

FROM FOR & AGAINST THE STATE: NEW
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The State of Statelessness¹

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The appearance of Robert Paul Wolff's 1970 book, *In Defense of Anarchism*,² represented something unusual in twentieth-century Western philosophy: an argument *sympathetic* to anarchism from a well-regarded philosopher in the (relative) mainstream of the profession. When Robert Nozick's *Anarchy, State, and Utopia*³ became something of a hit later in the 1970s, it offered something even more unusual: an argument that actually took *market* anarchism seriously, written by a member of one of the most prestigious departments of philosophy in the world. Since that time, arguments supporting anarchism have met with somewhat less incredulity and have been offered at least the kind of minimally respectful academic attention once given by Gaunilo's fellow monks to his attempts at refuting Anselm's "proof" of God's existence.

Discussion about the legitimacy and propriety of the state has been remarkably wide ranging over the centuries, though, and anarchists can be found on the political left, on the right, and even—surprising to some, perhaps—in the center. Philosophical anarchism is perfectly compatible with pragmatic gradualism, as will become apparent in due course.

All anarchist arguments appear to depend on at least these two presumptions: first, that government always involves some fundamentally objectionable form of coercion and, second, that this kind of coercion can and should be avoided. Beyond these two presumptions, arguments against the state take a variety of forms and, just as is the case in every other area of philosophical inquiry, contention between

proponents of the various forms of anarchism occasionally becomes quite vigorous.

The objective of the present paper is to address a handful of issues that typically get raised in discussions of philosophical anarchism. Some of these issues arise in discussions among partisans of anarchism, and some are more likely to be raised in efforts to defend the state against its opponents. My hope is to focus the argument in such a way as to make clearer the main issues that are at stake from the point of view of at least one version of philosophical anarchism.

The Argument from Autonomy

The problem of resolving the conflict between the nature of government, on the one hand, and the moral necessity of preserving and enhancing human autonomy, on the other, was central to Robert Paul Wolff's defense of anarchism in his 1970 book. As Wolff pointed out, the conflict does have at least one theoretical solution.

There is, in theory, a solution to the problem . . . and this fact is in itself quite important. However, the solution requires the imposition of impossibly restrictive conditions which make it applicable only to a rather bizarre variety of actual situations. The solution is a direct democracy—that is, a political community in which every person votes on every issue—governed by a rule of unanimity. Under unanimous direct democracy, every member of the society wills freely every law which is actually passed. Hence, he is only confronted as a citizen with laws to which he has consented. Since a man who is constrained only by the dictates of his own will is autonomous, it follows that under the directions of unanimous direct democracy, men can harmonize the duty of autonomy with the commands of authority.⁴

Unanimous direct democracies are noncoercive. If such societies are to take action on any matter at all, they require the consent of every society member. If even one member fails to consent, then nothing is done. Unanimous direct democracies are held almost universally to be hopelessly impractical.⁵

They are not quite so hopeless, however, if one frees one's conception of community organization from its traditional close link with geography. It is a community of *people*, after all, that we hope to coordinate, and their ties to the land they are on are peripheral.

It is important to see that voluntary organizations of people, whether

accomplished through mutual self-help or through the hiring of agents or subscription to services, are noncoercive in precisely the sense offered up as “merely theoretical” in Wolff's picture of unanimous direct democracy. If a person is dissatisfied with the actions taken by her cooperative group or agency, she does not have to continue to support them. Such a person “is only confronted as a citizen with laws to which [s]he has consented”; but where unanimous direct democracies of the kind envisioned by Wolff seem to *collapse* when one member fails to consent, this is only because of the conceptual links between communities and geography. Once that conceptual link is relaxed, it may be seen that communities can survive the withholding of assent of even large numbers of their “citizens”: voluntary cooperative arrangements and private protection agency schemes survive even when membership shifts dramatically.

Under this kind of conception, “societies” are common interest groups. Since there is no requirement that free market societies establish unanimous consent within a given geographic area, they are not subject to the same restrictions that govern unanimous direct democracies as conceived by Wolff. They serve as focal points for societal organization, but they do not violate the demands of human autonomy. This “free market” society thus resolves what Wolff has called “the fundamental problem of political philosophy” (p. vii) by questioning the need for *geographically* bound provision of the social services that governments have tried to provide; that is, it does this by breaking the conceptual links between society and geography.⁶ The human need for social cooperation is met, and human autonomy is not sacrificed.

Rawlsian “Social Contract”

Just what *kind* of agreement would be reached by ideally autonomous individuals acting rationally in behalf of their own interests? Would they ever choose to subject themselves to a state? It is the primary concern of social contract theory to address such questions. In particular, in all of its best-known forms, social contract theory functions as follows: from the sorts of things that more or less ideal people did or would decide on as the social conditions of their lives, under a set of real or hypothetical constraining circumstances, conclusions are drawn as to how society *should* be arranged (or at least as to how society may permissibly be arranged).

Contemporary social contract theory comes in two distinctive flavors: Hobbesian and Rousseauian. The former has led to quasi-mathematical treatment via game and decision theory, while the latter has led, through Kant, to the extremely influential work of John Rawls.

Now, it has not always been completely clear, in the works of social contractarians, why the contract argument should be at all convincing. It has virtually no merit as a historical argument, since (1) it is extremely unlikely that existing societies have contractual agreements of the kind envisioned as their foundations, and (2) even if they did, it is difficult to see why that should influence conclusions about what society *should* be like. More importantly, since the historical claim has never really been made or taken very seriously, the contract argument has been troublesome because it has not always been clear why normative conclusions about society should be warranted by decisions made collectively in even a hypothetical contract: no matter how the parties to the contract are viewed—no matter what constraints they are placed under—why should their decision influence anyone else's? One of the primary apparent virtues of the Rawlsian version of contract theory is that it has seemed, at least partially, to clear up some of these problems.

Not only is contract theory not to be interpreted as making any historical claims about how societies came to be, but, for Rawlsian versions anyway, it also is not even important for the contractarian argument that separate individuals be involved in making the social decision. Although Rawls characterizes his "original position" as involving several "representative" persons, this aspect of the theory appears not to be essential. Since the hypothetical parties to the social contract are viewed as being equally rational and as being unaware of individual differences that would cause them to make use of their rationality in different ways (i.e., in pursuit of different ends), each of them will come to the same conclusion about the proper social arrangements. Since this is the case, it is possible to ignore the fact that there are several parties to the hypothetical contract and to concentrate on the considerations of any one of them, as each deliberates on the problem of how society should be arranged. Normative conclusions in Rawls's theory are held to follow, *not* from the fact that several people in a certain situation would draw them, but from the fact that they are the conclusions that *reason itself* would yield when suitably constrained.⁷

The contractarian terminology is useful for Rawls's framework because it highlights some of the problems that must be faced in develop-

ing a rational ethical or political theory and because it suggests solutions to these problems. It emphasizes the fact that real people, rational though they may be, may have interests that are different enough that their common rationality alone will not suffice to tell them how, collectively, they should arrange their social lives. It also emphasizes, though, the fact that individual differences need not be irreconcilable, and lays the groundwork for taking first steps toward understanding which constraints it is appropriate to place on reason in attempting to arrive at the best social arrangements (pp. 16, 140, 185).

The Rawlsian theory thus relies, for its argument, not so much on agreement or contract between different people, but on reason. Reason is thus the foundation on which the methodological framework is to be built, and it is not likely that this choice will instigate much controversy, so long as it be stipulated that no *particular* conception of reason is envisioned. Particular conceptions of reason will comprise part of the content of a fleshed-out theory.⁸

The problem of how society should be organized is therefore, for Rawls, a problem of rational choice. Now, such problems have unique solutions only in case the circumstances in which the choice is to be made can be spelled out in some detail. In general, one must know the beliefs and interests (the goals) of the party or parties making the choice, one must know the alternatives from which the choice is to be made, and so on (pp. 17–18). One must, that is, be able to give content to what Rawls refers to as the "initial situation." With a reasonably filled-out initial situation, one should be able to determine the sorts of organizational principles that reason dictates be chosen for society.

Now, giving content to the initial situation is itself clearly a problem of rational choice. The problem is to list the restrictions that may reasonably be imposed on arguments for one or another set of social principles. Once any such choice of restrictions is made, the initial situation will have been given a certain content and will thus amount to a choice among the many possible initial situations.

