

chapter one
some definitions

I

Anarchism, as I am using the term here, refers to the view that all forms of human association ought to be voluntary. If it is true, as against some varieties of social contract theory, that what is known as the political state is not a voluntary association but in fact rests on coercion and is destructive or limiting of the liberties of its subjects, then anarchism in my sense entails that the political state is never legitimate or, as I will put it equivalently, that state power is not morally justified. This leaves us with a number of key terms to define before we go forward: *voluntary*, *state*, *coercion*, *legitimacy*. A number of other terms arise in the task of defining or understanding those, including *sovereignty*, *nation*, *person*, and others. Several of these terms are among the most contentious in philosophy, law, and elsewhere, and a full-dress project of defining them cannot be assayed here. But in many cases a justification of state power, or of a certain form of state power, would follow very quickly from certain ways of defining these terms. Indeed, parts my own position are going to fall like ripe fruit from the tree of meaning, so I want to

defend some of the characterizations I give of the meanings of these terms as relatively neutral, commonsensical, or in line with the way the terms are used in ordinary language.

II

The terms *freedom* and *liberty* are used more or less interchangeably in what follows, though I tend to prefer the term *liberty* as being central to an American anti-authoritarian tradition with which I associate myself. Notoriously, both terms are used in many senses. As F.A. Hayek has pointed out, they have two primary (and related) uses in political contexts: the absence of restraints imposed by others and scope for action in the social sphere. The first is sometimes called “negative” and the latter “positive” freedom. In the first sense, which is the primary meaning of the term in what follows, *liberty* is interdefined with *coercion*. Hayek: “[‘Liberty’ or ‘freedom’ originally meant] always the possibility of a person’s acting according to his own decisions and plans, in contrast to the position of one who was irrevocably subject to the will of another, who by arbitrary decision could coerce him to act or not to act in specific ways. . . . In this sense ‘freedom’ refers solely to a relation of men to other men, and the only infringement on it is coercion by men.”¹ I do not intend to put any weight on the idea that this is the “original” meaning of the terms *liberty* and *freedom*, but it is the primary sense in which I will use these terms in this book. To be a free person in this sense is to be opposed to being a slave; or it is to be the owner of oneself in the sense that one is not subject to the will of another except by one’s choice to be so. It encompasses freedoms such as being free of arbitrary imprisonment, being free to move or travel, being free to speak as one wills, and so on. Freedom, in short, is self-sovereignty, which is to be opposed to being owned by others, in whatever degree or respect.

Here in somewhat more detail is Hayek on coercion:

By ‘coercion’ we mean such control of the environment or circumstances of a person by another that, in order to avoid greater evil, he is forced to act not according to a coherent plan of his own but to serve the ends of another. Except in the sense of choosing the lesser evil in a situation forced on him by another, he is unable to use his own intelligence or knowledge or to follow his own aims and beliefs. Coercion is evil precisely because it thus eliminates an individual as a thinking and valuing person and makes him a bare tool in the achievement of the ends of another. (Hayek, pp. 20, 21)

Such a characterization has the advantages of being relatively familiar in our experience and of not immediately raising impossible metaphysical questions. By *liberty*, of course, I do not mean free will in the context of a deterministic or law-governed universe, nor the power to do whatever one likes, but simply the condition of being fundamentally autonomous from the sheer will of others, of being in a position in which, if someone barks an order at you or for that matter gently hints that you might want to pursue a particular course of action, the costs of disobedience are not catastrophic. In most cases, coercion does not merely make alternative courses of action impossible, or literally operate your body like a marionette; it proceeds by punishing disobedience. In the very clearest cases, you can demur, but you will pay with your life. To choose to obey the will of another person in order to preserve your life is, as I will use the term here, to be coerced. The means by which the person who commands obedience as a condition of your continued life or well-being bends you to his will is force.

