scenario embodies some necessary conditions, not sufficient conditions, for reliable moral reasoning. Sufficient conditions would require complete and correct values.	
3.4.5	The validity of hypothetical consent, part 3: necessary conditions for reliable moral reasoning	55

	Rawls cannot show that no competing theory satisfies his necessary conditions for acceptable moral reasoning.	
3.5	Conclusion	57
	Hypothetical consent cannot save the social contract theory.	
4	The Authority of Democracy	59
4.1	Naive majoritarianism	59
	In common-sense morality, majority will does not generate obligations to comply or entitlements to coerce.	
4.2	Deliberative democracy and legitimacy	60
4.2.1	The idea of deliberative democracy	60
	Joshua Cohen articulates conditions for ideal deliberation in a democratic society.	
4.2.2	Deliberative democracy as fantasy	61
	No actual society satisfies any of Cohen's conditions.	
4.2.3	The irrelevance of deliberation	64
	Even if Cohen's conditions were satisfied, they could not ground authority. No deliberative process suffices to erase individuals' rights against coercion.	
4.3	Equality and authority	65
4.3.1	The argument from equality	65
	Thomas Christiano derives political obligation from an obligation of justice to support equality and respect others' judgment.	
4.3.2	An absurdly demanding theory of justice?	68
	Christiano's conception of justice must be either absurdly demanding or too weak to generate political obligations.	
4.3.3	Supporting democracy through obedience	70
	Obedience to the law is not a meaningful way of supporting democracy.	
4.3.4	Is democratic equality uniquely public?	71
	The democratic interpretation of the value of equality is not uniquely publicly realizable. Either many interpretations of equality can be publicly realized, or none can.	

4.3.5	Respecting others' judgments	73
	There is no duty to respect others' judgment if you know that their judgment is in fact defective.	
4.3.6	Coercion and treating others as inferiors	75
	The state treats citizens as inferiors by forcing citizens to obey its will.	
4.3.7	From obligation to legitimacy?	77
	The obligations to support equality and to respect others' judgments are not the sort of obligations that it is appropriate to enforce coercively.	
4.4	Conclusion	79
	The democratic process does not confer authority on its outcomes.	
5	Consequentialism and Fairness	81
5.1	Consequentialist arguments for political obligation	81
5.1.1	The structure of consequentialist arguments for political obligation	81
	Some argue that we have a duty to promote certain large goods that can only be promoted through obedience to the state.	
5.1.2	The benefits of government	81
	Government protects us from criminals and foreign governments and provides consistent rules for social coordination.	
5.1.3	The duty to do good	83
	When one can prevent something very bad with minimal cost, one ought to do so.	
5.1.4	The problem of individual redundancy	84
	An individual's obedience has no impact on the state's ability to provide key social benefits.	
5.2	Rule consequentialism	85
	It is not wrong to do something merely because it would be bad if everyone did it.	
5.3	Fairness	86
5.3.1	The fairness theory of political obligation	86
	Some argue that one must obey the law because disobedience is unfair to other citizens.	

5.3.2	Obedience as the cost of political goods	88
	For many laws, obedience has no connection with the state's ability to provide the crucial benefits that are supposed to justify its existence.	
5.3.3	Political obligation for dissenters	91
	Those who disagree with a policy do not act unfairly in refusing to cooperate with it.	
5.3.4	Particularity and the question of alternative goods	93
	There is no need to obey the law if one can do something more socially beneficial instead.	
5.4	The problem of legitimacy	93
5.4.1	A consequentialist account of legitimacy	93
	Some argue that the state may coerce individuals because doing so is necessary to achieve great goods.	
5.4.2	Comprehensiveness and content-independence	94
	Consequentialist arguments can only justify imposition of a narrow range of correct policies.	
5.4.3	Supremacy	98
	Consequentialist arguments cannot explain why nonstate actors should not be entitled to do the same things as the state, nor why they may not use coercion against the state.	
5.5	Conclusion	100
	Consequentialist and fairness-based arguments do not establish political authority.	
6	The Psychology of Authority	101
6.1	The relevance of psychology	101
6.1.1	Is this book dangerous?	101
	Some believe that it is dangerous to undermine belief in authority.	
6.1.2	The appeal to popular opinion	102
	Some believe that the rejection of authority is too far from common-sense political beliefs to be taken seriously.	
6.2	The Milgram experiments	105
6.2.1	Setup	105