What is plain, though, is that any such choices will be controversial; indeed, it is precisely such choices that are frequently the *central* item of contention among conflicting political or social theories. Rawls certainly was aware of this; indeed, it is a main contention of his that the methodological framework to be found in *A Theory of Justice*—considered apart from the liberal choices Rawls favors in filling out the framework—is no more than an extremely suggestive device for portraying ethical and social arguments. The framework includes the idea of the "initial situation," in which some constraints are placed on

the procedure of deciding on principles of justice that should guide society; it includes the idea of the "veil of ignorance," which serves to separate appropriate from inappropriate considerations; and it includes the idea of the "constitutional convention," in which the decision as to whether to adopt government is made, again under constraints provided by some positioning of the veil of ignorance. The framework may be filled out in a variety of ways, depending on the decisions made as to which constraints to place on the decision procedure, as to which considerations are to be obscured by the veil of ignorance, and as to which adjustments are to be made for the constitutional convention. As such, it is truly neutral with respect to particular ethical and political theories. It offers "a general analytic method for the comparative study of conceptions of justice" (p. 121).⁹

Rawls's book does more, however, than merely set up a "general analytic method." The great bulk of *A Theory of Justice* is devoted to presenting a specific theory, as the title suggests. It is, then, the liberal theory, rather than the methodological framework, that has been the target of Rawls's critics.¹⁰ The tone of all of these criticisms is neatly captured by Joseph Margolis.

In a word, what Rawls has provided is an impressively articulated statement of which "equilibrium" best suits certain intuitions about man's condition and the nature of justice: it is a philosophically informed *ideology*, not a demonstration of the validity of the thesis of justice as fairness against the claims of its competitors.¹¹

All of the criticisms—whatever their merit—seem actually to be directed at the content of Rawls's theory and not at the framework. As a matter of fact, each of them is formulated from within the framework. There seems to be no good reason to contend that the framework itself is ideologically tainted (unless, of course, one *identifies* as part of the framework some of Rawls's liberal filler).¹²

By the same token, however, there is no reason to presume that the framework—and thus the Rawlsian social contract methodology—privileges liberalism in any way. Liberalism is just one of the ideological standpoints that may be exhibited within the framework. The question about which standpoint is best remains to be debated. Once again: the advantage of the Rawlsian analytic framework is just that it offers an elegant mechanism for comparing and contrasting the similarities and differences between different ideological approaches at the level of their various decisions about which constraints, if any, are

appropriate at the various levels of social choice that are met with in the framework.

In particular, since decisions about whether it is reasonable to establish a state will be made in what Rawls calls the level of the "constitutional convention," the framework can highlight just what specific differences there may be among different political and sociological ideologies concerning what is reasonable to consider (and what is reasonable to place behind the veil of ignorance) not only at the level of the constitutional convention but also all the way down. There are likely to be differences about choices "reasonably" to be made in the initial situation and in the original position, in particular. But there may well also be differences about whether all of these different levels really need to be distinct; or perhaps some ideologies would require *additional* levels in order adequately to display their characteristic reasoning about principles of justice, about the reasonableness of this or that constraint on decision making, and so on.

The point here, though, is simple. The Rawlsian framework is radically distinct from Rawlsian (or any other) interpretations of it. There is nothing about the *framework*, in particular—therefore nothing about the general constraint that social structure be understood as a matter of rational social choice—that either favors or rules out the state. Even if all parties to the discussion were to agree that the Rawlsian framework is useful for organizing political and social argumentation, therefore, the substantive issues would all be left open. And it is *certainly* possible, in particular, to argue, within a rationally constrained Rawlsian constitutional convention, that the state is more trouble than it is worth.¹³ Rawlsian versions of social contract theory thus cannot possibly be predisposed to affirmations of the state unless they beg the question that is at issue by confusing framework with substantive ideological *interpretation* of the framework.

The Prisoners' Dilemma and Other Diversions

The other main flavor of social contract theory may appear, at first glance at least, to be less idealized and thus more realistic. As should become apparent fairly quickly, this appearance is dangerously misleading, but just because the appearance of realism has been so seductive, it must not be ignored. In Hobbesian-style approaches to social contract theory, attempts are made to understand what people really *would* do in making choices under various more or less social

circumstances. While Rawlsian approaches are not particularly concerned with genuine interactions among separate individuals in choice situations, Hobbesian approaches focus on exactly this factor, albeit in a manner that is just as idealized, in the end, as is the Rawlsian framework.

For example: let's say that you have been caught and thrown into prison after participating in your special crime. Now you are faced with a dilemma. Your accomplice, for whom you have no concern at all, has also been caught. Both of you have the same dilemma, and you are aware of that fact.

The problem is this. You are not able to communicate with your accomplice, and the prosecutor has been trying to get both of you to confess. The prosecutor has offered you freedom in exchange for information that will lead to the conviction of the accomplice. If your information turns out not to be needed, however—in particular, if the accomplice also confesses—then you will get the normal (neither maximal nor minimal) sentence.

You have every reason to believe that the prosecutor has offered the same deal to you both, but you also have reason to believe that in the absence of a confession from either of you, the prosecutor's case will not be strong enough to get more than a very minimal sentence.

So what do you do? If neither of you confesses, then both of you will get minimal sentences. If both of you confess, then both will get normal (neither minimal nor maximal) sentences. If one confesses and the other one keeps silent, the first will go free while the second gets the maximum sentence.

Not only don't you have any concern for what happens to your accomplice, the two of you are not even sufficiently acquainted to make it possible for either of you to feel confident in guessing what the other will do.¹⁴

Finally, there's one more thing: no matter what you decide, you will never be interacting in the future with either your accomplice or with anyone who cares one way or another what you do in this case.

That's the Prisoners' Dilemma.¹⁵

With what seems to be increasing frequency over the years, this fascinating problem has exercised both mathematically and philosophically inclined minds ever since 1950, when it was discovered by Melvin Dresher and Merrill Flood of the RAND Corporation. When the problem is carefully constrained with all the provisos that appear above, a similarly constrained prediction has emerged: when faced with such situations, those who are motivated primarily by the desire

to maximize their own gain will end up choosing a course of action that *fails* to maximize their own gain. That's why the problem is so much fun.

Since it may seem reasonable to think that real people, when making real decisions that affect their real lives, are motivated in much the same way as are the rational maximizers in the Prisoners' Dilemma (PD) scenario, it has seemed reasonable to apply the conclusion derived within the PD setup to real-world questions concerning human cooperation in a "state of nature." This is why the problem has taken on such a vigorous life in recent discussion of the state and its rationale. The state of nature would offer frequent analogs to the Prisoners' Dilemma, it is thought. People would not find it possible to achieve their goals in the absence of some means of enforcing agreements. In general, why would *anyone* follow through with an agreement? If noncompliance is an option, every rational maximizer would reason as follows: If I can persuade my partner in this agreement to comply first, then I will be better off not complying myself than I would be if I fulfilled my part of the bargain. If I must somehow go first, then I surely won't comply, for if I do, then my partner will reason exactly like I just did and won't follow through. So *whoever* goes first, my wisest policy is not to comply.

Rational maximizers thus will not comply—or so the argument goes—unless there is something that prevents the option of noncompliance; thus, we all wind up consigning ourselves to normal sentences instead of gaining the reduced sentences we could have had if we had kept faith with our partners.

Now, the suggestion is made surprisingly often that this problem can somehow be overcome if we all agree to establish the state, the purpose of which is precisely to prevent welshing on agreements. This is surprising, of course, because it is not terribly easy to see how we could manage to come to this agreement in an environment wherein no agreements are possible. But perhaps the state comes about in some other way than via agreement,¹⁶ and we somehow manage to swing it to this purpose—perhaps gradually, over time, via some other more or less rational dynamic. In any case, whether the state is to be defended as having arisen because of the need for enforcement of agreements or whether it is to be defended as having been co-opted or seized in some way, the Prisoners' Dilemma defense of the state comes down to this: the state is necessary in order to avoid a problem in rational decision making. Without it, rationality yields irrational results.

The main problem with all of this is that Prisoners' Dilemma games are really *so* constrained as to make it quite impossible to draw conclusions about what real people would do (or would be able to do) in the absence of government. In order to get the result that rational decisions yield results that are not Pareto-optimal, the players must be in a situation where it is reasonable to presume that they will never play with this particular opponent again, that their performance in this particular transaction will have no effect on any other transactions that they plan or that they are engaged in presently, and that the players have absolutely no concern whatsoever for one another.

Finally, "rationality" must be understood as strictly a matter of egoistic maximization. Whereas such an assumption is not particularly problematic in most decision-making contexts, since the "egoistic" desires that a decision maker hopes to fulfill might be as other-oriented as you please, it plays havoc with one's intuitions in connection with Prisoners' Dilemma games, since these depend on explicit renunciation of such altruistic personal values, at least as regards the opponent in particular.¹⁷

Collectively, these conditions are so restrictive that it is not at all clear what one can reasonably conclude about real decision making and about the state from the Prisoners' Dilemma.¹⁸ It is often said that there is something counterintuitive about the idea that rationality should lead to dominant strategies that are so inferior to a cooperative alternative. Surely, though, the sense of paradox is *really* fed by a failure to appreciate fully just how peculiar, and how restrictive, the conditions of the game are. If one really was in a situation like the one characterized in Prisoners' Dilemma, and provided that one really does mean by rationality nothing but pure egoistic maximizing, unsullied by any concern—even by egoistic concern—for the opponent, then surely noncooperation *is* rational. But so what?

