

The Argument of Robert Paul Wolff, *In Defense of Anarchism* (Harper Torchbooks, 1970)

Wolff sets out to answer what he considers the first question of political philosophy:

Under what conditions and for what reasons does one person (or, the state) have supreme authority over another? To answer this question, it is not enough to show that there are circumstances in which humans have an obligation to do what the **de facto** authorities command. After all, even and perhaps especially under the most unjust governments, there are good reasons for obedience rather than defiance – typically, we recognize certain benefits in obeying the authorities, but usually there are also reasons of prudence that enable us to recognize that the evil consequences of defiance far outweigh the indignity of submission. However, none of these reasons settles the question of legitimate authority: legitimate, or **de jure** authority concerns the grounds and sources of moral obligation. The most that can be inferred from the existence of **de facto** states is that people believe in the existence of legitimate authority, since a **de facto** state is merely a state whose citizens or subjects believe it to be legitimate. But they might be wrong. In fact, it could be that all our beliefs in authority are wrong: perhaps not a single state in the history of humanity ever had a right to be obeyed.

Next, Wolff constructs an argument for human autonomy along the following lines. The basic assumption of moral philosophy is that human beings are responsible for their actions. From this assumption, it follows that we are capable of choosing how we shall act (we are metaphysically free). Still, the mere capacity to choose how one acts is not sufficient for one to take responsibility for one's actions; it is the human capacity to reason about one's choices that creates a continuing obligation for one to take responsibility for one's actions. So, the responsible person acknowledges him- or herself bound by moral constraints. But, one insists that s/he alone is the proper judge of those constraints. I may listen to the advice of others, but ultimately I must make the decision my own by determining for myself whether it is good advice. Another common way of saying this is that I give laws to myself or am self-legislating; in short, I am *autonomous*, to use the familiar ethical language of Kant. Of course, to say I am autonomous is not to say that I assert my independence of judgment all the time or with regard to all questions. Obviously, I forfeit my autonomy when I place myself in the hands of my doctor and submit to the course of treatment that s/he prescribes. Clearly, there are some situations in which it is reasonable for me one to give up one's autonomy.

In politics, people often forfeit their autonomy. Most people feel so strongly the force of tradition or even the power of bureaucracy that they unreflectively accept claims to authority made by their putative rulers. Once we raise the question about the right to authority of the rulers, several arguments are forthcoming. Consider the ancient argument of Plato in the *Republic* – we should submit to the authority of those with superior knowledge, wisdom, or theoretical/practical insights. A more refined modern version presents the educated portion of a democratic society to be more likely to be politically active; in fact, we might do well to discourage the uninformed from entering into the political arena since they only support the dangerous efforts of demagogues and extremists.

Given these 2 basic concepts of the authority of the state and the autonomy of the individual, Wolff finally sketches out an argument for their imminent conflict.

- 1) The defining mark of the state is authority, the right to rule.
- 2) The primary obligation of a human being is to his/her own autonomy, the refusal to be ruled by any other laws than those one has legislated for oneself.
- 3) Thus, it seems there can be no resolution of the conflict between the autonomy of the individual and the alleged authority of the state.
- 4) Even more strongly, insofar as one fulfills one's obligation to make oneself the author of one's own decisions, one will resist the state's claim to have authority over one.

- 5) Hence, it seems that anarchism is the only political doctrine consistent with the primary virtue of autonomy.

Wolff acknowledges that the anarchist will grant the need for complying with the law under certain circumstances or perhaps even for the time being (until the revolution comes?), and a realistic anarchist might well doubt the future prospect of eliminating the state as a human institution. But s/he will never view the state's commands as legitimate or as having a binding moral force on one. Wolff states the dilemma even more powerfully in terms of the earlier concept of a **de jure** state.

- 6) If all humans have a continuing obligation to achieve the highest degree of autonomy possible, then there appears to be no state whose subjects have a moral obligation to obey its commands.
- 7) This means that the concept of a **de jure** legitimate state appears to be vacuous.

- 8) Thus, philosophical anarchism seems the only reasonable political belief for an enlightened person.