	Milgram devised an experiment in which subjects would be ordered to administer electric shocks to helpless others.	
6.2.2	Predictions	107
	Most people expect that subjects will defy the orders of the experimenter.	
6.2.3	Results	108
	Two-thirds of subjects obey fully, even to the point of administering apparently lethal shocks.	
6.2.4	The dangers of obedience	108
	The experiment shows that belief in authority is very dangerous.	
6.2.5	The unreliability of opinions about authority	109
	The experiment also shows that people have a strong pro-authority bias.	
6.3	Cognitive dissonance	111
	People may seek to rationalize their own obedience to the state by devising theories of authority.	
6.4	Social proof and status quo bias	114
	People are biased toward commonly held beliefs and the practices of their own society.	
6.5	The power of political aesthetics	116
6.5.1	Symbols	116
	The state employs symbols to create an emotional and aesthetic sense of its own power and authority.	
6.5.2	Rituals	118
	Rituals serve a similar function.	
6.5.3	Authoritative language	120
	Legal language and the language of some political philosophers serve to encourage feelings of respect for authority.	
6.6	Stockholm Syndrome and the charisma of power	123
6.6.1	The phenomenon of Stockholm Syndrome	123
	Kidnapping victims sometimes emotionally bond with their captors, as in the case of the Stockholm bank robbery.	
6.6.2	Why does Stockholm Syndrome occur?	125
	The syndrome may be a defensive mechanism.	

6.6.3	When does Stockholm Syndrome occur?	126
	The syndrome is most likely to develop when one is under the power of another who poses a serious threat, one cannot escape or overpower one's captor, the captor shows some signs of mercy, and one is isolated from the outside world.	
6.6.4	Are ordinary citizens prone to Stockholm Syndrome?	127
	Subjects of a government satisfy the conditions for the development of Stockholm Syndrome and also show some of its symptoms.	
6.7	Case studies in the abuse of power	129
6.7.1	My Lai revisited	129
	In the My Lai massacre, soldiers were just following orders. One soldier who helped the villagers was reviled as a traitor.	
6.7.2	The Stanford Prison Experiment	131
	Volunteers participated in a simulation of prison life. The guards became increasingly abusive toward the prisoners.	
6.7.3	Lessons of the SPE	132
	Power leads people to inflict pain and humiliation on others. Those who are not corrupted do little to restrain those who are.	
6.8	Conclusion: anatomy of an illusion	134
	The common belief in authority is the product of non-rational biases. Belief in authority is socially harmful.	
7	What if There Is No Authority?	137
7.1	Some policy implications	138
7.1.1	Prostitution and legal moralism	138
	If there is no authority, legal moralism, as in the case of laws against prostitution, is unjustified.	
7.1.2	Drugs and paternalism	139
	Legal paternalism, as in the case of drug laws, is unjustified.	
7.1.3	Rent-seeking	141
	Laws motivated by rent-seeking are obviously unjustified.	

7.1.4	Immigration	142
	Immigration restrictions are unjustified.	
7.1.5	The Protection of individual rights	143
	Laws that protect individual rights are justified.	
7.1.6	Taxation and government finance	145
	Taxation is justified if and only if voluntary methods of government finance prove unworkable.	
7.2	The case of aid to the poor	148
7.2.1	Welfare and drowning children	148
	It is sometimes permissible to force someone to help a third party in an emergency. This principle might be used to justify government social welfare programs.	
7.2.2	The utility of antipoverty programs	149
	It is debatable whether government antipoverty programs are overall beneficial.	
7.2.3	Are poverty programs properly targeted?	152
	Government antipoverty programs ignore the interests of extremely needy people in other countries to focus on slightly needy people in one's own country.	
7.2.4	A clash of analogies: drowning children and charity muggings	154
	Government social programs bear more similarity to a practice of mugging people to collect money for charity than to a case of forcing a stranger to save a drowning child.	
7.2.5	In case the foregoing is wrong	159
	Even if the foregoing arguments are wrong, the case of aid to the poor does not support political authority, since the state would still have no greater rights than a private citizen.	
7.3	Implications for agents of the state	161
	Government employees should refuse to implement unjust laws.	
7.4	Implications for private citizens	163
7.4.1	In praise of disobedients	163
	Civil disobedience is justified in response to unjust laws.	