Relaxation of even the slightest of the constraints, of course, yields far different results. Where partners can anticipate that further games might be played with the same partner—that is, where the Prisoners' Dilemma game is "iterated"—it is well known that the strategies that tend to dominate play over time are cooperative strategies, such as Anatol Rapoport's tit-for-tat strategy. Robert Axelrod has shown that cooperative strategies do tend to dominate "mean" strategies whenever they are also *clear*, *provocable*, and *forgiving*.¹⁹ That is, the best strategies are ones that are always inclined to cooperate but that respond immediately and consistently to noncooperation on the part of others with noncooperation of their own. In short, the lesson is that

Prisoners' Dilemma games yield *cooperation* among players if only one condition is relaxed: that the games be part of a series of games in which the players can expect that their opponents will formulate their strategies on the basis of their experience of previous play. Since that is really much more like the situation that real people are likely to face even in the most adverse state-of-nature sorts of situation, it is hard to take Prisoners' Dilemma seriously as an argument for the state.²⁰

There are other games than Prisoners' Dilemma, of course. Some analysts appear to think that games such as Chicken—where the conditions of play give some players reason to prefer being exploited by their opponents over refusing to cooperate—offer models of possible state-of-nature scenarios that would make government necessary—or at least very desirable—in securing payoffs that all rational players would want; but this result is not at all so clear.

Chicken is the game-theoretic analog of a perhaps mythological rite of passage, thought by some to have been practiced among tribes of American teenagers during the 1950s. Typically, the game is supposed to have pitted two lost "Young Ones"—and their hot rods—against one another. They were to start at opposite ends of a drag strip or lonely road and drive pell-mell toward one another. The first to swerve was a "chicken." The basic difference between Chicken and the Prisoners' Dilemma involves the ranking of the several payoffs. In PD the payoff for mutual defectors is superior to the payoff for suckers, so mutual defection is likely. In Chicken, mutual defection (no one swerves) is worse than chickening out, so mutual defection is less likely. In the latter game, though, the terms of cooperation seem likely, at least on the surface, to foster bullying.

Games of Chicken are, thus, different from Prisoners' Dilemma. In particular, it is not quite as obvious in Chicken as it is in Prisoners' Dilemma that desirable cooperative strategies would come to dominate iterated play; but even in Chicken, the tendency toward some form of cooperation is extremely strong and, in general, domination by cooperative strategies is more likely than not.²¹

Whether the game is Prisoners' Dilemma or Chicken, though, these are still two-person games that are severely constrained. The constraints are the price of the precision one gets in game theory. Loosening the constraints further leads one closer to the real world—and thus closer to being truly apt for political philosophy—but makes the analysis considerably less certain. One way of loosening the constraints yields a slightly more sophisticated and considerably more realistic objection to anarchism: the public-goods problem.

Coercion, Public Goods, and the Free Market

John Dewey once said that "the political and governmental phase of democracy is . . . the best means so far found for realizing ends that lie in the wide domain of human relationships and the development of human personality."²² Apart from potential argument concerning what the "political and governmental phase of democracy" specifically comes down to, this assertion is clear enough. It offers a challenge to the claims of anarchists that can be met in the courts of argument and experimentation.

Critics of anarchism, however, are rarely so clear. They often seem to base their opposition to anarchism on a commitment to the quite general idea that political means are required for the achievement of vital human goals. Different reactions to this idea may arise in part because of different understandings of what is meant by the expression "political means." At least two interpretations are possible. One might mean only some form of cooperation or another. On this interpretation, the general idea in question would come to nothing more than the thesis that the best means yet found for accomplishing community ends is cooperation. Anarchists would surely have no trouble with this claim, although it does not seem to be particularly informative. One thus suspects that political means must be a bit more substantial if the general idea is to be saved from vacuity.

Franz Oppenheimer once distinguished between political means and economic means for achieving community ends. The mark of the first, according to Oppenheimer, is the readiness to resort to coercion in achieving desired ends.²³ Max Weber is well known for having described states as "human associations that successfully claim the monopoly of legitimate use of physical force within a given territory."²⁴ It is precisely because "political means," "government," "the state," and various other relevant terms are almost universally understood in terms of force or coercion that the philosophical anarchist is opposed to them.

It is not anarchists, in particular, who have defined these terms and concepts in this way, and it is, of course, possible to define them in terms that do not involve coercion at all.²⁵ But if the intended institutions (and means of community action) really *are* coercive in the way envisioned by Oppenheimer and Weber (however one contrives to define the relevant terms), then matters will not have been altered at all. The philosophical anarchist will continue to insist that, precisely because of this element of coercion or force, governmental institutions

are at least *prima facie* undesirable. Whether they are desirable all things considered will depend on how the *prima facie* undesirable (and, for that matter, *prima facie* desirable) characteristics of government stack up against the pros and cons of alternatives.²⁶

But it is absolutely vital to understand that, if one has in mind a *noncoercive* arrangement when one thinks of "government," "the state," or "political means," then one is not thinking of anything that the anarchist opposes. Indeed, anarchists often work very hard at coming up with cooperative schemes that, they hope, will efficiently (and ethically) accomplish community ends; thus they can hardly be charged with being opposed to such schemes in principle.

As to the general idea that political means are the best means yet found for accomplishing community ends, anarchists are inclined to point out that, where political means (i.e., coercive means) are used, it is plain that, at the very least, one community is forcing its will on another. It may very well be that majority rule is generally superior to minority rule, but the philosophical anarchist is committed to the thesis that it is rule as such that ought to be avoided. After all, "majority rule" is just the principle that whoever has the biggest gang gets to force those in the minority to do what they want.

Societies that append a list of restrictions on majority rule—lists, for example, of "inalienable" human rights—take a step in the right direction. They thereby carve out an area in which force is not to be permitted, even when the majority will conflicts with minority interest. But if *any* area remains in which majorities rule, there we have an area of activity that is, to put it in the plainest possible terms, *ipso facto* dominated by the principle that might makes right. The philosophical anarchist argues that this is to be avoided, even if a case could be made out for the greater "efficiency" of such means in accomplishing "community" ends.

What is really going on, at least in most cases, is that one community simply requires another one to support *its* (the first community's) interests. To say that political means are *efficient*, in this context, is literally to praise the virtues of theft over honest toil.

But again: if defenders of the state do not mean to praise theft and the use of force in achieving the ends of those who rule (whether the majority or not) at the expense of those who are ruled, then it may be that philosophical anarchists are not at all opposed to such "states." Since coercion has traditionally been part of the concept of the state, however, it would be useful to clarify the lines of this redefinition.

Crucial special questions are raised, of course, in considering what

have come to be called "public goods." For this reason a great deal of the emphasis in arguments for and against the state has traditionally been placed on the question about whether public goods could be provided without government (even when authors do not explicitly refer to "public goods" as such).²⁷

A common, collective, or public good, according to a particularly clear definition offered by Mancur Olson, is "any good such that, if any person x_i in a group $x_1, \dots, x_i, \dots, x_n$ consumes it, it cannot feasibly be withheld from the others in that group."²⁸ The important fact to note about public goods is that *if* the good is created or provided by some members of the group, there is no feasible way of excluding or preventing those members who have *not* contributed from sharing in the consumption of the good (pp. 14–15). It is not necessary, in the definition of public goods, that it be technically *impossible* to prevent noncontributors from partaking in what others have provided: it must only be infeasible or uneconomic (p. 14).

Public goods are thus defined with respect to specific groups of people. To avoid certain complications, it helps to limit attention only to those public goods that require that someone make some sort of investment—whether it be of labor, cash, or whatever—if they are to become available. For similar reasons, it is best to worry about only those situations in which the members of the group with respect to which some public good is defined are unanimous in their desire for that good. This restriction is justified by the fact that even in cases where all of the members of a very large group are unanimous in desiring a public good, it appears that that good will not be provided, given that the members can choose whether they will help in providing the good and that they make this choice rationally.

As Olson argued especially plausibly, provision or nonprovision of public goods within a group depends in an important way on certain fundamental characteristics of the group itself. To understand his argument, it is necessary to examine briefly his "taxonomy of groups" and his analysis of the varying potentials that different kinds of groups have of providing public goods in general.

In the first place, Olson distinguished between what he calls "exclusive" and "inclusive" groups.