Coercion is of course a matter of degree, and we might just try to enumerate some cases and ponder them as illustrating degrees of coercion. For example: If you don't do what I'm telling you to do, (1) I will kill you; (2) I will kill someone else; (3) I will imprison you; (4) I will imprison someone else; (5) I will take away your livelihood; (6) I will injure you; (7) I will fine you or take some of your possessions; (8) I will limit your future prospects; (9) I will whine until your life is sheer misery, and so on. Whatever the definition, there will be a range of difficult cases in which we are not certain whether or to what extent to characterize a certain situation as coercive, and hence whether or to what extent to characterize a choice as free. Although we will have to deal with some puzzles, it will be enough to proceed if the reader will recognize that there are certain clear cases, and if the reader is not enthusiastic about being the coerced party in such situations. Some sorts of coercion on some occasions are obviously egregious and others are relatively mild. Insofar as they are indeed cases of coercion, they all carry with them the presumption that they must be justified.

A paradigmatic case of coercion would be blackmail, wherein I limit your choice situation in a way intended to benefit myself by imposing massive costs on the act of refusal. The higher these costs, as you understand them, the more coerced is your choice to submit to my wishes. In short, where your choice situation is delimited for my purposes by the imposition of high costs on alternatives to the course of action that I propose for you, there is coercion.

There is another range of cases, however, in which the range of actions is limited by means that are not as direct as the threat of force or the leverage provided by blackmail. Consider, for example, cases in which someone else controls

one's access to information and insulates one from information that could have led one to behave differently. This could be a direct series of lies, for example, together with restrictions on research and communication that could be expected to lead to an exposure of those lies. Even in cases where there is no question of large-scale censorship or of penalties for free expression, the attempt to deceive people or restrict their access to information is an attempt to delimit their choice situation, and is hence closely related to coercion. Where a censorship regime is backed by armed force, of course, it is coercion in the proper sense. And there may be much more elaborate technologies of coercion, which will also produce difficult cases.

What I have in mind are the sorts of cases investigated most sharply by Michel Foucault, in which institutions are actually dedicated to shaping the consciousness of people who fall into their ambit, as in some prisons, schools, and military units, for example. Here the perfectly clear cases might involve secret administration of drugs or hypnosis and so on, though the ordinary processes in modernity by which people come to know or believe that they are always under surveillance may be extremely difficult to adjudicate as coercive or noncoercive. One function of such institutions is to conceal or even actually to avoid coercion. Perhaps *coercion* is sometimes the wrong term here, and the people who invent such technologies of the human often specifically contrast them to coercive or police techniques. And yet in some ways these practices are more central to the operation of state and other sorts of power than direct threats of violence or imprisonment. And there could perhaps (though perhaps not) be states that dispense with direct coercion completely and rest content with manufacturing docile personalities.

Such measures, which are more and more pervasive as strategies of state authority but also exist in corporations and other organizations, are typically backed with some threat. But as they are perfected and as the technologies by which they are accomplished become more developed, such threats may become less and less necessary, or they may become more and more shrouded by layers of obscuring institutional activity. What such cases have in common with classical coercion, however, is that the scope of choice is limited by the intentional action of human beings. It is a nice question whether such techniques are preferable to plain, old-fashioned coercion as being less violent and deadly or whether they are scarier and more insidious (because more difficult to resist). But I would start with the same inquiry: would you be satisfied to put the formation of your personality in the hands of some person or group of persons, or would you regard this as a violation of your freedom? Do you acknowledge the right of any person to re-make you into a more normal or cooperative person without your explicit consent?

Hayek's definition seems somewhat too tight if it excludes as coercion the effects of surveillance backed with punishment. But it is also too loose if one takes him to mean that any situation in which one chooses the lesser of two evils in a choice situation partly defined by another person is coercive. Where the price of disobedience or dissent is not astronomical, the choice can be relatively free. This shows among other things that freedom in the present sense is a matter of degree, from being a meat puppet to being entirely unconstrained by other persons. Very typical and decent human interactions shape choice situations in noncoercive ways. You know, for example, that if you act like that, I will get angry. This imposes a cost on the behavior but in the typical case is not coercive unless my anger carries with it the threat of considerable harm.