7.4.2	On accepting punishment Disobedients should evade punishment when possible.	164
7.4.3	On violent resistance Violent resistance is usually unjustified, since it typically harms innocent people without achieving its aims.	166
7.4.4	In defense of jury nullification It is morally wrong for a jury to convict a defendant under an unjust law.	168
7.5	Objections in support of rule worship	170
7.5.1	May everyone do as they wish? The rejection of authority does not entail that individuals may do whatever they wish or whatever they believe correct.	170
7.5.2	Procedure versus substance No purely procedural criterion for obedience to the law is needed. Assessing the appropriateness of disobedience requires recourse to substantive moral principles.	171
7.5.3	Undermining social order? Rather than leading to a collapse of social order, a widespread skepticism of authority would most likely lead to a much freer and more just society.	173
7.5.4	The consequences of the doctrine of content-independence No large institution can be expected to avoid all moral errors. But such errors will be more frequent if we hold the view that the institution is entitled to make the occasional error.	174
7.6	A modest libertarian foundation We have derived libertarian conclusions from common sense morality rather than from any controversial theoretical assumptions.	176

Part II Society without Authority

8	Evaluating Social Theories	183
8.1	General observations on the rational evaluation of social theories	183
8.1.1	Rational evaluation is comparative	183

	One should not ask whether a social system is good absolutely but whether it is better than the alternatives.	
8.1.2	Rational evaluation is comprehensive One should consider a system's overall benefits rather than focus on any single issue.	184
8.1.3	Varieties of government and anarchy We should compare the best form of government to the best form of anarchy.	185
8.1.4	Against status quo bias We should avoid the bias in favor of the social status quo.	186
8.2	A simplified conception of human nature	187
8.2.1	Humans are approximately rational People usually do what makes sense given their goals and beliefs.	187
8.2.2	Humans are aware of their environment People usually know obvious, practically relevant facts about how the world works.	188
8.2.3	Humans are selfish but not sociopathic People are largely selfish but accept some moral constraints and have some concern for friends, family, and neighbors.	189
8.2.4	On behalf of simplification It is useful to consider a simplified account of human nature that identifies some large factors in human motivation.	191
8.2.5	A historical application The view of human nature just described explains such events as the failure of America's first experiment with communism.	192
8.3	Utopianism and realism	194
8.3.1	The principle of realism Some social systems, while theoretically desirable, are too utopian to be of interest.	194
8.3.2	Prescription for a realistic anarchism To be sufficiently realistic, anarchists must argue that their system could succeed with human nature as we know it to be, that their system would be stable, and that	195

it could succeed in a limited area, assuming most people accepted anarchism. They need not argue that people are likely to accept the theory.

8.3.3	Against utopian statism	196
	Moderate political theories can be utopian. Statists must not merely assume that governments will act as they should nor that government officials are exempt from human nature.	
9	The Logic of Predation	198
9.1	The Hobbesian argument for government	198
	Hobbes argued that anarchy would be a state of war of all against all but that a single absolute ruler would create peace.	
9.2	Predation in the state of nature	200
9.2.1	Game-theoretic considerations	200
	It is normally prudentially irrational to start fights with others, even in the absence of government.	
9.2.2	Social conditions affecting the prevalence of violence	202
	The prevalence of violence is affected by cultural values, prosperity, and technology.	
9.2.3	Interstate violence	204
	Interstate violence is not deterred as easily as interpersonal violence.	
9.3	Predation in a totalitarian state	205
	Absolute rulers have little cause to care about their subjects' rights or welfare and often commit horrible abuses.	
9.4	Predation under democracy	208
9.4.1	The tyranny of the majority	208
	In a democracy, the majority may oppress the minority.	
9.4.2	The fate of nonvoters	209
	The government may ignore the rights and interests of nonvoters, including foreigners affected by the government's policies.	
9.4.3	Voter ignorance and irrationality	209
	Voters tend to be politically ignorant and irrational, since each voter knows his own vote will have no impact.	