An exclusive group is best characterized as that sort of group whose members hope to keep membership restricted as much as possible. Within such groups, competition or rivalry is the characteristic relationship holding between members. In general, the character of an exclusive group is determined by the fact that the particular public

good sought is such that it is fixed in supply—that is, it is such that the more benefit one member gets, the less others get (p. 37).

For a characteristic *inclusive* group, on the other hand, the larger the membership, the happier the individual members. In such groups increasing the membership hurts no one and, in fact, typically leads to a reduced cost burden on each member. For inclusive groups, the benefit from a public good is *not* fixed in supply: if one member gets more, others need not get less. It is the inclusive group that is most interesting in connection with public goods.

There are three kinds of inclusive groups: "privileged" groups, "intermediate" groups, and "latent" groups. With respect to the provision of any one public good, the distinction among the three kinds of groups is merely one of size.

For the sake of understanding this taxonomy, consider a public good with a net cost that rises linearly in relation to the number of people in the group. Privileged groups are groups that are small enough that the cost of providing the public good is so low that at least one member would be willing to pay the whole cost if that were the only way to secure it.

Intermediate groups are groups that are large enough that the cost of providing the public good is too large for any one member to be willing to pay it, even if that were the only way to get the good. Intermediate groups are still small enough, though, that failure of any one member to pay his share will have a noticeable effect on the burdens of the other members.

Latent groups, finally, are groups that are large enough that no one member would pay the whole cost of the public good, and are *so* large that failure of any one member to pay his share will have no significant effect on the shares of other members (pp. 49–50).

Now, a privileged group defined with respect to one public good may be larger than a privileged group defined with respect to a different good. Much depends on the cost of providing the good and the value that individuals place on having it provided.²⁹ But the three kinds of groups are defined by Olson in such a way that interesting results may be obtained even when particular costs and particular values are ignored. Attention is focused, instead, on the different courses of action that a rational person would take as a member of each of the three kinds of inclusive groups and on the differences this would make regarding provision of the public good.

Olson, in a singularly precise analysis of a notoriously vague problem area, concludes that public goods are not likely to be provided in

any community that meets the following three conditions: (1) the community is a latent group; (2) the members of the community have the option to abstain from supporting the effort to secure the public good; and (3) the members behave "rationally," once again on the understanding that rationality involves egoistic maximization.³⁰

It is absolutely vital to note, however, that there are at least five plausible ways of defending a noncoercive social order—the state of statelessness—even while acknowledging Olson's argument. They are as follows:

- (1) It might be argued—and often is—that it is wrong to think that helping to provide a public good in a latent group is irrational. One might think that the careful reasoning of Olson's argument would be taken into consideration by a rational person in a latent group. In considering whether to help pay for the good, a rational person might think: "But if everybody avoids paying, the good won't get provided." It is difficult to feel comfortable with calling a decision to pay on the grounds of this kind of consideration irrational. Olsonian rationality, applied to decisions in latent groups, seems to violate what might as well be acknowledged as Kant's categorical imperative; and it seems a bit strong to call that principle irrational in such situations, especially since it seems to be supported by Olson's conclusion that, if people were to act as he thinks rationality dictates, they would fail to get what they wanted.

Such an argument may not be too helpful, however, even if it could be made to work. Olson's line of reasoning may be reformulated in such a way that instead of dealing with what it is *rational* for people to do as members of latent groups, it deals with what people *in fact* do, or with what people may reasonably be expected to do, as members of such groups. Olson lists several historical examples of latent groups and their behavior in his book. These examples seem to support, with certain important qualifications (see below, option 4), the thesis that latent groups don't manage to provide themselves with public goods. This first option is thus less attractive than it may at first seem. In order to make effective use of it in defending the state of statelessness, one would have to be able to argue plausibly that the particular goods being considered are such that people could be expected to help in providing them, even as members of latent groups.³¹

- (2) It might be argued that there is a noncoercive means of ensuring that the particular goods that are being considered would be demanded only by privileged groups. Since there is a presumption that public goods would be provided in privileged groups, this option would be a very attractive one if it could be utilized plausibly.

- (3) It might be argued that there is a noncoercive means of ensuring that the particular goods that are being considered would be demanded only by (at the largest) intermediate groups. This option is obviously much less attractive than the last, since whether intermediate groups will be able to provide themselves with public goods is, in general, indeterminate. It might be, however, that knowing which goods were in question would allow one to have a better idea about the likelihoods involved. If this option were to be effective, it would have to make it plausible that these particular goods would be provided even by intermediate groups.
- (4) It might be argued that public goods could be provided to latent groups by a provision of nonpublic goods to those who pay or by some sort of noncoercive disincentives to those who fail to pay. This option is suggested by Olson himself, and he lists several examples of latent groups that do seem to manage to provide themselves with public goods in this way. As he notes, though, there is a hidden trap to this option. If this option were the only one available, then it seems likely that the model would fail.³² This option might be useful in conjunction with one or more of the others, however.
- (5) It might be argued that the goods being considered were private goods, rather than public goods. That is, it might be argued that there is a feasible way of withholding the goods in question from those who fail to help in providing them. This option would be very powerful if, in addition, it could be argued that one could *expect* the goods to be provided privately in a noncoercive society.

While the public-goods problem really is worth examining, in other words, it does not necessarily rule out the very real possibility that people might actually manage to provide themselves with such things.³³ But when all is said and done, it is perfectly possible that even those who agree in principle with the anarchist's theoretical arguments against the state will be reluctant to agree with the anarchist that governments should be abolished. The reasons might appear to such people to be *practical* rather than theoretical. Since I cannot possibly imagine how a theory that is not useful in practice can be any good at all, I turn now to some of these more pragmatic considerations.

The Consequences of Instant Anarchism

If governments were allowed to collapse this morning, we would see widespread rioting, murder, impoverishment, and other horrors by this afternoon. So, anyway, runs what surely is the most visceral reaction

to the idea of statelessness. There is nervousness about this even among those who find anarchy desirable in principle. For a variety of reasons, people often reach the conclusion that philosophical anarchism is impractical. Some of the better reasons for worrying about this will be addressed in this section.

Because of the way governments work, people become dependent on them. They come to need government even in areas in which they would not have needed government had government not created the dependency in question. An illustrative situation—one that is extremely vivid in my own mind as I write this—is the situation in Russia in the early 1990s.³⁴ On the breakup of the Soviet Union and the effort to establish something like a Western economy, there functioned in Russia, side-by-side and intertwined, at least four major economies.

At the most impoverished level there were large numbers of people who had worked their entire lives under a system in which they had come to believe that they would be taken care of. It is to be presumed that some worked harder than others in this system, but that is neither here nor there. No one had a choice; the rewards and punishments of this system were fairly clear to all concerned, and one had to participate in it whether or not one liked it. When that system collapsed, many people found themselves unable for one reason or another to succeed in the new one (the very young, the very old, the ill, and the otherwise disabled were among the most poignant cases). This portion of the population continued to depend on the state, and the state had simply abandoned them. They lived extraordinarily poorly, unable to afford even the tiny sums (minuscule by Western standards—a kilo of tomatoes for ten cents, subway tokens costing a small fraction of a cent, etc.) charged for services on the growing ruble economy. They had had the floor ripped out from under them, and their plight is what many critics of anarchism fear would be the general upshot of statelessness.

A second economy, however—also a ruble economy—seemed to be growing by leaps and bounds. At some subway stops in Moscow it was almost impossible to move from the station to the street, since the way was blocked by curb-to-curb kiosks, stands, and purveyors of this and that. Anyone who was able to bring anything at all to market appeared to be free to do so, with little regulation at all of such small business undertakings, and very good livings were earned by large numbers of people who had the ingenuity and the ability to bring things to this market. The situation was very much like the way things must have been at the turn of the century in New York City or Chicago, with

very few regulatory mechanisms available to restrict people from participating in the market.

There were lots of people in Moscow who were able to afford to buy the newly available products, so there was a growing economy that produced not only wealth but also something of a middle-class housing boom in the area surrounding Moscow.³⁵ It is important to note, however, that the people who lived on the first economy, described above, were by and large not able to buy and sell in this second economy. They were dependent on the state, and the state as caregiver had simply vanished, for all intents and purposes.

There were two more economies that bear mentioning: there was a legitimate hard currency economy, which produced in Moscow an increasing number of millionaires (and a tourist economy that was among the most expensive in the world) and there was an illegitimate underground economy that was to a large extent run—or at least successfully manipulated—by the Russian mafia. It was in some locales not easy to tell where the mafia left off and where legitimate business (or government) began, and where government was corrupt, both old line and new line politicians were well represented in the corrupt activities.