Nor do I necessarily want to import Hayek's antipathy to freedom construed "positively" as power within all the world to do what one likes. For example, it is often argued that people who are starving are not free, though they may not be specifically constrained by other persons (in a large-scale famine for example) or, more widely, that poor people are unfree no matter what the origin of their poverty. These are reasonable uses of the term *freedom* and are continuous with ("negative") freedom from the will of other people. In many cases, it is impossible to determine whether the scope of one's actions is constrained primarily by the will of others or not, as in cases of large-scale exploitative economies in which one's prospects are severely limited, while those of others are massively opened up, by a set of economic arrangements or institutions. Even if one merely contrasts freedom to slavery, such cases can be obscure. So let me say that freedom from the arbitrary will of another is a necessary condition of freedom in its wider senses and may in some ways be continuous with it. I shall be primarily concerned here with freedom in Hayek's sense. Freedom in this sense is, of course, primarily what is at issue in political philosophy. And the desirability of freedom in this sense is almost universally affirmed, at least among contemporary political thinkers.

III

There are various ways to say why there should be this agreement. One would be the intuitive pull of the concept of natural rights, even among those who do not accept the doctrine or do not see how it could be defended. Let me put it like this: there can hardly be a person who would simply acknowledge that they themselves could legitimately be enslaved. Whatever your notion of rights, I hope that you feel that there ought to be some zone of autonomy around yourself, and that when you yourself are used as a mere tool or device of some other person, some important principle or reality is being violated or denied. At a minimum,

in order to suggest that someone ought to be enslaved, a rational argument would be required to show that there is some quality of the slave or of the master or in the overwhelming force of circumstances that would justify enslavement. Of course, people have given many such accounts: blackness of skin, irrationality, femaleness, or Jewish ancestry, for example. These views can hardly have many contemporary proponents, but in any case the matter ought to rest on what the prospective slave would think about the relevant justification.

In other words, if you would not endorse your own complete subjection to the will of another person, I think you ought to extend your argument to any other person. If you do not, then I want to know on what substantive grounds you do not, and then I will quarrel with those grounds. I would appreciate it if, unlike the enthusiasts of slavery down through the ages, you don't merely say that people like you should be allowed to coerce people like them, for your or their own good. An argument like that really ought to carry with it a burden of proof because of its transparently self-serving quality. I would like to see an argument in favor of slavery made by the sort of person who will end up enslaved if the argument wins the day; one rarely hears this, and if one does, one must suspect that the statement is itself coerced. But in the absence of such an argument, I will simply assert and assume that subjection to the arbitrary will of another is never legitimate.

In every case milder than this, there must be some argument that tends to show that subjection of that kind, or to that degree, or with regard to this particular range of actions, is legitimate. I want the burden of proof on the assertion that a person can legitimately be coerced. There are, of course, many possible arguments and many possible cases. Perhaps one can be coerced in some fairly mild ways in order to achieve some set of benefits to oneself or to others. Perhaps one can be coerced in some ways in virtue of reduced agency in oneself, as in cases of addiction. Perhaps one can be subjected to coercion in order to save one's own life or the lives of others, or to give others certain opportunities, or to achieve a higher degree of equality in various other ways. I simply want to insist, however, that some such argument must be given, because there is a presumption against coercion, which might alternately be formulated as saying that there is a close to universal aspiration to freedom from the will of others. Of course, state power plausibly involves coercion of some persons by others, and hence in any given case must be justified by some argument or other, on pain of slavery.

IV

That's all. That's the rigorous foundation of ethics on which my political philosophy rests: the ability to take up the point of view of a person subject to the

arbitrary will of another. I leave it to the reader to determine whether this is Kantianism, utilitarianism, emotivism, or the merest irrationalism. At any rate, I can envision a more systematic political ethics, but I cannot imagine a more convincing one, and that will be quite enough to be getting along with. I suppose the universality I am attributing to the intuition that one does not want to be subjected might be the merest artifact of centuries of liberal individualism. In the golden age there were communities wherein the people were enthusiastic about their subjection, or were incapable of distinguishing their will from the will of the theocracy. Yes, only, no. The extent to which every single hierarchy of which we have any knowledge generates its skeptics, gadflies, and rebels, must never be left unappreciated, even if that extent is hard to reconstruct, because the people who express it and their expressions of it traditionally have been immolated.