9.4.4	Activism: a utopian solution	214
	Citizen activists cannot realistically be expected to keep watch over the thousands of everyday government activities.	
9.4.5	The news media: the sleeping watchdog	215
	It is not in the interests of the news media to keep close watch over the government.	
9.4.6	The miracle of aggregation	217
	Popular biases are likely to swamp the small influence of the few informed and rational voters in a typical election.	
9.4.7	The rewards of failure	219
	It is not in the government's interests to solve social problems, since governments get more money and power when social problems get worse.	
9.4.8	Constitutional limits	221
	The government cannot be trusted to enforce the constitution against itself.	
9.4.9	Of checks, balances, and the separation of powers	226
	Different branches of government have no incentive to restrain each other.	
9.5	Conclusion	228
	Constitutional democracy with separation of powers is much better than totalitarianism, but it does not eliminate political predation.	
10	Individual Security in a Stateless Society	230
10.1	A nonstate system of justice	230
10.1.1	Protection agencies	230
	In an ungoverned society, competing security agencies would provide protection from crime.	
10.1.2	Arbitration firms	231
	Disputes would be resolved through competing arbitration firms.	
10.2	Is it anarchy?	232
	This system differs from traditional government in that it relies on voluntary relationships and meaningful competition among security providers.	

10.3	Conflict between protectors	233
10.3.1	The costs of violence	233
	Since violence is extremely costly, security agencies would seek peaceful means of resolving disputes.	
10.3.2	Opposition to murder	234
	Most people are strongly opposed both to committing murder and to being shot at. Warlike security agencies would therefore have difficulty retaining employees.	
10.3.3	Conflict between governments	236
	The problem of interstate war is far greater than the potential problem of interagency war, because governments face much weaker obstacles to declaring unjust wars.	
10.4	Protection for criminals	239
10.4.1	The profitability of enforcing rights	239
	Protection of ordinary people is more profitable than protection of criminals.	
10.4.2	Criminal protection by governments	240
	In contrast, there is little to stop a government from protecting criminals rather than their victims.	
10.5	Justice for sale	240
10.5.1	Preexisting entitlement	241
	In one sense, individuals should not have to pay to have their rights protected. But those who provide protection cannot justly be asked to do so for free and will not do so for free.	
10.5.2	Basing law on justice	241
	Laws should be based on justice rather than profitability. Anarchists are no less capable of embracing this norm than supporters of a governmental society.	
10.5.3	Buying justice from government	242
	Governmental systems also require individuals to pay to have their rights protected and also may base laws on things other than justice.	
10.6	Security for the poor	243
10.6.1	Do businesses serve the poor?	244
	Most industries are dominated by production for low- and middle-income customers. Protection agencies will provide services for low- and middle-income customers.	

10.6.2	How well does government protect the poor? Government does little to protect the poor.	245
10.7	The quality of protection Private protection agencies would provide higher quality, cheaper services than government police forces, for the same reasons that private provision of most other goods is cheaper and of higher quality.	246
10.8	Organized crime Criminal organizations would be financially crippled by the legalization of such goods and services as gambling, prostitution, and drugs.	247
10.9	Protection or extortion?	249
10.9.1	The discipline of competition Competition prevents protection agencies from becoming abusive.	250
10.9.2	Extortion by government Governments face very little competitive pressure and can therefore get away with far more abusive behavior than a private protection agency.	252
10.10	Monopolization	253
10.10.1	The size advantage in combat Nozick argues that the protection industry would be monopolized due to customers' desire to be protected by the most powerful agency. This wrongly assumes that the job of protection agencies is combat with other agencies.	253
10.10.2	Determining efficient size of firms In the protection industry, the most efficient size for a firm would be quite small. This would enable many firms to coexist.	254
10.10	Government monopoly Those who oppose monopolies should oppose the largest of all monopolies, that of government.	256
10.11	Collusion and cartelization	257
10.11.1	The traditional problem for cartels Individual members of a cartel have an incentive to defect against the cartel.	257

10.11.2	Cartelization by threat of force	258
	It is unlikely that a protection industry cartel would be enforced through violence between protection agencies.	
10.11.3	Cartelization through denial of extended protection	259
	Nor could an industry cartel be enforced through a threat to refuse to protect customers of noncartel agencies.	
10.12	HOA versus government	261
	HOAs are superior to (traditional) governments because HOA membership is voluntary and there is meaningful competition among HOAs.	
10.13	Conclusion	262
	Privatization of the protection industry would result in higher quality with lower costs and fewer undesired side effects than the governmental system provides.	
11	Criminal Justice and Dispute Resolution	265
11.1	The integrity of arbitrators	265
	Arbitration firms would depend on a reputation for fairness and wisdom to attract customers.	
11.2	Corporate manipulation	266
	Businesses do not gain greater profits by making unreasonable demands in regard to dispute resolution mechanisms or anything else.	
11.3	Refusing arbitration	269
	Protection agencies would refuse to protect clients who reject arbitration.	
11.4	Why obey arbitrators?	270
	Agencies would refuse to protect clients who violate arbitration judgments.	
11.5	The source of law	271
	Law is best made through contracts and by judges rather than by a legislature.	
11.6	Punishment and restitution	272
	The anarchist justice system would focus on restitution rather than punishment.	