Jeffrey H. Reiman, *In Defense of Political Philosophy: A Reply to Robert Paul Wolff's "In Defense of Anarchism"* (Harper Torchbooks, 1972)

- 1) Wolff's demand that the state justify its claim to moral authority as a sign of its legitimacy is morally meaningless. In fact, it is misleading to speak of moral autonomy as *a duty* or as *an obligation*: to act out of moral obligation, it is necessary for one to be already autonomous.

2) Political authority is the putative right to issue commands that are backed by force or coercion for non-compliance. But one cannot ask that a political or legal system always and only yield the most moral course of action – law by its very nature must be general; and by contrast, human differences in personality, variety of human activities, & the inconstancy of human affairs make it impossible for any legal system to provide a perfect moral solution to every situation. In other words, law is a 'second-best' solution to the complexities of human affairs (Plato, *Statesman*, 294a-c, 297b, 300b). This means that the state can have a right to rule without automatically claiming the moral duty of citizens for all its commands (consider the right to civil disobedience or conscientious objection to war).

- 3) So, Wolff has confused moral authority with political authority. Political anarchism is the doctrine that no state is legitimate because all have coercive institutions that inhibit the flourishing of truly human, enduring qualities; so they produce more evil than they combat. Moral anarchism, on the other hand, Wolff's thesis, is the view that one should be the self-legislator or self-determiner of one's own moral duties ('autonomous', as Wolff's use of a Kantian moral term). But notice: all that moral anarchism provides is that one should make one's own moral decisions, even when confronted with the laws of the state. So one can be a moral anarchist, rejecting the claim of any state to determine one's own moral duties, and yet refuse to become a political anarchist, denying the right of the state to exist.

4) Once a state has been established as a legitimate political system, we can acknowledge there are moral reasons for obeying the law, but this does not imply a duty to obey the laws of state simply because they are the laws. Rather, it shows that we have a **prima facie** duty to obey the laws of state like that of keeping promises – it is a duty which is binding or obligatory in the absence of any more compelling moral reasons.

- a) In general, disobedience tends to weaken the political order; so in general, we ought to obey the law, especially once we understand the reasons behind the law, and general law-abiding behavior tends to stabilize society.

b) There is also a moral reason arising from reciprocity: each of us generally benefits from knowing that others refrain from undermining the system of laws (peace, security, diminishment of fear). Arising from this reciprocity, some have seen our obligation to obey the law as resting upon a 'social contract'.

c) However, we should be clear that none of these are absolute or conclusive reasons for obeying the law. In some instances, like the civil disobedience of the 1960's that inspired the Civil Rights Acts, the argument was made that breaking the law tended more toward sustaining the legitimate political order than obeying the law. This makes more sense when one is attacking a particular law (or, set of laws) that is inconsistent with the legal system, while not questioning the legitimacy of the legal system itself. Again, we saw this in the 1960's when Dr. King and his followers accepted the legal punishment for their violations of the law, which thereby displayed their acceptance of the legitimacy of the political system.

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5) Finally, Wolff claimed to have proven the social contract theory incapable of providing the principles of legitimate authority. Contrary to Wolff's claim, Reiman argues for the legitimacy of classical democracy by listing 4 principles of human social interaction generated by social contract theory.

a) *Principle of the natural condition of human beings:* the values and satisfactions of social life are possible only with some system of political authority (i.e. some system of social control and coercion).

b) *Principle of natural right:* humans are free by nature; so there is a **prima facie** case for freedom and against any limitation of freedom by society.

c) *Principle of the rational testability of social controls:* one must prove that a considered social control is one that rational humans would freely impose upon themselves, arising from an expectation that it leads to net gains in concrete freedoms that we cherish.

d) *Principle of rule by consent of the governed:* Since humans are naturally free, then they are the only source of any authority over them. Hence, they must be the ultimate judges for any arguments offered that a given social control really is rational and necessary.

In this concluding section of his book, "Legitimacy and the Social Contract Theory", in which Reiman gives a brief defense of the social contract theory, he comments tellingly in a footnote that he had written this section prior to the appearance of Rawls' *A Theory of Justice*. And then he remarks: "I think it is not premature to say that Rawls has taken a giant step toward accomplishing what I have merely tried to prove is possible: the development of principles of legitimate political authority based on the social contract theory." [Reiman, *In Defense of Political Philosophy*, p. 63]