V

Voluntary in the definition of anarchism above means, simply, uncoerced. As coercion is a matter of degree, so is voluntariness. Anarchism in this sense means that more voluntary arrangements are always preferable, other things being equal, to less voluntary ones. Notice that this does not entail that coercion can never be justified or that the ultimate moral fact is the autonomy of persons. The present position is compatible with a utilitarian or other justification of coercion in some particular case.

Free action is voluntary action, and political freedom or liberty is the overall condition of a life over a segment of time in which one is not subject to coercion by political or state authorities, or is subject to coercion only to some limited extent.

Hence these terms are interdefinable. Anarchism is the view that all forms of human association ought to be voluntary, or it is the view that people ought to have maximal political freedom. This will entail, I think, that there ought to be no government.

VI

The term *state*, which seems so clear in its basic uses, is remarkably slippery. Is it, for example, a group of people? a set of institutions? Neither seems promising, in that the people or institutions can be entirely transformed while the state remains the same state it was; this is more or less true of most modern

states. Often the state is defined in terms of its sovereign power, which is in turn defined as the legitimate use of force or the power to enforce the laws. This will not suffice in the present context, because it would beg all the relevant questions; of course if the state is characterized as legitimate sovereignty, anarchism is false. The anarchist could then, in this quibbling about terms, simply argue that there are no actual states; that is, there are no legitimate sovereign powers. But this seems perverse both ways around.

The state at a first stab ought to be distinguished from the nation, which roughly indicates a large geographical area and the people therein, in their aspect as having a “shared identity.” But even here there are counter-examples, as in diasporic nations. Consider, for example, “black nationalism,” in which a common identity, emerging from a common history, is asserted, but in which the territory, if any, is scattered or yet-to-be-occupied, or is an aspiration. It may be, though, that the territoriality referred to is primarily a common origin point in Africa, and nationalism the imagination of a return.

It is certain that the conditions of identity placed on nations are different from those placed on states. For example the nation of Kurdistan extends over parts of Turkey, Syria, Iraq, and Iran. But in all these cases territoriality is relevant, even if imaginary. We might sum up nationality as an identity, possibly encompassing shared language, history, ethnicity, or race, anchored in imagination in a shared place. What a national identity is, and whether it corresponds to something real or manufactures something real, are questions we need not belabor. We can also hold in abeyance the question of whether nationality is desirable. It is foundationally aesthetic, and relies on symbol systems, songs, monuments, literatures, and so on. What is important to notice is that states do not coincide neatly with nations, though the two are related and though states use or crystallize national identities in their struggle for legitimacy, or to assert a claim to loyalty. Anarchists could be opposed to nations in this sense, or be skeptics about their real existence, but they need not be.

In fact, states and nations in modernity are symbiotic; states invent nations, or they forge and enforce and extend them. States use nations as means of asserting legitimacy, and hence encourage the identities that go with them, though they probably also try to expunge rival identities. Nations enter into and leave states, extend across their borders and then are reincorporated, declare their independence and then enforce an account of their identity. So one does not simply want to make the nation natural and the state artificial, the nation primordial and the state parasitic; they use each other and oscillate in and out of identity.

VII

We probably ought to distinguish between the meaning of *state* and the meaning of *government*. The latter, of course, sounds like the name of a process, the process of “governing.” The government consists of the set of persons who are doing the governing, the tools, and perhaps the procedures by which they do so: the people who are controlling certain aspects of behavior by certain rules, or who are channeling the lives of people within a given territory in certain ways, and the means by which they accomplish this task. Government is specifically territorial, as in county governments, state governments, and (even) national governments; where there is a national government, the nation is territorialized.

I think that any way you look at it, there can be no government that does not possess and employ coercive force in a fairly pervasive way over a certain territory. This is, I suggest, necessary and sufficient, and there is no conceptual requirement of legitimacy, or justifiedness, or consent, or anything else. Think about how you would actually use the word *government* in certain cases.

