

Egalitarian Anarchism

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Abstract I develop an egalitarian version of philosophical anarchism. According to this view, we have reason to avoid treating some people as superiors and others as inferiors. But, when influence over the law is very unequally distributed, obeying it can count as treating some people as superiors and others as inferiors. It counts as treating those with more influence as superiors and those with less as inferiors. So, in such cases, we have reason to avoid obeying the law. But in many places, including the United States, influence over the laws is very unequally distributed. So in many places, including the United States, we have reason to avoid obeying the law.

Synopsis Philosophical anarchists think that we have no general obligation to obey the law. Typically, they provide one of two bases for this view. They usually argue by elimination (Simmons, 1979; Huemer, 2013). They look at the arguments for such a duty and argue that they fail. They sometimes base their view in regard for autonomy (Wolff, 1970). They suggest that we have a duty to act autonomously and that a duty to obey the law would conflict with this duty. In this paper, I provide a third, egalitarian, basis for philosophical anarchism. This basis amounts to the claim that we have egalitarian reason to relate to all as equals. I argue that, when the laws are made very unequally, obeying them means relating to those with more political influence as superiors and those with less as inferiors. In many places, including the United States, the laws are made very unequally. So, we often have egalitarian reason to avoid obeying the law.

This version of egalitarianism which undergirds this argument is a kind of relational egalitarianism. This kind of egalitarianism is rooted in two observations. The first is that inegalitarian relationships are objectionable. Elizabeth Anderson (1999), for instance, condemns ‘distinctions of moral worth based on birth or social identity – on family membership, inherited social status, ethnicity, gender or genes.’ The second observation is that egalitarian relationships are attractive. Samuel Scheffler (2003, 30) gives friendship and marriage as examples. Relational egalitarians think that these observations give rise to certain reasons. We have reason to do things which are antithetical to the inegalitarian relationships and agreeable to the egalitarian relationships. Doing such things respects the latter and repudiates the former.

This view has been influential, and some people think it can give us reason to obey certain laws (Kolodny, 2014; Viehoff, 2014). I argue that, on the contrary, it implies we often have reason to avoid obeying the law.

My argument depends on two claims. The first claim is that egalitarian relationships are partially constituted by certain equalities. I focus on (in)equalities in power and inequalities in de facto authority. Power is the ability to determine what other people do. De facto authority is a type of power: it's the ability to *tell* people what to do. One has de facto authority insofar as one's commands are likely to be obeyed. The claim is that egalitarian relationships are incompatible with such inequalities, but inegalitarian relationships thrive on them. Consider, for example, a friendship in which one friend always gets to boss around the other but not vice versa. This inequality impairs the egalitarian character of such a relationship. It risks making it an inegalitarian relationship. This gives both friends reason—weighty reason—to stamp out such an inequality. Only by so doing can they respect the egalitarian value of friendship. More generally, we have reason to stamp out, or at least avoid exacerbating, certain objectionable types of inequality.

The second claim on which my argument depends is that, sometimes, obeying the law can exacerbate these objectionable types of inequalities. In particular, it will do this when the law is made very unequally. When some have much more influence over a law than do others, obeying that law contributes much more to their de facto authority than to the de facto authority of others. So it exacerbates inequality in de facto authority. So, if we have reason to avoid exacerbating such inequalities, we have reason to avoid obeying the law. This straightforwardly provides reason to avoid obeying the law in dictatorships. When you obey laws a dictator made, you're giving the dictator more authority than your fellow citizens. But it also gives us reason to avoid obeying the law in many democracies. That's because many democracies are severely unequal. According to one study, in the United States only the wealthiest ten percent of citizens have any influence over the law (Gilens, 2012). So, if this empirical work is right, the inequality of American democracy exacts its price in authority: we've reason to avoid obeying many American laws. More generally, this argument provides an egalitarian basis for philosophical anarchism. It shows us how we can, in some cases, have egalitarian reason to avoid obeying the law.

1 Introduction

Relational egalitarians think we should relate to people as equals. We shouldn't treat some people as superiors and others as inferiors. Philosophical anarchists think there's no general duty to obey the law. We're not morally obligated to obey the state's commands. In this paper I argue that the first view supports the second. This is because, so I argue, obeying the law can count as treating some as superiors and others as inferiors. It does so when some people have much more influence over lawmaking than others. Obeying the law, in these cases, amounts to treating those with more influence over the laws as superiors and those with less as inferiors. So, relational egalitarianism implies we have reason to avoid obeying such laws. And, if we have reason to avoid obeying

the law, we're less likely to have a general duty to obey the law. So, relational egalitarianism supports philosophical anarchism. The upshot of this is a novel, distinctively egalitarian, version of philosophical anarchism. It's a version of philosophical anarchism grounded in egalitarianism. In the next section, I'll spell out the relevant version of egalitarianism. I'll then explain how it supports philosophical anarchism before considering some objections.