11.7	Uncompensable crimes	273
	Judges would have to decide what to do in cases of crimes for which compensation is impossible.	
11.8	Excess restitution	274
	Criminals might face somewhat higher compensation demands than were truly just. This would not bring down the system and would not be obviously worse than the overpunishment problem in existing governmental systems.	
11.9	The quality of law and justice under a central authority	278
11.9.1	Wrongful convictions	278
	In the present system, many people are wrongly convicted.	
11.9.2	Oversupply of law	280
	Too many laws are made.	
11.9.3	The price of justice	282
	Governmental justice systems are unreasonably expensive and time-consuming.	
11.9.4	The failure of imprisonment	283
	Imprisonment leads to prisoner abuse and high rates of recidivism.	
11.9.5	Reform or anarchy?	284
	Governments are slow to reform for reasons inherent in the incentive structures of government-based systems. A shift to a free market model would make numerous improvements more likely.	
11.10	Conclusion	286
	Privatization of the legal system would result in higher quality, lower costs, and fewer defects in general than government-based legal systems provide.	
12	War and Societal Defense	288
12.1	The problem of societal defense	288
	Some argue that only a government can protect society against other governments.	
12.2	Nongovernmental defense	289

12.2.1	Guerrilla warfare	289
	Guerrilla warfare has proved surprisingly effective at expelling foreign occupiers.	
12.2.2	The difficulty of conquering an ungoverned territory	291
	An invading army would face large costs in conquering and establishing government in an ungoverned territory.	
12.2.3	Nonviolent resistance	291
	Nonviolent resistance has proved remarkably effective at ending governmental oppression.	
12.2.4	Conclusions	295
	An anarchic society has plausible means of defense against foreign invaders.	
12.3	Avoiding conflict	295
12.3.1	Natural human aggression	296
	Some argue that war is inevitable due to natural human aggression, but this theory is not plausible.	
12.3.2	Land and resources	297
	To avoid war, an anarchist society should be established in a region lacking unusually large concentrations of valuable resources and lacking a history of territorial disputes.	
12.3.3	Conflict spirals and intergovernmental disputes	299
	Most wars are caused by disputes between governments. These could be avoided by not having a government.	
12.3.4	Power relations	301
	Many wars are caused by struggles between governments for international dominance. These could be avoided by not having a government.	
12.3.5	The liberal democratic peace	303
	A society could avoid war by being surrounded by liberal democracies.	
12.3.6	If you desire war, prepare for war	305
	Military preparation does not prevent war. It increases the risk of war.	

12.4	Avoiding terrorism	310
12.4.1	The terrorist threat	310
	The threat of terrorism may become serious in the future, due to the possibility of attacks using weapons of mass destruction.	
12.4.2	The roots of terrorism	312
	Terrorism almost always occurs in retaliation for government actions.	
12.4.3	Violent and nonviolent solutions	314
	The best way to avoid terrorism is to eschew policies that provoke it, rather than attempting to incapacitate all potential terrorists.	
12.5	The dangers of 'national security'	316
12.5.1	The risk of unjust aggression	316
	Maintenance of a standing army creates a risk that one's government will commit unjust aggression.	
12.5.2	The risk of global disaster	318
	Governmental militaries pose a risk of destroying the human species.	
12.6	Conclusion	319
	A governmental military is not necessary for security and may actually increase our danger.	
13	From Democracy to Anarchy	321
13.1	Against presentist bias: the prospects for radical change	321
	Radical social changes have occurred in the past and will probably occur more quickly in the future.	
13.2	Steps toward anarchy	325
13.2.1	Outsourcing court duties	325
	A society could approach the privatization of the justice system by delegating certain court cases to private arbitrators. This process has already begun.	
13.2.2	Outsourcing police duties	326
	The move toward privatization of police functions is also under way. Governments have outsourced a few police duties to private security guard companies.	