Let’s say you discovered an island where the people wearing yellow shirts post lists of rules. When members of the larger group of people in blue shirts are caught by people in yellow shirts violating the list of rules, they are pistol-whipped and thrown in a dungeon. The Yellow Ones possess a large cache of weapons, and if a Blue One is caught with a weapon, it is confiscated. The Yellow Ones pay for the enforcement of their rules by demanding a tribute; if you fail to pay you are pistol-whipped and thrown into a dungeon. This tribute money accounts for the fact that the Yellow Ones live in comparative luxury and labor comparatively little. Now, as you land on this island in your exploration of the terrestrial globe, would you be in any doubt about who constituted the island’s government? If the Yellow Ones were elected by the people in blue shirts, the Yellow Ones constitute the government. If the Great God Yot-tle selected them, they are the government. If they rule with a benevolent hand, they are the government. And if they have not a shred of any sort of consent or divine approbation, if they are entirely arbitrary and vicious, they are still—to precisely the same extent—the government of the island.

At the municipal hut there is a vitrine in which rests a document establishing the Rule of the Yellow Ones, signed by every person on the island. Or in the basement of the municipal hut there is a dungeon which houses a hostage from every one of the island’s families; the disobedience of any member of any family is punished by the hostage’s death. Either way, if you want to negotiate a treaty or purchase part of the island, you will go to the Yellow Ones.

On the other hand, let's say the Blue Ones post a list of rules, but have no ability to enforce them at all. In fact, whenever they try, they are pistol-whipped and thrown in dungeons. However, in a vitrine in the municipal hut there is a document ordaining the rule of the Blue Ones forever and unto eternity, signed by etc. If you're trying to figure out who runs the island, this document is worthless. Necessary and sufficient.

Institutions other than governments exercise power by coercion; indeed most institutions of any size have some coercive component. For example, schools, whether or not they are government-run, maintain discipline by a schedule of punishments. Corporations punish dissenters or unproductive employees with the withdrawal of their livelihoods, and so on. One thing to notice is that coercion in such contexts usually does not have a substrate of violence. That is, Wal-Mart can fire you, but if they shoot you they will be subject to legal sanction, and if you steal from them they will bring police with guns and cells into the picture; if force is required, they will call upon the state. Of course there may also be some degree of force, for example corporal punishment in parochial schools, underlying coercion in some of these cases. Again the concepts are slippery, and if I called a school that relied heavily on pedagogical beatings a "dictatorship," you would understand me. But one feature that makes government distinctive, it seems to me, is that though it may deploy many styles and strategies of coercion, they are erected on a substructure of death: the state, if nothing else, arrogates to itself the right to use deadly force.

It may also be that the government permits or ignores force or violence by certain persons at certain times, for example (traditionally) husbands against their wives, parents against their children, teachers against their pupils. It would not be quite right to say that the state authorizes this coercion, but it does permit it, which is often necessary for it to continue. This can be seen by the fact that should sufficient motivations arise, the government can intervene in these relationships. Many governments do so continuously.

At one time almost all governments imposed death sentences for some offenses; now, many do not. But the agents of the government, the bottom-line enforcement agencies, have access to deadly force. They are both armed and authorized in the use of arms in enforcement. Typically, as well, the government is uniquely the prosecutor of war, which always involves attributing to its own agents the right to kill. The military structures that almost invariably accompany governments also have the effect of implying that ultimately, internal rebellion is useless in that it can be crushed with overwhelming deadly force.

It may be that government could replace deadly force with other techniques, and it may be that this is already in process. Universal surveillance,

control of media, and control of educational and medical systems already do largely displace deadly force as governing strategies. All of these are coercive in the sense that they delimit choice situations for the sake of goals external to the individual agent. The bottom line, however, is still deadly force, and it must be appealed to when the other strategies fail. It is hard to imagine a situation in which deadly force could be dispensed with entirely; no government has come anywhere close to doing so. For one thing, government must be mobilized to some extent to resist invasion. Perhaps there may eventually be a single world government that can dispense with deadly force entirely and depend on other forms of coercive control. In such circumstances, the definition of *government* would have to be revised. A rather horrendous fact is that such a situation might be highly desirable on utilitarian grounds. It would not, of course, follow that it was a good situation. In fact, it is possible already to become nostalgic for force, with its primitive directness, its honesty, its . . . innocence.