2 Relational egalitarianism

Relational egalitarianism is the view that we ought to relate to one another as equals.¹ This view is rooted in two observations. On the one hand, there's the repulsion of unequalitarian relationships. Consider the relationship between lord and peasant or Brahmin and Dalit; such hierarchical relationships should be prevented. On the other hand, there's the attractiveness of egalitarian relationships. Consider friendships or modern marriages; such egalitarian relationships should be protected. These points support the claim that we ought not treat some people as superiors and some as inferiors. Doing so amounts to promoting the sort of relationships which should not be promoted. We ought, instead, relate to all as equals.

What exactly does that give us reason to do? This depends on exactly what's involved in each type of relationship. Scheffler (2015, 27), for example, suggests that people in egalitarian relationships are normally disposed to give equal weight to one another's interests. Such a disposition in part constitutes these relationships. He thinks this means that, when we're making decisions in the context of a relationship, we must take the interests of the other members of that relationship to be equally as weighty as our own. So suppose you're deciding where to vacation with a friend. You can't only consider where you want to go. You should take what your friend wants into account too. You should, in making this decision, give your equally weighty interests equal weight. The reason this gives rise to, to be clear, is not a consequentialist reason. You shouldn't give your friend's interests equal weight because it's impersonally good to do so. Rather, doing so is a way of respecting the value of your relationship. If you don't give their interest equal weight, you are in a sense repudiating this value.

This isn't the only constraint that the value of egalitarian relationships generates. That's because these relationships are partly constituted by equalities of certain kinds. For example, they're partly constituted by the relative weight you imbue in one another's say-so. This means how likely you each are to comply with the other's requests or obey their commands. In hierarchical relationships, the say-so of those further up the hierarchy is treated as weightier than that of those further down. The higher-ups can boss other people around. In friendships, the ideal kind anyway, neither friend treats the other's say-so as relatively weighty. Neither is the sole one who gets to tell the other what to do. This gives rise to another set of egalitarian reasons. One has reason to avoid creating, or exacerbating, such inequalities in one's relationships. The reason here is, again, grounded in the requirement that one respect the value of egalitarian relationships. If one does things which tend to make for unequalitarian relationships, then one is not properly respecting this value.

So that's a version of the relational egalitarian view. This view has been fruitfully applied to questions of political authority. Both Niko Kolodny (2014) and Daniel Viehoff (2014) argue that it

¹This view was made popular, amongst philosophers, by Anderson (1999) and Scheffler (2003).

grounds a duty to obey democratically-made laws. These are laws over which all have equal influence. They think that when you disobey such a law, you're exacerbating some of the inequalities you ought not exacerbate. You are, in their view, setting yourself up as a superior. On Kolodny's view, disobeying democratically-made law exacerbates inequality in de facto authority.² De facto authority is the weight people imbue in your say-so. It consists in how likely people are to obey your commands. The thought is that, when you disobey democratically-made laws, you're granting yourself more de facto authority than others. And this, the thought goes, is to set oneself up as a superior. So you have reason to obey such laws. I think these considerations might sometimes underpin a reason to obey the law. But, in the next section, I aim to show that they more often underpin a version of philosophical anarchism.

3 The Basic Argument

My chief claim is that, when the law is made unequally, one has egalitarian reason to avoid obeying it. Let's first run the argument in the starkest case. Suppose you live in a dictatorship. One man makes all the rules. Perhaps Mao commands you to exterminate the sparrows. Perhaps Khrushchev commands you to sow maize instead of grain. Now suppose that you have reason to avoid objectionable inequalities in de facto authority. Being disposed to obey these commands, it seems, constitutively contributes to such inequality. It amounts to giving the dictator's say-so more weight than you give that of other people. So it seems you have reason not to be disposed to obey these commands. And that translates into reason to avoid obeying the dictator.³ So, if you live in a dictatorship, you have reason to not obey the law.

What exactly does this require you to do? This depends on exactly what 'obedience' amounts to. Obedience does not mean conformity. It imposes greater constraints on your motivations. When you obey a law, you do what the law says *because* the law says to do it. When you conform you just do what the law says: you might be motivated by anything whatsoever. So, in dictatorships, you have reason to avoid being motivated by dictator's commands. But that doesn't mean you must do the opposite to what the dictator commanded. Suppose you were going to kill some sparrows anyway. Then doing so needn't count as obeying the dictator. You're not driven by the fact that the dictator commanded you. So, you're conforming to, rather than obeying the dictator's commands. So, in one-man dictatorships, one has reason to avoid doing anything being motivated by the dictator's commands.