Now, proponents of anarchism dwell most frequently on the extent to which creativity, imagination, and productivity can be liberated once restrictions and regulations are lifted from people. They focus on analogs of the second Russian economy discussed above. Critics of anarchism, on the other hand, focus attention on the hardships that will be caused by lifting restrictions: they dwell on analogs of the first economy, where people who had become dependent on government were simply abandoned; worse, they think of analogs of the mafia economy and imagine that *it* would dominate an anarchist society.

Anarchists argue that people who are dependent on government should never have been made dependent in this way—that whatever resources they might have had otherwise were robbed from them and that this is what must be stopped. But this does not lessen the pain of those thus robbed. Anarchists argue that the opportunity for mafia-type activity is largely provided by government regulation and would not exist in the absence of government. Even if this were to be conceded, though, it would not lessen the damage to victims of the mafia once government is relaxed or abandoned.

The question thus arises: even if statelessness is a worthy goal, how can one do away with the state without, at least in the short run, creating great harm? And since the short-term harm is so likely to be

great, what reason would free people, acting voluntarily, have to continue to pursue the anarchist ideal? Would it not be much more rational to establish and preserve government, evil though it may be in some *prima facie* philosopher's sense?

The answer, it seems to me, is not very difficult at all. That it is not seen clearly by those who think about the prospects of anarchism is caused, I think, by a not altogether irrational hysteria that befalls anyone who reflects on the prospects of trying to make one's life in the Sarajevos and Gaza Strips of the early 1990s—but the answer is this: anarchism is an ideal. It should serve as a goal. As long as it seems that it is a worthy goal, even if just in principle, it is reasonable to try to achieve it, but nothing about the goal yields any reason at all to think that its immediate or early achievement is worth any and all costs that may be encountered along the way. Where proceeding toward the goal of statelessness seems plainly to entail suffering—especially when it is the suffering of innocents—then we should stop and reconsider. Perhaps detours must be taken, perhaps the ground must be prepared in one way or another before further progress can be made.

Anarchism's desirability does not go without saying, and it is reasonable to test it as a goal at every step of the way. But as long as it retains its desirability, it retains its value as a goal.

The short answer to the challenge presented to anarchists by the fact that some innocent persons have become dependent on government (all of us have, to be frank about it) and would certainly be harmed by the immediate abandonment of government is this: government should, for this reason, not be abandoned immediately. Its abandonment should be accomplished in such a way as to take care not only to avoid doing more harm than good but also to ensure that anarchism will not lose its attractiveness by virtue of being tainted by the consequences of the too-hasty collapse of the governmental apparatus. The important empirical rule of trial and error should be respected. It is in no one's interest to embark on a political course that seems beautiful from some philosophical perspective but that destroys people's lives.

The Argument from Gullibility

People who are to some extent sympathetic with anarchism as an ideal have nevertheless argued that, even though the abandonment of

government would be a good thing, it will never happen because people can be too easily bamboozled by various interested parties into thinking that government is good for them.³⁶ This argument might be formulated in such a way as to emphasize the obstacles and diversions placed in the way of clearer understanding of the nature of political rule by these interested parties, or it might be formulated in terms of an allegedly inevitable lack of political savvy on the part of the ruled.

While there can be no doubt that those who owe their positions of relative economic or political power to the existence of government do wield a great deal of influence in modern societies, I am not convinced that the situation is as bleak as is suggested by either of these two related lines of thought.

For one thing, people have not been fooled quite as much as might be thought. There is widespread dissatisfaction with government among regular citizens. While it is true that most of this dissatisfaction is directed toward particular political players and parties, with an accompanying tacit hope, anyway, that some other player or party might solve the problems, this is not anywhere near the whole story. In the United States, at least, there is widespread dissatisfaction with government as such, and this has been documented in poll after poll, over an impressively long period of time and over a fairly representative geographic area. What is most impressive is the extent to which this dissatisfaction is expressed in terms of a loss of faith that endemic social problems can be solved by *any* government.

This belief appears to be growing more widespread, although it would be impossible to predict what will happen even next year. The problem is usually reported along with hopeful discussion about how this belief trend might be reversed. The position of the anarchist, of course, is that this belief trend reflects a growing political sophistication and that the early resolution of whatever problems are created by this growing lack of faith requires abandonment of the governmental fetish.

It is unreasonable, however, for either the partisans of anarchism or for anyone else to place great hope or trust in shifting opinions about the usefulness of government. If governments can accomplish their assigned tasks without unwarranted coercion, then this needs to be demonstrated. If nongovernmental alternatives can do the same jobs either as well or better with less coercion, then that needs to be shown. One can expect that such demonstrations would be a powerful force in *directing* public opinion, and these are therefore the tasks that confront partisans on both sides.

Anarchists argue that social affairs can be successfully directed through voluntary arrangements of some kind. They argue, further, that the reason this is not apparent is that governments have made such voluntary arrangements either impossible or extremely costly in terms of the investment of time, energy, and resources. The task before those who think that governments are more trouble than they are worth is therefore to work at the removal of obstacles to voluntary provision of goods and services, to make such alternatives available, and to improve first efforts that do not accomplish their ends. As alternatives become available to people in one area of social cooperation after another, the argument that government is necessary will seem increasingly less convincing.

This is a strategy far superior to the one more often adopted by anarchists, which primarily involves waiting for governmental attempts to solve problems to fail, pointing to the failure, and then wailing in despair when people respond to such failure with yet another attempted governmental solution. If there are noncoercive alternative institutional arrangements that could do the job as well or better, then surely anarchists can think them up and work to make them available.

It is also crucial to note that such efforts can be made on a piecemeal, service-by-service basis and in such a way that the principle of trial and error, mentioned earlier, is respected.

The Capitalist/Socialist Argument

Some of those who argue against the state call themselves "capitalist anarchists." Others contend that this is a contradiction in terms, since capitalism institutionally requires the state. Curiously enough, the capitalist anarchists frequently say the same thing about the socialists. Such arguments recapitulate, within the ranks of those who oppose the idea of some people ruling others as such, the more general arguments that we are familiar with in the broader political arena.³⁷

At least as regards the arguments that arise among anarchists, and to a considerable extent also as regards the more general argument, this conflict rests largely on terminological ambiguity. Beyond this ambiguity, there is also an empirical question that is too frequently avoided in favor of a perhaps more comfortable assumption, made by interlocutors on both sides, that their opponents simply have their values upside down.

The terminological issue is this: the term "capitalism," as it has

been understood by most proponents and opponents alike, has virtually never referred exclusively to the pristine workings of market forces alone. Karl Marx's critique of capitalism certainly presumed that what he was criticizing was thoroughly political. As Marx envisioned capitalism, it is a politicoeconomic system that succeeds by manipulating economic power (and, in passing, by manipulating ideology) to gain political power, which is then wielded to rearrange the economic playing field. Marx did not always blame capitalists for this—indeed, it seems to be a vital piece of the overall marxian argument that this be more or less inevitable for those who are capitalists—but blameworthy or not, capitalists were, *by virtue* of being capitalists, major actors in the political and ideological realm. They were political manipulators.

Now, the people who call themselves capitalist anarchists are not any happier about this kind of use of political power than marxists are, so a confusion has been generated. Capitalist anarchists favor reliance on market processes alone, yet their choice of name leads more traditional anarchists—in the spirit of M. A. Bakunin and P. A. Kropotkin—to suspect that they are mere apologists or dupes of a *political* system that they don't understand.

That this is merely a terminological issue on at least one level is revealed by the fact that attacks on the abuse of political power to build and maintain economic dominance are as large a part of the literature in the capitalist anarchist tradition as they are in the socialist anarchist tradition, and the traditional sources cited in both bodies of work are largely the same. This terminological issue can be resolved fairly easily. One way to do it is for capitalist anarchists simply to begin to refer to themselves as "market anarchists." This would at least avoid the nearly pointless arguments, endemic between the two groups, about whether capitalism really is driven by markets. If it isn't, then market anarchists are no happier with capitalism than socialist anarchists are.

The more substantive issue that remains, then, in this argument among anarchists involves just what it is that reliance on markets may actually be expected to lead to. This is an empirical question, although it is not an easy empirical question to resolve. My own claim is just that markets—when understood as the locus of *all* voluntary exchange and cooperative undertakings—are at least a fairly clear mechanism for instantiating noncoercive anarchist ideals. And it seems that many of the shortcomings attributed to markets are actually caused by

political distortions of market process, rather than by the markets themselves.

Anarchism as Too Demanding an Ideal

Finally, while many people are sympathetic with the ideal of voluntary human cooperation emphasized by anarchist political thought, it is frequently objected that this idea is really practical, if at all, only for small groups, since normal fellow-feeling does not extend very far. This objection often shifts naturally to the complaint that anarchism cannot work until and unless people become angels.³⁸

Anarchists are not only *sympathetic* to the view that the idea of natural human community cannot be stretched indefinitely to include all members of the human species, this is often a central part of their case against government, although it is rare that anarchists put the matter precisely like this.