I define *government* as follows: a government is a group of people who claim and, to an effective extent, exercise a monopoly of coercion resting on deadly force over a definite geographical area and the artifacts and procedures by which they do so. Of course this monopoly is never complete, and the government may even authorize some people not part of itself to exercise coercion in some cases, such as in a scheme to privatize the prison system. It may in fact permit violence in various other cases. These authorizations and permissions themselves suppose and make use of the government's monopoly of coercion. Being a government on this conception requires that the effectiveness of the monopoly on coercion reach a certain (unspecified) threshold before the group exercising it has a claim to be a government. Notice that to the extent that the government or the former government loses this monopoly, the nation or public is plunged into a condition of anarchy or is precipitated into or generates a new state. By the same token, when any group effectively exercises such a monopoly, when the LAPD won't venture into the Crips' territory, for example, that group becomes the government of that territory (and indeed in the imagined case is likely to start up a system of taxation, social services, and so on).

By 'artifacts' I refer to weapons, vehicles, buildings, papers, computers, and so on. Indeed, a monopoly of force is close to impossible without the use of, at a minimum, weapons. Government originates in technologies by which coercion is, as we say, implemented. Here I do not want to focus exclusively on the actual technologies of death, though these have, under government auspices, been brought to a peak of annihilating effectiveness that they could never have reached otherwise. Understand: on my view, the fact that we owe to governments the

amazing technologies of death which confront us is not a coincidence. It is government expressing its essence in the processes of history, unfurling its flag over a period of millennia. But there are other functions that the monopoly of deadly force performs that may in part motivate it; I have in mind particularly commercial and religious functions, above all the function of keeping definitive or authoritative records. If government deserves discredit for death, it may also deserve credit for extreme refinement of linguistic and mathematical techniques and technologies. Here again, however, the direction may be totality—a government capable of total surveillance.

Under 'procedures' I would include the hierarchical arrangement of officials, again brought to mind-numbing elaboration by the time our species achieves its true happy flowering in bureaucracy. 'Procedures' might also be taken to include the rules and regulations by which they operate insofar as these are summaries of the actual actions of persons (rather than mere claptrap). Procedures include, above all, mechanical forms of human action, habit frozen into the continuous action of millions of people over generations, a form of compulsion by which the same structure of behavior is instantiated again and again and again.

VIII

A number of thinkers, including, classically, the great libertarian Randolph Bourne and, more recently, the military historian Martin Creveld, have characterized the state as "abstract." Creveld writes:

The state, then, is an *abstract* entity which can neither be seen, nor heard, nor touched. This entity is not identical with either the rulers or the ruled; neither President Clinton, nor citizen Smith, nor even an assembly of all the citizens acting in common can claim that they *are* the state. . . . This is as much to say that the state . . . is a corporation, just as universities, trade unions, and churches *inter alia* are. . . . Above all, it is a corporation in the sense that it possesses a legal *persona* of its own, which means that it has rights and duties and may engage in various activities *as if* it were a real, flesh-and-blood, living individual. The points where the state differs from other corporations are, first, the fact that it authorizes them all but is itself authorized (recognized) solely by others of its kind; secondly, that certain functions (known collectively as the attributes of sovereignty) are reserved for it alone; and, thirdly, that it exercises those functions over a certain territory inside which its jurisdiction is both exclusive and all-embracing.²

One way into the history of this idea is provided by Bertrand de Jouvenel: the state evolves as a machinery for executing the will of one man. Subtract this one man and it still behaves, or at least is interpreted as behaving, as a single will or agent.

The apparatus of the state is built by and for personal power.

For the will of one man alone to be transmitted and exercised throughout a wide kingdom, transmission and execution must both be systematized and given the means of growth—in other words, bureaucracy, police, taxation. For monarchy this state apparatus is the natural and necessary instrument. But on society too, its influence down the centuries is so great that, when at long last the monarch has vanished without disturbing it, its motive power will still be conceived of only as one will, though it is now the will of an abstract person who has taken the monarch's place. The mind's eye will see, for instance, the nation deciding and the apparatus of state executing its decisions.³

There are many forms of this attribution of will to an abstract person or to a bureaucracy: the Hobbes Leviathan, Rousseau's general will, and so on. And its quasi-deification, necessary to legitimate its power, is found all over the origins of the concept. The chief is the descendant of a god; the emperor is the embodiment of a god; the king rules by divine will. Go to Washington, D.C., and enter the temples in which the state is worshiped, literally based on the temple architecture of Greece and Rome. It is easy, but for all that necessary, to ridicule these pretensions, for they are ridiculous, and I will baste them in their own juices in what follows. But for now it is necessary merely to grasp the ontology: state as abstract or figurative or fictional agent.