13.2.3	The end of standing armies	327
	The end of standing armies may come about through a global cultural shift and a gradual ratcheting down of military forces.	
13.2.4	The rest of the way	328
	Once the military was eliminated and courts and police privatized, someone would probably figure out how to make the politicians go home.	
13.3	The geographical spread of anarchy	329
	Anarchy is most likely to begin in small countries or parts of countries. If the results were promising, the idea would spread.	
13.4	The importance of ideas	331
	The eventual arrival of anarchy is plausible due to the long-run tendency of human knowledge to progress and to the influence of ideas on the structure of society.	
13.5	Conclusion	334
13.5.1	The argument of part I	334
	Authority is illusory.	
13.5.2	The argument of part II	335
	Society can function without government.	
13.5.3	The argument of this chapter	336
	Anarchy is attainable.	

Figures

6.1	The Colorado state capitol building	117
6.2	A Colorado courtroom	118
10.1	Frequency of crime victimization by income	245
10.2	Percentage of U.S. crimes cleared by arrest	247
10.3	Average cost curve for a firm in an industry with both economies and diseconomies of scale	256
11.1	A standard price theory diagram	267
13.1	The number of democratic nations in the world, 1800–2010	322

Preface

This book addresses the foundational problem of political philosophy: the problem of accounting for the authority of government. This authority has always struck me as puzzling and problematic. Why should 535 people in Washington be entitled to issue commands to 300 million others? And why should the others obey? These questions, as I argue in the following pages, have no satisfactory answers.

Why is this important? Nearly all political discourse centers on what sort of policies the government should make, and nearly all of it – whether in political philosophy or in popular forums – presupposes that the government has a special kind of authority to issue commands to the rest of society. When we argue about what the government's immigration policy ought to be, for example, we normally presuppose that the state has the right to control movement into and out of the country. When we argue about the best tax policy, we presuppose that the state has the right to take wealth from individuals. When we argue about health care reform, we presuppose that the state has the right to decide how health care should be provided and paid for. If, as I hope to convince you, these presuppositions are mistaken, then nearly all of our current political discourse is misguided and must be fundamentally rethought.

Who should read this book? The questions addressed herein are relevant to anyone interested in politics and government. I hope my fellow philosophers will profit from it, but I also hope it will reach beyond that small group. I have therefore tried to minimize academic jargon and to keep the writing as clear and straightforward as possible. I do not presuppose any specialized knowledge.

Is this a book of extremist ideology? Yes and no. I defend some radical conclusions in the following pages. But although I am an extremist, I have always striven to be a reasonable one. I reason on the basis of what seem to me common sense ethical judgments. I do not assume a controversial, grand philosophical theory, an absolutist interpretation of some particular value, or a set of dubious empirical claims. This is to say that although my *conclusions* are highly controversial, my *premises* are not. Furthermore, I have striven to address alternative viewpoints fairly and reasonably. I consider in detail the most interesting and initially

plausible attempts to justify governmental authority. When it comes to my own political view, I address all the important objections found in the literature and the oral tradition. Politics being as it is, I cannot expect to persuade committed partisans of other ideologies. My aim, however, is to persuade those who have kept an open mind regarding the problem of political authority.

What is in this book? Chapters 2–5 discuss philosophical theories about the basis of state authority. Chapter 6 discusses psychological and historical evidence regarding our attitudes about authority. Chapter 7 asks the question, if there is no authority, how ought citizens and government employees to behave? It is here that the most immediately practical recommendations appear. Part II of the book proposes an alternative social structure not based on authority. Chapters 10–12 address the most obvious practical problems for such a society. The last chapter discusses whether and how the changes I recommend might come about.

I wish to acknowledge some friends and colleagues who helped me with this book. Bryan Caplan, David Boonin, Jason Brennan, Gary Chartier, Kevin Vallier, Matt Skene, David Gordon, and Eric Chwang provided invaluable comments that helped eliminate mistakes and improve the text in numerous places. I am grateful for their generosity. If any mistakes remain, the reader may look these professors up and ask them why they did not correct them. The work was completed with the assistance of a fellowship from the Center for the Humanities and the Arts at the University of Colorado in the 2011–12 academic year, for which assistance I am also grateful.