The ideal of natural community, or the general positive idea of moral or other authority, clearly must not and cannot be extended beyond its natural limits.³⁹ The state—especially the grand modern nation-state—is, according to anarchists, precisely the reflection of an attempt to make such an extension. Anarchism typically calls attention to the artificiality of such attempts, and especially to the *coercion* required to sustain them. Anarchist literature also points to many ways in which reliance on *government* makes unreasonable assumptions about how wise, how competent, and how just political office holders and citizens can be expected to be. The state, according to the anarchist, is the archetypical utopian dream gone awry.

Contrary to the idea that reliance on voluntary arrangements must inevitably lead to *small* communities, however, it seems reasonable to urge that such questions are surely empirical ones. How widespread a particular cooperative venture might be will surely vary from issue to issue, and there is no reason to prevent such variation. One of the key contributions of market anarchists is the suggestion that there is no need to imagine that all social problems should be taken care of by one single monolithic cooperative organization. The tasks may be separated—even should be separated—so as to enhance the prospects of widespread agreement. People who may agree about how one social issue should be resolved may disagree on others, and there is no need to lump them all together into one bag.

Conclusion

The arguments usually urged in defense of the state are, no doubt, passionately felt. They are not by any stretch of the imagination unreasonable. It really is hard to imagine what the world would be like without governments, and, as urged above, it is perfectly reasonable to demand something more than just abstract theoretical musings from anarchists.⁴⁰

By the same token, though, when theoretical considerations seem so very friendly to the thesis that the state of statelessness has every chance of working quite nicely, when the advantages of the state seem so dubious and so freighted with risk, and when the dangers of states are everywhere apparent, whether in historical or contemporary perspective, it is reasonable to insist that anarchic alternatives be considered seriously.

A human situation in which autonomy is increased, in which cooperation is encouraged, and in which coercion is minimized is certainly an unequivocally good end. Both proponents of the state and of the state of statelessness should surely be able to agree to this proposition. The whole argument depends for its resolution, then, on what can be expected to result from state-of-nature arrangements, as compared to what can be expected to result from the state. This is no light question.

However government first arose, it has become a bad habit. We have come to be too dependent on it. So whether in the end it seems wisest to shake it off altogether or not, it seems hardly debatable that good must inevitably come from continuing reconsideration of the legitimacy and propriety of the state. If we do *not* take such reconsideration seriously, after all, we commit ourselves to continuing participation in and support of institutions that are, at their very foundations, coercive. If that could be avoided, it would be a very good thing indeed.

Notes

1. I received support from Fulbright Scholar Award no. 95-65079, from a Rotary International Grant, from the Rochester Institute of Technology, and from the Graduate School for Social Research at the Polish Academy of Sciences while preparing the final drafts of this article. Many of the thoughts presented in it arose in response to a panel discussion on anarchism that I organized in August of 1993 for the meetings of the International Society of Value Inquiry in Helsinki. I am grateful for inspiration both to the participants

in that panel discussion—Guy Axtell, Jan Narveson, Kirill Thompson, Aviezer Tucker, and Naomi Zack—and to the audience. A version of the paper was then read and discussed at the Annual Conference of the Northern New England Philosophy Association, Plymouth State College, New Hampshire, October 1993. I am especially grateful to Robert Paul Wolff for his helpful commentary on that occasion and to Richard Orr and Victoria Varga for helpful suggestions and thought-provoking conversation on other occasions. Finally, I owe thanks to Barton Lipman for his generous help to an almost anonymous stranger on a personally vexing point.

2. Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper Colophon Books, 1970).

3. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

4. Wolff, *In Defense of Anarchism*, 27. The problem may also be addressed through an examination of the legitimacy of the very concept of political or social authority. For such an examination, see John T. Sanders, "Political Authority," *The Monist*, vol. 66, no. 4 (October 1983): 545–56.

5. Something like the principles of unanimous direct democracy were actually put into practice from the sixteenth through the seventeenth centuries in Poland. The Polish Sejm, which during this period held most real legislative power, followed a rule called the *Liberum Veto*, according to which any single member could halt all proceedings by the simple expression of dissent. See Norman Davies, *God's Playground: A History of Poland in Two Volumes* (New York: Columbia University Press, 1982), especially 345–48. "Such was the strength of feeling about the need for unanimity, that it was considered quite improper to continue when a single voice was raised with the words *Veto* (I deny), or *Nie pozwalam* (I do not allow it)" (vol. 1, 345). The inability of the government to accomplish much of anything under this rule became quite notorious in Europe. When the entire system became the object of a thorough attempt at reform, during the Four Years Sejm of 1788–1792, the threat of a more effective (and considerably more radical) Polish state on its western border led imperial Russia to invade Poland and crush all resistance (mostly by frightening the Polish king, rather than through decisive military action).

6. It is the Aristotelian ideal of community that inspires this distinction, of course. Aristotle emphasizes that a state (in his sense) is determined *not only* by geographic characteristics, but also by common views regarding the good life. Wilhelm Hennis agonizes over this problem in his "Ende der Politik? Zur Krisis der Politik in der Neuzeit," *Merkur* 25 (1971): 509–26 (see especially p. 516). The free-market model of social organization tries to ease the problem by questioning the importance of the geographic considerations. Tibor Machan has argued, interestingly, that the nature of *protective services*, in particular, is such that protectors need to be able to reach protectees, and thus that there has to be some assurance of access that transcends the individual property rights of individual owners. This leads him to conclude that "the only moral

means by which people could delegate to others the authority to protect and preserve their human rights is by uniting into homogeneous human communities, with one legal system per community, administered by a given 'firm' or government." See Machan, *Human Rights and Human Liberties* (Chicago: Nelson Hall, 1975), 149–50. The conclusion is unwarranted. What one needs is some reasonable assurance of the kind of access that is in question. Whether one needs government (or monopoly of any kind at all) to get this—or, indeed, whether governments and other monopolies are even good ways to get this—is precisely the question at issue. For what is probably the most detailed attempt to establish a thesis similar to Machan's, see Robert Nozick, *Anarchy, State, and Utopia*, especially the first section. For a critical response to this attempt, see John T. Sanders, "The Free Market Model Versus Government: A Reply to Nozick," *Journal of Libertarian Studies*, vol. 1, no. 1 (Winter 1977): 35–44, included in a slightly revised form as chap. 10 of Sanders, *The Ethical Argument against Government* (Washington: University Press of America, 1980).

7. John Rawls, *A Theory of Justice* (1971; reprinted, Cambridge, Mass.: Belknap Press, 1973), especially 139.

8. It is true, as Kai Nielsen reminds us, that we cannot stand outside our concept of rationality "to see what rationality really is." What we can do, however, is to try to arrange a completely general format, within which various understandings of reason may be displayed and contrasted. It seems to me that this is one of the virtues of the Rawlsian methodological framework. See Nielsen, "Distrusting Reason," *Ethics* 87 (1976/77): 49–60.

9. Robert Nozick argues that "Rawls' construction is incapable of yielding an entitlement or historical conception of distributive justice," although it "might be used in an attempt to *derive*, when conjoined with factual information, historical-entitlement principles, as derivative principles falling under a nonentitlement conception of justice." Even if it *is* used in this way, Nozick thinks that the derived historical-entitlement principles can, at best, be only approximations of the principles of acquisition, transfer, and rectification that he favors; thus, Nozick thinks that his theory of justice could not be adequately reconstructed using the Rawlsian framework: "it will produce the wrong sorts of reasons for them [the Nozickian principles], and its derived results sometimes will conflict with the precisely correct principles" (*Anarchy, State, and Utopia*, 202). But what are the *right* sorts of reasons for Nozick's principles? He tells us (p. 51) that he hopes to grapple with this issue on another occasion, but all of his clues seem to amount either to factual considerations or to notions that, Nozick thinks, might "straddle" the is-ought gap (pp. 49–51). From what Nozick tells us about candidates for the latter category, it is not easy to see why they, along with other factual information, could not be used in an original position to derive Nozickian principles. Why couldn't these highly idealized rational persons do what Nozick hopes to do? If there are any reasons *at all* for Nozick's theory of justice, they would surely

be considered by the parties to the original position, the only qualification being that these reasons may not themselves rely on Nozickian justice. If there are *no* reasons, then either the theory is not rationally defensible or the principles of justice are just brute facts. Even in the latter case, though, it is hard to see why such facts could not be considered in an original position (they aren't just brute facts for Rawls, of course). It is hard to see how Nozick can be so circumspect about the basis of the constraints he recommends and yet so confident that Rawls's framework could not be used to exhibit that basis.

