

# Egalitarian Anarchism

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June 2021

## The Context

I am going to argue that we have egalitarian reason to avoid obeying most laws. But first some context:

- **Philosophical Anarchism.** This is the view that we are not generally obligated to obey the law. It is usually defended negatively: writers look at some arguments that we ought to obey the law and try to show that they don't work. They almost never, more positively, identify a reason to avoid obeying the law.
- **Democratic Authority.** This is the view that we have special reason to obey democratically-made laws. The idea is that, when we disobey such laws, we make our fellow citizens our inferiors. We have reason not to subject our fellow citizens to inferiority. So we have reason to obey such laws.

Prominent philosophical anarchists include Simmons (1979) and Huemer (2013). One can also find this view in Smith (1973) and Raz (1979).

For this view, see Kolodny (2014), Viehoff (2014) and Christiano (2008).

My aim is to use the ideas animating advocates of democratic authority to provide a positive argument for philosophical anarchism

## The Argument

Let's say you *obey* a law when you do what that law tells you to do because it tells you to do it. Let's say an *unequally-made law* is one over which power was unequally distributed.

1. We have reason to avoid exacerbating inequalities in power
2. If we obey unequally-made laws, then we exacerbate inequalities in power

∴

**Conclusion** We have reason to avoid obeying unequally-made laws

One can then continue as so:

3. Most laws in [The United States] are unequally-made

∴

**Conclusion** We have reason to avoid obeying most laws in [The United States]

Obedience is a motivational notion. Suppose I command you to go to sleep tonight. You will no doubt go to sleep. So you will *conform* with my command. But it's doubtful that you'll obey it. You'll sleep because you're tired, not because I told you. Obedience requires you be motivated by the command itself.

This inference relies on the principle: if S has reason to see to it that  $\neg P$ , and Q implies P, then S has reason to see to it that  $\neg Q$

You can swap the contents of the square brackets with the country of interest. I'm focusing on the United States. But there are of course also interesting questions about whether you should obey most German laws, or most British laws, or most Chinese laws. I doubt, however, that there are interesting questions about whether one should obey most laws in the abstract: this question seems ill-defined.

This argument identifies an egalitarian reason to avoid obeying the law. We can call a version of anarchism based on this argument *egalitarian anarchism*.

### *The Premises*

#### *Power*

Think of the relationship between a king and a subject or a master and a slave. These are inegalitarian relationships: they are relationships of subordination and domination. Plausibly, such relationships are in part constituted by inequalities of power.

- i. The more unequally is power distributed among two people in a relationship, the more inegalitarian is their relationship.
  - ii. We have reason not to subject people to more inegalitarian relationships
- ∴

**Conclusion(=1)** We have reason to avoid exacerbating inequalities of power.

#### *Obedience*

- i. If we obey an unequally-made law, we increase the power of the relatively powerful more than that of relatively powerless
  - ii. If we increase bring about such a differential increase, we exacerbate inequalities in power
- ∴

**Conclusion(=2)** If we obey unequally-made laws, then we exacerbate inequalities in power

**Examples.** Obeying the laws in a dictatorship makes the dictator more powerful. This exacerbates inequalities of power. Obeying the laws in an oligarchy makes each oligarch more powerful. This too exacerbates inequalities of power.

#### *Inequality*

The evidence here is empirical and country-specific:

- **The United States.** Here the most distinctive evidence concerns the influence of money in politics. Martin Gilens (2012) finds evidence that only the richest ten percent of Americans have any

What is power? I take one's power to be the extent to which one can influence how other people behave. So, the more A can control what B does, the more inegalitarian is their relationship, *ceteris paribus*. Dahl (1957) has a similar conception of power.

I'm assuming that we can roughly evaluate how powerful somebody is. These evaluations needn't be very precise: the argument is consistent with there being large incomparabilities between different people's power.

Let's say a *dictatorship* is a system in which one person makes all the laws, and an *oligarchy* is a system in which a small number of people make all the laws.

Other democracies face distinctive problems of their own. In Japan, the power of bureaucrats is distinctive. In India, the power of upper castes stands out. In Pakistan, the power of military men is unusual. And so on: I don't think the United States is atypically inegalitarian.

influence over policy. Bartels (2008) presents evidence that the poorest third of Americans have no influence over how their senator votes.