The state is in particular the agent of life and death, and it is this power of the state that surely accounts for its promotion to divine status. What can kill you or dispossess you on a whim is surely more or less a god, call it what you like. It consists in sheer power as well as its mystifications and obscurities; the state's ceremonies and its implacable, irresistible decrees preserve for us, as for the ancients, our feeling deep inside that the state deserves our worship, that we ought to erase our will before it. Everyone more or less feels the same, from patriotic veterans to welfare-state liberals.

If a nation is the identity of a people, a state is the identity of a government. The treaty case, as Creveld insists, is central because the state is centrally defined as one among a group of states, competent to act as a person in its dealings with other states. The state is one variety of corporation, and this is precisely how it is treated conceptually in its modern origins. For a government to be represented as a state, there must be someone that speaks for this government or some

way that this government speaks and renders decisions. Or a host of ways, as long as it is “the state” that is the agent of these actions. In other words, the state is the imaginary or abstract agent of the acts of a government, and the acts of the government, by definition, implicate coercive force.

The classical statement of this account of the state is made at the moment of the maturity of the modern European state, the moment of its liberation from the fetters of empire and church, by Hobbes in *Leviathan*. (The modern “nation-state” is often dated to the Peace of Westphalia, 1648; *Leviathan* was published in 1651.)

A PERSON is he *whose words or actions are considered, either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether Truly or by Fiction.*

When they are considered as his own, then is he called a *Naturall Person*: and when they are considered as representing the words and actions of another, then is he a *Feigned* or *Artificial person*.

The word person is Latin, instead whereof the Greeks have *prosopon*, which signifies the *Face*, as *persona* in latine signifies the *disguise*, or *outward appearance* of a man, counterfeited on the Stage; and sometimes more particularly that part of it which disguiseth the face, as a *Mask* or *Visard*: and from the stage hath been translated to any Representer of speech and action, as well in Tribunalls as Theatres. So that a *Person* is the same that an *Actor* is, both on the stage and in common Conversation; and to *Personate* is to *Act* or *Represent* himselfe, or an other; and he that acteth another is said to beare his *Person*, or act in his name (in which sense *Cicero* useth it where he says, *Unus sustineo tres Personas; Mei, Adversarii, et Judicis*—I bear three Persons; my own, my Adversaries, and the Judges), and is called in diverse occasions, diversely; as a *Representer*, or *Representative*, a *Lieutenant*, a *Vicar*, an *Attorney*, a *Deputy*, a *Procurator*, an *Actor*, and the like.⁴

He then defines a commonwealth: “One person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all as he shall think expedient for their Peace and Common Defence” (Hobbes, p. 228). A state, reinterpreting this slightly, is an abstract person who represents the people and embodies the combined deadly force of them all.

To actually define the state as “bearing the person” of all the people, however, would be to beg the question in favor of social contract theory, which is radically false. At a minimum it is obvious that the state does not conceptually require universal consent, but only the consent of those within it who actually

operate or can appeal to its mechanisms of violence. This is as obvious in Hobbes's philosophy as anywhere, even as he apparently appeals to universal consent. All social contract theorists, as we shall see, appeal to universal consent in the first move, then dump it overboard as explicitly as possible in the second. At any rate, it is obvious that actual states have existed without this sort of consent and that no state has ever existed that had it; consent is simply not criterial of statehood. So ask yourself: who is being "personated"?