10. Although it has been suggested by some authors that Rawls's liberalism infects even the idea of reflective equilibrium, most critics have accepted this notion and have objected only to Rawls's specific use of it. For a good example of the former concern, see Edward F. McClennan's review of Brian Barry, *The Liberal Theory of Justice*, in *Social Theory and Practice* 3 (1974): 117–22; also Peter Singer, "Philosophers are Back on the Job," *New York Times Magazine* (7 July 1974): 6–7 and 17–20. Singer's concern may not be quite the same as McClennan's, but it is clear that he is uncomfortable about the idea of reflective equilibrium as a tool for discovering or revealing principles of justice. For a response to such suspicions about reflective equilibrium, see Marcus G. Singer, "Justice, Theory, and a Theory of Justice," *Philosophy of Science* 44 (1977): 594–618, especially 608–09. For an extremely suggestive general defense of the "method of wide reflective equilibrium," see Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy* 76 (1979): 256–82. For critique of Rawls's liberal interpretation of his framework, on the other hand, here is a motley array of articles that approach the issue from a variety of different political perspectives: Adina Schwartz, "Moral Neutrality and Primary Goods," *Ethics* 83 (1972/73): 294–307; Richard Miller, "Rawls and marxism," *Philosophy & Public Affairs* 3 (1973/74): 167–91; David Gauthier, "Justice and Natural Endowment: Toward a Critique of Rawls' Ideological Framework," *Social Theory and Practice* 3 (1974): 3–26; David Gauthier, "Rational Cooperation," *Nous* 8 (1974): 53–65; Kenneth J. Arrow, "Some Ordinalist-Utilitarian Notes on Rawls' Theory of Justice," *Journal of Philosophy* 70 (1973): 245–63; Douglas B. Rasmussen, "A Critique of Rawls' Theory of Justice," *Personalist* 55 (1974): 303–18; David Lewis Schaefer, "The 'Sense' and Non-sense of Justice," *Political Science Reviewer* 3 (1973): 1–41.

11. Joseph Margolis, "Justice as Fairness," *Humanist*, vol. 33, no. 3 (1973): 36–37, 37.

12. It seems to me that the Rawls literature is burdened by confusions over what is framework and what is content. See, for example, Kai Nielsen's "On Philosophic Method," *International Philosophical Quarterly* 16 (1976): 349–68, especially pp. 358–68, for some typical confusion. The distinction is, admittedly, difficult to sort out. One of the best early critiques of the framework, however, seems to be David Keyt's "The Social Contract as an Analytic, Justificatory, and Polemic Device," *Canadian Journal of Philosophy* 4

(1974/75): 241–52. Keyt argues that the "analytic" use of the framework may not expose derived principles of justice to refutation, since there would be, for any set of such principles, an indefinite number of initial situations from which they might be derived. Keyt cites evidence that Rawls would want special attention directed to the "most reasonable" initial situation for any conception of justice, and he argues persuasively that there is no such animal, short of an initial situation that is specified in such a way as to be logically equivalent to the principles to be derived. If Keyt is right, then the methodological framework cannot refute "isms" in one fell swoop. Whether Rawls thought it could is, I think, open to question. Whatever the answer may be to this question, though, the Rawlsian framework is still helpful in criticizing *particular* attempts to elaborate a conception of justice or a social philosophy.

13. For an extended argument of this kind, see Sanders, *The Ethical Argument against Government*.

14. Prisoners' Dilemma games are sometimes conceived as real interactive games, played in real time, where one party goes first and the other must then respond. This changes the game conceptually, but still leaves the same problems at the door of the first player—or, for that matter, of each player—as consideration is given, before play begins, to questions of strategy.

15. Quite generally, decision problems with Prisoners' Dilemma structure arise when (1) players are constrained to making one of two mutually exclusive choices (usually between "cooperation," on the one hand, and "noncooperation" or "defection," on the other); (2) the payoff matrix is such that (a) the highest payoff comes to players who defect in conjunction with cooperation on the part of their opponent, (b) the next highest payoff comes to players who jointly cooperate, (c) the next highest payoff comes to players who jointly defect, and (d) the lowest payoff comes to players who cooperate in conjunction with defection on the part of their opponent (players covered under type (d) are called "suckers"); (3) the relation among these several payoff amounts is (at least by some authors—such as Robert Axelrod, "The Emergence of Cooperation among Egoists," *American Political Science Review* 75 [1981]: 306–18, and Barton L. Lipman, "Cooperation among Egoists in Prisoners' Dilemma and Chicken Games," *Public Choice* 51 [1986]: 315–31) further constrained such that when one adds together the payoff to type (a) players and the payoff to type (d) players, the result is less than twice the payoff to type (b) players (this ensures that mutual cooperation is Pareto-preferred to alternating between the two single-defection situations); (4) play is strictly "self-interested" in the sense of attempting to maximize payoff (neither player has any interest *other* than maximization of expected payoff); (5) there is no opportunity for communication among the players; (6) the game will be played precisely once, so that no questions can arise concerning either information about what strategy players have used in the past or what strategy may be expected in the future; and (7) the game is played without the benefit of any information at all about how the opposing players have played, are playing, or

will play similar games with other opponents. All these constraints are required in order to generate a proper Prisoners' Dilemma situation. While lip service is almost always paid to this fact in literature that attempts to apply game theory to real social situations, the degree to which these constraints make such application dubious is not always sufficiently appreciated, as will become clearer below.

16. For discussion of related matters, see Sanders, "Political Authority."

17. One could construct a Prisoners' Dilemma situation in such a way that the players were understood not as being egoistical in any *normal* sense, but still as being egoistical maximizers in the economic and game-theoretic sense. For example, one can imagine two philanthropists—each trying to maximize the benefits to others, all things considered—engaging in a Prisoners' Dilemma game. That they are philanthropists means that the relevant payoffs will be measured in terms of benefits to others, rather than benefits to the players themselves. All that is necessary to produce the Prisoners' Dilemma situation is that these payoffs—whatever their metric—be ranked in the way indicated in note 15 above (as well as satisfying the other conditions mentioned there) and that these payoffs really do reflect what the players want to accomplish. It is only in this latter sense—the sense in which the values expressed in the payoffs really are the values of the players—that the game needs to be "egoistical." *Whatever* the goals and values of the players—provided only that these not make specific reference to benefits to the opponent, in particular—players will find cooperation to be irrational when the decision situation is structured as in note 15. Finally, it has been suggested—notably by David Gauthier (*Morals by Agreement* [New York: Oxford University Press, 1986], chap. 6), and Jan Narveson (*The Libertarian Idea* [Philadelphia: Temple University Press, 1988], 140–47, and "The Anarchist's Case," this volume, 195–216)—that since egoistical maximizers would not be able to cooperate in PD situations, they must (rationally) rearrange their personal dispositions in such a way as to make cooperation possible. This seems to me to "solve" the PD problem simply by ignoring it. Even if I am mistaken about this, though, the fact that cooperation becomes rational for egoistical maximizers as soon as the entirely unrealistic presumptions about communication and information are relaxed (see the text, above and below) seems to make this rather radical step quite unnecessary.

18. It would really be peculiar if agreement required very *much* in the way of statelike constraint, since it is notorious that even the rankest criminals manage to forge working agreements with one another in order to achieve their ends. For discussion of this issue in a rather different context, see John T. Sanders, "Honor among Thieves: Some Reflections on Professional Codes of Ethics," *Professional Ethics*, vol. 2, nos. 3–4 (Spring/Summer 1993): 83–103.

19. Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984). For a theoretical rather than empirical argument in favor of the individual rationality of something like a tit-for-tat strategy in iterated play,

see Anthony de Jasay, "Self-Contradictory Contractarianism," this volume, 137–169. See also Michael Taylor, *Anarchy and Cooperation* (London: John Wiley & Son, 1976), and Taylor, *The Possibility of Cooperation* (Cambridge: Cambridge University Press, 1987). Tit-for-tat also strongly resembles the "avenging angel" strategy discussed in Gregory Kavka, "Why Even Morally Perfect People Would Need Government," this volume, 41–61. Kavka's discussion seems most relevant, however, to games such as Chicken rather than to games like Prisoners' Dilemma. For more on Chicken, see below.

20. As David Schmidtz points out, real life state-of-nature situations are likely not only to be ones in which iterated play is the rule, but ones in which *concatenated* play is most likely. That is, players will not just be playing with a single player, over and over again, but simultaneously with many others, who will revise their play on the basis of the reputation that any given potential player acquires through past play with others. See Schmidtz, *The Limits of Government: An Essay on the Public Goods Argument* (Boulder: Westview Press, 1991), 101–02. See also de Jasay, "Self-Contradictory Contractarianism," and Howard H. Harriott, "Games, Anarchy, and the Nonnecessity of the State," this volume, 119–136.