One-man dictatorships are not common. It's hardly ever the case that one man, really, makes all the laws. Most autocracies are oligarchies. It's a group of people who make the laws. Does the argument extend to such autocracies? It does. Suppose the oligarchs make the rules collectively. It seems that when you obey these laws, you contribute to the authority of each person with a hand in their making. And you contribute to their authority, roughly, in proportion to their influence over what the laws would be. So obeying these rules contributes to the authority of each of the senior cadres. And that makes one's society more unequal. So, insofar as one has reason not to

²Viehoff (2014) focuses on inequalities in power. We'll look at this view in §4.2.

³I'll assume throughout this paper that if you have reason to be disposed not to Φ , then you have reason not to Φ . This follows on the assumption that not- Φ -ing is a necessary means to not being disposed to Φ , and reasons transmit through necessary means.

contribute to such inequality, one has reason not to obey the laws. The shift from one-man rule to oligarchy doesn't affect the argument.

The argument also extends to many democracies. Consider the United States. In the United States, political power is distributed very unequally. The rich have much more power than the rest. Indeed, according to one study, it is only the richest ten percent of Americans who have much influence over policy.⁴ What everyone else wants has very little policy. This means, when you obey American laws, you contribute more to the authority of rich Americans than the rest of Americans. So you're not treating the rich and poor as equals. This means you have reason to avoid obeying American laws. So it seems that, in the United States, egalitarian considerations generate reason to not obey the law. The same goes for other extremely unequal democracies.

It's now easy to state the argument generally. Suppose one is subject to laws which have been made very unequally. When you obey such laws, you increase the de facto authority of those with more influence over them. But this constitutes treating them as superior to their fellow citizens. Yet you should not treat some citizens as superiors and others as inferiors. So, you have reason not to obey such laws. This, I take it, provides support for philosophical anarchism. If we have reason to not obey the law, then it's less likely we're obligated to obey the law. It's not decisive support; we might have countervailing reasons to obey the law. But it's certainly some support. Let's call this view egalitarian anarchism. In the next section, we'll look at some objections to the argument I've just given.

4 Objections and Replies

4.1 Obedience

The notion of obedience I've been using is specific. On this notion, obeying the law means doing what the laws says because the law says to do it. But you can avoid doing that while still doing what the law says. So you can, in the relevant sense, avoid obeying the law without breaking it. You just need to be motivated by something other than the law's command. So, if the law forbids stealing, you needn't go around stealing. It's just that the law forbidding theft mustn't be the thing which motivates you not to thieve. So why would it matter if you had reason to not obey the law? You can keep doing everything you were doing. You just need to keep a firm grip on the motivational basis of your action. So, one might think, the conclusion I've come to doesn't really have much significance. It shouldn't affect anything that we do.

There's something right about this point. It would certainly matter more had I concluded we have reason to break the law. But I think motivation still matters. That's because I think a lot of people are motivated to do things because the law tells them to do those things. In other words, I think a lot of people obey the law, in my sense of 'obey.' I think this because I think the empirical evidence supports it. The most salient work here is work Tom Tyler did in the 1990s.⁵ He wanted to see why people followed the law. So he asked them. He found most people said one should obey the law, even when it went against what they thought was right. And they said a lot of other

⁴See Gilens (2012). There's quite a large literature on inequality in the United States. Other seminal works include Bartels (2008) and Gilens and Page (2014).

⁵See Tyler (2006).

things which suggested they were motivated by the law telling them to do some things. So, if we have reason to not obey the law, we have reason to reconfigure the motivational basis our actions. This might not mean we have reason to break the law. But it matters nonetheless. It represents a big change to our lives.⁶

4.2 Power

I've assumed that egalitarian relationships require equality of de facto authority. But perhaps what they really require is equality in power. Let's think of power, roughly, as the ability people have to influence other's behavior. On this view it doesn't matter whether people have equal levels of de facto authority. All that matters is whether they have equal power. So relational egalitarian justice only requires equal distributions of power. Now I don't know of any relational egalitarian both endorse this view. Both Kolodny (2014) and Viehoff (2014), for example, think equal power *and* equal de facto authority are requirements of egalitarian relationships. Yet perhaps they're insufficiently ambitious. Perhaps this more restrictive version of relational egalitarianism is the best one.