- **Other Democracies.** All real-world democracies are representative democracies. In such democracies, elected representatives have much more political power than ordinary citizens. So, on the face of it, such democracies are very unequal.

I explore representative democracy more in my Lovett (2021). I think this problem can be ameliorated, but not resolved entirely.

### *The Implications*

- **Conformity.** Our reason to avoid obeying the law doesn't give us reason to break the law: it doesn't give us reason to go around stealing or killing. It just gives us reason not to be motivated by the law. Nonetheless, plausibly we have reason to publicly avoid obeying the law. And a good way to do that is to performatively break certain laws, so in some cases this argument gives us reason to break the law.
- **Obligations.** We might have countervailing reason to obey certain laws. So this doesn't yet get us to the conclusion that we are not generally obligated to obey the laws. But, in fact, I think most putative reasons to obey the law are undermined in inegalitarian political systems. One doesn't, for example, have much reason to do one's fair share in maintaining a system that subordinates you.
- **Specificity.** Not all laws are equally tarnished by inequality: some have been made more equally than others. One has weightier reason to avoid obey the most inegalitarian laws. In the United States, I suspect that includes tax laws. Equally, some polities systematically make laws more unequally than others. In the United States, more economically unequal states are probably more politically unequal too (Rigby and Wright 2013)

Unlawful gatherings in dictatorships (think the color revolutions) exemplify the performative breaking of the law, as do famous campaigns of civil disobedience.

As I'm using the term, one is *obligated* to do something just in case one has reason to do it that isn't outweighed.

For histories of how the U.S. tax code was written see Winters (2011, 211–55) and Saez and Zucman (2020, 45–66).

### *The Objections*

- **Standing not power.** I have claimed that inegalitarian relationships are constituted by inequalities of power. But perhaps they are not. Perhaps they are instead constituted by beliefs about superiority and inferiority. On this view, for you to be someone's superior is for people to think you have greater moral status than them. Then, typically, obeying laws won't matter to inegalitarian relationships.
- *Reply.* This is a bad view. Consider a relationship of raw power: suppose I get you to do what I want by threatening to shoot you,

This view would also hamstring egalitarian defense of democracy. Nobody in Singapore thinks that elites in the People's Action Party (PAP) are of higher moral status than other Singaporeans.

but nobody ever believes that I am your superior in terms of moral status. Such a relationship is a relationship of subordination. So, inegalitarian relationships depend on more than just beliefs.

- **Lightweight reason.** Perhaps we have reason not to subject people to inegalitarian relationships because such relationships are bad for them, and we have reason to promote the good. One might think that obeying unequally-made laws only makes people's relationships a tiny bit more inegalitarian. So, such a promotion-based reason is going to be very lightweight.
- *Reply.* We have reason to honor the value of equality, not only to promote it. The weight of this reason is not highly sensitive to how much one impairs egalitarian relationships with one's actions. So we can have quite weighty such reason to avoid even small impairments of egalitarian relationships.
- **No inequality.** When you obey the law in a democracy, you don't just increase the power of the more powerful. You increase the power of the less powerful too. And you increase everyone's power proportionately. But inequality just consists in relative differences in power. So you don't increase inequality at all.
- *Reply.* This depends on how you measure inequality. I think the absolute difference in how powerful people are matters to inequality in the relevant sense. It isn't just relative power asymmetries that are important. For suppose A can determine 1% of B's actions and B can determine 100% of A's actions. This is more inegalitarian a relationship than if B could determine 0.01% of A's actions and B could determine 1% of A's actions.

A different reply to this objection relies on the claim that obeying the law involves making *very many* relationships more inegalitarian. It impairs the relationships of all your fellow citizens. And very many modest impairments may ground a weighty reason.

A different reply to this objection relies on the claim that, in many political systems, many people have no relevant political power at all.

### Conclusion

If my argument works, we very often have egalitarian reason to avoid obeying the laws. Obeying the law exacerbates inequalities of power, which subjects people to more inegalitarian relationships.

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