21. See especially Lipman, "Cooperation among Egoists in Prisoners' Dilemma and Chicken Games." It is the *terms* of the cooperation that are likely in real social situations that properly concern writers such as Peter Danielson ("The Rights of Chickens: Rational Foundations for Libertarianism?" this volume, 171–193). This issue deserves serious independent attention. The availability of mixed strategies embodying varying forms of cooperation offers some hope for a successful anarchist response to Danielson's objections, but such a response has yet to be worked out in substantive detail. For an interesting discussion of attempts to apply game theory (and "metagame theory," which considers strategic games as embedded in broader and more dynamic decision settings) to real situations, with specific comparison of PD games and Chicken games, see Steven J. Brams, *Game Theory and Politics* (New York: The Free Press, 1975), especially 39–50. Questions about which strategies are stable in games of Chicken can be answered, of course, only when details about payoffs—among other things—are known. For an exceptionally helpful discussion of attempts to model biological conflict via "evolutionary game theory," again with special reference to Chicken, see Karl Sigmund, *Games of Life: Explorations in Ecology, Evolution, and Behaviour* (Oxford: Oxford University Press, 1993), especially 161–79. It is instructive (and important) to keep in mind, when considering which strategies might be likely in real-world situations that are supposedly modeled by theoretical tools like the game of Chicken, that in nature it is within populations of doves—and similarly ill-armed beasts—that one finds relatively unconstrained escalation of conflicts. More dangerously equipped animals—like hawks, for example—turn to posture and ritual a great deal more than doves do and are much less likely to escalate conflicts with competitors of their own species. The details

of the situation that will determine which strategies are stable for any real-world situation are thus likely to be extraordinarily complex, and will need also to take into account the fact that all human real-world applications of game and metagame theories will invariably involve asymmetries—hawks and doves interacting with one another, not just each with similarly equipped partners—that are not well modeled in simple games like Chicken. Finally, for a short overview of just how powerful evolutionary game theory can be, even as a predictive tool rather than just as an explanatory tool, see Robert Pool, “Putting Game Theory to the Test,” *Science* 267 (17 March 1995).

22. John Dewey, “Democracy and Educational Administration,” 57–58.

23. Franz Oppenheimer, *The State* (Indianapolis: Bobbs-Merrill, 1914), 25.

24. Max Weber, *Economy and Society*, vol. 1, ed. by G. Roth and C. Wittich (New York: Bedminster Press, 1968).

25. There is an important ambiguity, inherent in the understanding of government as necessarily coercive, that must be addressed. While almost everyone—fans and foes of government alike—would agree that one central task of government is to use coercive force to achieve the ends of citizens (such as protection against aggression, for example), not everyone agrees that governments necessarily must coerce innocent citizens in the performance of these tasks. Tibor Machan, for example, has argued against philosophical anarchism on the basis of an understanding of “government” that imagines that citizens’ choice of “government” could be voluntary, that secession might be perfectly permissible, even that “governments” might compete with one another for clientele. See Machan, *Human Rights and Human Liberties*, especially 150–51 (although it is interesting that Machan also describes himself, on p. 157, as having “some reluctance” in choosing the term “government” to refer to such service providers). Such “governments,” functioning precisely in the way that anarchists typically suggest that voluntary cooperative alternatives to government might function, are plainly not objectionable to anarchists. Nor are they governments. For reasons against adopting an overly liberal definition of “government” of the kind apparently envisioned by Machan, see Sanders, *The Ethical Argument against Government*, especially the introduction. Finally, Machan has more recently made it clear that he thinks of the price of “seceding” from “government” as being withdrawal from human society altogether and that (while he apparently shares at least some anarchic concerns about the risks of an overrich construal of tacit consent) participating in normal human interactions with others implies consent to government. See Machan, *Individuals and Their Rights* (La Salle, Ill.: Open Court, 1989), 171–82. This goes way too far, even on the logic of Machan’s own argument. Deliberately engaging in human interaction could reasonably imply consent only, at most, to some state of affairs that would make that particular interaction possible (even this goes too far, since people might actually prefer alternatives to the forms of interaction that they are forced to choose under presently existing institutional arrangements). It manifestly does not imply

consent to the particular state of affairs that happen, in this instance, to support the interaction in question. Seceders thus need not imply that they want no part of human interaction (although they might mean this), only instead that they want no part of the particular arrangements for such interaction provided by the system they secede from.

26. In *The Ethical Argument against Government*, I have argued that the case against government is quite strong when one gives adequate attention to all the relevant factors.

27. See, for example, *The Ethical Argument against Government*, especially chap. 6, from which much of the remainder of this section has been taken.

28. Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, Mass.: Harvard University Press, 1965), 14.

29. Where the cost per unit decreases as the size of the group increases, it may very well be difficult to predict that increasing group size will invariably lead to a decreasing willingness (or capacity) to supply the public good. This will, I think, be the *general* tendency of increasing group size, but some increases may have opposite local effects on the curve. See William H. Riker and Peter C. Ordeshook, *An Introduction to Positive Political Theory* (Englewood Cliffs, N.J.: Prentice-Hall, 1973), 73–74, footnote 31. Similar complications may arise if the value that individuals place on the good changes as group size increases. But both of these issues seem to cause trouble only for a *dynamic* theory of the effects of increasing group size. If the various groups are defined as in the three paragraphs immediately preceding this one in the text and if one deals with them without asking what happens dynamically as an intermediate group gets larger and larger (for example), the problems seem not to be raised.

30. In this context, as mentioned above, the ideal of egoistic rationality is much more benign than in connection with the Prisoners’ Dilemma, since the personal desires that agents are trying to maximize can be as other-oriented as you please. All that counts is that the desires are the *agent’s* desires.

31. Olson does qualify the potential value of his theory by noting that it may not be of much (or any) use as regards “nonrational” or “irrational” groups (pp. 159–65). Among such groups, it seems, he would include those characterized by “ideologically oriented behavior” (p. 162). Karen Johnson, in “A Note on the Inapplicability of Olson’s Logic of Collective Action to the State,” *Ethics* 85 (1974/75): 170–74, has argued, along the lines of this first option of ours, to the conclusion that the *state* is just the sort of group not covered successfully by Olson’s analysis. Her notion of the state is considerably broader than the one being considered here, however. For discussion of some experimental evidence that bears on Olsonian option 1 and for some hope that this option really could serve successfully in defending the state of statelessness against public-goods arguments, see Harriott, “Games, Anarchy, and the Nonnecessity of the State.”

32. For discussion of some of the problems with this option, see Sanders, *The Ethical Argument against Government*, 171.

33. See *The Ethical Argument against Government* for an attempt to provide just such an argument, with the public-goods issue held constantly in view.

34. The text of this part of the paper was composed in the Helsinki International Airport at the end of August 1993, during a long wait between flights. I had just left Moscow, where I had spent ten days living on the economy (or economies). My visit was not long, but I was left with remarkably vivid—sometimes surreal—impressions.

35. This same effect is quite astonishingly evident in the suburbs of Warsaw, as well, as I note in the fall of 1995 as this volume goes to press. Indeed, it is not clear that the houses going up at this particular moment in time are at all well described as “middle-class,” given the prevalence of indoor swimming pools, towers with turrets, and large tracts of land. Newly affluent Poles seem for all the world to be reinvigorating, at the close of the twentieth century, their nation’s historical predilection for castle construction.

36. Jan Narveson has argued this way in “Prospects for Anarchism,” a short paper prepared for the Helsinki panel referred to above. A revised version of this earlier paper is included in the closing pages of “The Anarchist’s Case.” See also A. John Simmons, “Philosophical Anarchism,” this volume, 19–39.

37. The recent hard times among the more severe “socialist” states has led to great enthusiasm among “capitalists” of all kinds. The claim that “socialism is dead”—or at least that *communism* is dead—has frequently been made by politicians, by journalists, and by academics. Now, I’m one of those who think that ideological socialism is an inadequate tool for social analysis, both for empirical and axiological reasons, but it seems far from likely that socialism is dead as an ideology, just because a few states have collapsed. For one thing, committed ideological socialists were never particularly fond of the regimes that have recently fallen. For another, as “capitalism” attempts to address the problems of the states recently governed by centralized “socialists,” the inevitable disappointment in nasty side effects of “capitalization” will just as inevitably give birth to nostalgia for “socialism,” as has been shown in the mid-1990s in election results all over Central and Eastern Europe. The scare quotes in this note are surrogates for critical analysis of the aptness of the terms thus quoted, some of which is to be found back in the text.

38. For an argument to the effect that even angels would need government, see Gregory S. Kavka, “Why Even Morally Perfect People Would Need Government.”

39. See Sanders, “Political Authority.”

40. Not that there is anything intrinsically wrong with abstract theoretical musings—indeed, there are few things in the world that are more fun—but being taken seriously requires more.