At any rate, I will for the most part use *state* and *government* interchangeably: a state is a representation of the actual scattered group of people, buildings, weapons, hard drives, and so on that are parts of the government and that do the work of governing. The state is an external representation—the imaginary entity with which other states deal—and it is an internal representation—the government as embodied in a single phrase, as in "The United Kingdom" or "The Democratic Republic of the Congo." It is a personification and a name for the government. It is a "flag" one might say; when American children pledge allegiance to the flag, they are pledging allegiance to the state in a spiral of representations. The representational status and practices of the state are used as strategies of government; they make the state elusive, apparently separate it from any specific persons, and suggest gently that the state has transcended the mundane plane of existence. This in turn helps make possible the cult of the state as captured in whole swathes of political philosophy and everyday practices. We will try to make our way through the dogmas of this cult in what follows, even as we attempt to deflect or destroy its zombie acolytes.

Notice, however, that there are forms of government that are not represented as states: Empires, for instance, in which the style of representation is entirely different; the empire is essentially represented by the adorned body of the emperor. Obviously, the power of an empire also requires coercion, and an empire can only originate in conquest. If anarchism is the view that human relations ought to be voluntary, that is, uncoerced, it is also incompatible with empires, certain varieties of tribal chieftainships, and so on. Some of the arguments against the legitimacy of state power that follow will apply *mutatis mutandis* to these other governmental forms. Nevertheless, it is as against the modern nation-state that anarchism developed as a political philosophy and toward which its antipathy is most directed.

It is widely held that the state is in decline. In the work of Habermas and many others, this is chalked up to the "globalization" of the economy and information networks. It is held that these developments make transnational government inevitable; the EU is commonly provided as an example of the new layers of bureaucracy that will someday befuddle and feed us all. I have no idea whether this is the case, and I do want to mention that the globalization

of the economy has also been accompanied by an explosion of intense nationalisms, religious sectarianisms, and other counter-movements. The local may prove hard to eradicate. But as the arguments below will for the most part count against empires, they will for the most part count against whatever comes next, until such time as everyone pays taxes enthusiastically.

IX

To say of a state that it is legitimate is, on my construal, to say that its use of coercion is morally justifiable. Alternatively, it is to say that the laws it enforces are coercible—that it is morally legitimate to enforce them—and that one has a prima facie duty to obey persons acting in their capacity as authorized agents of the state. This I believe is in keeping with the use of these terms in the literature by those who do believe that state power can be shown in some cases to be legitimate. At a minimum, it seems to me that an adequate argument for state legitimacy must entail these results. If specifically coercion by the state cannot be justified morally, whatever is left legitimate is compatible with anarchy. That is, if it were true, as some philosophers have momentarily fantasized, that the state is or could be a fully voluntary association, then the state is an anarchistic organization. We can now dispose of or clarify the idea that the state is a body that exercises sovereignty: if *sovereignty* is defined as the morally justified monopoly of coercion resting on deadly force, then to define states as having it begs the anarchist question. But since we call things “states” or “governments” without regard to their legitimacy, we cannot in keeping with the ordinary meaning of the terms include sovereignty, unless that just means the monopoly of force.

X

Summary of definitions:

Anarchism: the political philosophy according to which all human associations ought to be fully voluntary.

Coercion: limitation of a choice situation faced by a person P by the intentional act of Q, for Q’s purposes; typically constraint to a certain course of action by increasing the costs of the alternatives.

Voluntary: uncoerced.

Force: the means by which the person who commands obedience as a condition of your continued life or well-being bends you to his will.

Political freedom or liberty: the condition of a life over a segment of time in which one is not subject to coercion by government, or is subject to coercion by government only to some limited extent.

Government: a group of people who claim and to an effective extent exercise a monopoly of coercion, resting on deadly force, over a definite geographical area, and the artifacts and procedures by which they do so.

State: the corporate agent of the acts of a government; the representation of a government as a singular actor.

Legitimacy: the quality of a state in virtue of which its coercive force is morally justifiable, or in virtue of which its laws impose prima facie duties.

Sovereignty: legitimate governing power; coercive control over territory and the persons therein by a legitimate government.

XI

Besides a clarification of terms, there are two things that I would like to take from this chapter into the rest of the book. First, the state is in its essence an arrangement of coercions. And second, coercion must always be justified and is always prima facie an evil. Hence the state stands in need of justification. We turn now to the project of evaluating such justifications as have been provided in the history of political philosophy.