

Huemer, Michael. *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey*. New York: Macmillan, 2013. Pp. 365. \$110.00 (cloth); \$38.00 (paper).

Many political philosophers view libertarian anarchists much as political commentators view perennial libertarian presidential candidate Ron Paul. Philosophers find some of their ideas plausible and provocative, but their appeal is drowned out by overall wackiness. Although Michael Huemer treads close to his zanier fellow travelers, he largely escapes their grasp because of greater philosophical sophistication. But he is not more moderate. Huemer cheerfully admits that he is “an extremist,” although he strives to be “a reasonable one” (xxvii). Although his conclusions are extreme, he attempts to establish them through clear, plausible arguments. Because his arguments are frequently of high quality, Huemer forces his readers to consider seriously views they would otherwise likely dismiss, while his assault on traditional opinions raises troubling questions for familiar positions.

The Problem of Political Authority is divided into two main parts. In the first, Huemer subjects the familiar grounds for political authority to unfriendly scrutiny. In the second, he considers alternative societies that lack political authority. Most of the ground in Huemer’s critique of authority is familiar, and he notes that he has little new to add (19). The second part is more original, but the chief strength of the book comes from combining discussions of the two main subjects, which are complementary and mutually reinforcing.

Unlike other libertarians, Huemer argues from “common sense” morality (15), rather than controversial premises, for example, the egoism of Ayn Rand or Robert Nozick’s distinctive conception of rights (176). Huemer’s libertarianism rests on three main planks: a nonaggression principle, the coercive nature of state action, and skepticism about the state (177). The last of these bears exceptionally heavy weight, and so the critique of authority in part 1 takes on added importance.

Huemer’s assault on authority follows a now conventional course. He lays out a set of criteria that an adequate theory of political authority must satisfy. These include generality (that obligations are held by most people), particularity (they are owed to one’s own country), and that they are of limited force but also override most other requirements. Add in additional requirements that obligations must be content independent and comprehensive (they must cover the full range of state actions), and political obligations are virtually unlimited in scope. Having set up the main theories of obligation to fail, Huemer proceeds to argue that they do. He runs through a series of familiar theories: consent, hypothetical consent, and the authority of democracy, including deliberative democracy, consequentialism, and fair play. For the most part, discussion is fair minded and reasonably thorough, although devotees of this approach will note the omission of important theories, namely, gratitude, association or membership, and a nat-

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ural duty of justice. In regard to fair play, Huemer concedes that people can have obligations to contribute to cooperatively produced goods when the latter are necessary to prevent grave harms. These obligations, however, are “highly specific and content-dependent” (94–95). Because the state does much more than this, he ultimately rejects a fair play approach too (96–98). However, if we catalog all the public goods that are necessary to prevent severe harms and other public goods necessary to provide those, the result is a quite extensive sphere of obligation to the state.

Before proceeding to the implications Huemer draws, we should note problems with his argument. Most obviously, his criteria are too strict. Although this strategy is commonly used, to critique theories of obligation one by one in isolation from each other defies common sense. Just because a particular theory does not establish all obligations does not mean it cannot establish some, or, as in the case of fair play, a great many, for most or all members of the population. If we combine different principles, it is likely that a stronger overall theory will result. For instance, while Huemer argues that democratic authority lacks foundations, if fair play requires that all citizens contribute to, say, national defense, then democracy is also required in order to fairly decide how the benefits and burdens should be allocated. Once all members of society are bound to democratic decision procedures, the possibility of additional obligations looms. Moreover, such an argument explains the special status of the state, which Huemer vehemently denies. On this account, the state is an agency through which people collectively make necessary decisions. However, such an argument misses the significance of the second half of Huemer’s book. Arguments for political obligation work only if the state is necessary. But is it?