The argument I've offered goes through straightforwardly on this version of relational egalitarianism. The more disposed you are to obey the laws, the more power those with influence over the laws have. This is clearest in the case of a one-man-dictatorship. If you're disposed to obey the dictator, that increases the dictator's power. Obedience is a valuable source of power for any ruler. Indeed, the argument is of broader application on this form of relational egalitarianism. That's because being disposed to obey the law is only one way to increase the dictator's power. There are other ways one can let the law influence you without obeying it. You can follow the law because everyone else is obeying it. Or you can follow the law now because you always obeyed it in the past. On this version of relational egalitarianism, both contribute to social inequality. So you have reason not to let the law influence your actions in these ways too. So this version of relational egalitarianism supports a broader repudiation of state authority than the version based on de facto authority.

4.3 Weight

Suppose egalitarian considerations do ground a reason to not obey the law. Perhaps this is not a very weighty reason. After all, obeying the law on any particular occasions makes a tiny contribution to inequality. This contribution may make one's fellow citizens' relationships less egalitarian. But it surely doesn't make them *much* less egalitarian. A modest increase in inequality surely leads to only a modest detraction from the equality of their relationships. But one might think that, if obeying the law only modestly impairs one's fellows citizens' relationships, then

⁶I also think that, very occasionally, if we have reason to not obey the law we'll have reason to break it. That's because we sometimes have more control over our actions than over the motivational basis of our actions. We sometimes have more control over what we *do* than over why we do the things we do. One reason for this is that we're often completely ignorant of why we act the way we do (Nisbett and Wilson, 1977). This makes controlling the motivational bases of those actions difficult. In such cases, breaking the law may be a surer way of not obeying it than complying with it. So, in such cases one might have good reason to break the law. How common these cases are I do not know. I suspect they are quite rare. But this shows that it's possible to have egalitarian reason to break the law.

one only has a modest reason to obey the law. And that hardly constitutes substantial support for philosophical anarchism.

I think there are two good replies to this objection. Both target the claim that, if something leads to a modest impairment of each of one's fellow citizens' relationships, one has only modest egalitarian reason to avoid doing that thing. The first reply points out that many modest impairments might add up to something quite substantial. Although disobeying the law only modestly impairs your relationships with each of your fellow citizens, that amounts to a modest impairment of many relationships. We might think one has a quite substantial reason to avoid even modestly impairing many relationships. We would think this if one thought the weight of one's reasons to avoid impairing relationships was additive: the weight of one's reason to avoid impairing two of one's relationships was the sum of the weight of one's reason to avoid impairing one such relationship. This thought seems to me rather plausible. So it seems to me that, even if disobeying the law leads to just a modest impairment of each of one's relationships, one has a quite weighty reason not to disobey the law. One has a weighty reason to avoid many modest impairments.

The second reply doesn't rely on this additivity claim. It instead relies on the denial of the claim that the weight of one's reason to avoid doing something which impairs a relationship directly matches the extent to which that thing impairs a relationship. One might instead maintain that we have weighty reason to avoid doing things which only mildly impair our relationships. This seems plausible in certain personal relationships. Imagine you're getting coffee for your friend. You have enough cash to buy your friend each a small filter coffee or yourself a large chai latte. It would only mildly impair your relationship to do the latter; it would be a mild violation of the requirement to take your friend's welfare to be as weighty as your own. But you have weighty reason nonetheless to do the former. The weight of your reason to do it outstrips the extent to which that thing protects the relationship. Equally, this might happen when it comes to exacerbating inequalities. The weight of one's reason to avoid exacerbating an inequality might well outstrip how much that exacerbation impairs some relationships. So we have two replies to the objection. I think this makes it defensible to maintain that the argument identifies a reasonably weighty reason.

It is also worth making a dialectic point here. The view on which I'm relying is the version of relational egalitarianism employed in the arguments by Kolodny (2014) and Viehoff (2014). These are arguments that we have reason, presumably weighty reason, to obey democratically-made law. But disobeying democratically made law surely makes at most a modest contribution to the inequality of one's relationship with each of one's fellow citizens. So my argument for egalitarian anarchism is in the same boat as these arguments for the authority of democracy. If such modest contributions never make up a weighty reason, neither argument identifies a reason of much weight. So if my argument is sunk by this objection, then so are these influential arguments for democratic authority. The arguments stand and fall together.

5 Conclusion

Typically, philosophical anarchists provide one of two bases for this view. Most commonly, they argue by elimination.⁷ They look at the arguments for such a duty and argue that they fail. Less

⁷See Simmons (1979) and Huemer (2013).

commonly, they base their view in regard for autonomy.⁸ They suggest that we have a duty to act autonomously and that a duty to obey the law would conflict with this duty. I've just provided a distinctive, egalitarian, basis for philosophical anarchism. I've argued that when the laws are made unequally obeying them rules out relating to people as equals. Its counts as treating those with power as superior to ordinary citizens. This gives us egalitarian reason to avoid obeying those laws.

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⁸See Wolff (1970).