To this question, Huemer responds with a resounding no. Political authority is “a moral illusion” (17). He believes government is a loathsome contrivance, responsible for many of the world’s ills. But if this is so, why do most people nevertheless obey it and believe it is necessary? Huemer tours research in political psychology, including well-known experiments by Stanley Milgram, the notorious Stanford Prison Experiment, and horrendous abuses perpetrated by people who were “only following orders.” He eventually hypothesizes that belief in authority is a variant of the Stockholm Syndrome.

Huemer’s account of anarchism begins with philosophical anarchism, in which the state exists but its status is no different from that of private citizens. Particular state actions are not justified if private citizens could not take similar actions. Many laws of existing states clearly fail this test (e.g., drug laws, laws against various sexual practices, and licensing laws). Huemer is critical of social welfare programs, on the authority of Charles Murray and other critics, although he admits the complexity of the issues (150–51). More effectively, he argues that if we have duties to help others in desperate need, this should lead us to help the global poor rather than our fellow citizens, who are much better off. (Helpfully, he provides addresses for especially effective charities.) Huemer argues at length that neither citizens nor officials should obey unjust laws, and juries should nullify cases brought under them. But he is opposed to civil disobedience—why accept punishment for violating unjust laws?—and to violent resistance as overly costly to practitioners.

In constructing the stateless society that takes up part 2 of the book, Huemer begins with human beings as generally rational and self-interested but also generally reluctant to harm other people. He argues mainly from economics and game theory, and while he does not claim his society is perfect, the standard is comparative. He continually compares his society to corresponding and deeply flawed aspects of existing societies. Sounding almost like Bakunin, Huemer claims that a central lesson of history is that government is a danger. If power is concentrated, it will be abused. This is obvious in authoritarian societies but endemic in democracies as well. Because it is not in voters' self-interest to be well informed, they are not, as social scientists have long demonstrated. Given the incentives of officeholders, governmental power grows exponentially, while familiar checking mechanisms such as a free press and separation of powers are ineffective. For Huemer, the only solution to predation by government is dispersal of power. He believes that Hobbes is wrong. In a state of nature characterized by equality, because predation is also dangerous to the predator, rational self-interest will lead to an absence of conflict.

At the core of Huemer's alternative society—anarcho-capitalism—are private protection agencies and private court-like institutions to arbitrate disputes. While admitting that his thoughts on how these institutions will work are speculative (231), Huemer analyzes them in detail. These arrangements have two main advantages: they are voluntary and competitive, as opposed to the coercive monopolies of government. Competition will keep the costs of services low, and agencies will have strong incentives to cooperate with others rather than fight with them. Huemer argues against Robert Nozick's account of how competition between protective associations will eventuate in a single dominant protective agency; rather, he believes free competition will prevent this. His assumption of free, frictionless movement of customers between agencies seems farfetched. But a great deal depends on this, and Huemer argues against various accounts of how the envisioned system will evolve into a monopoly or a fixed cartel. In this system which lacks legislatures, laws will be made from the bottom up, through negotiations between property owners and by precedents in arbitration courts. Without fixed criminal statutes, penalties will be decided by individual arbitration agencies, with those convicted generally required to compensate their victims rather than suffer incarceration.

Aspects of Huemer's account are intriguing. For instance, one attractive model for protective associations is homeowner associations, attached to particular neighborhoods. He is not disturbed that, if protection must be purchased, the poor will receive poorer protection, as this is already the case in existing societies. While miscarriages of justice are expected under anarcho-capitalism, Huemer believes they are more common in existing societies, especially in regard to the disastrous consequences of US drug laws. Moreover, he contends that the volume of injustice in the criminal justice system of the United States—and presumably, other countries—suggests a systematic cause, rooted in government's coercive monopoly. Once we set aside status quo bias, we will see the advantages of the alternative system.

Unlike some other libertarian anarchists, Huemer seriously considers questions of defense. While he does not believe his favored society will always be safe,

there are conditions under which it might be. Examples of guerilla wars against occupying powers, nonviolent resistance, and the factors that led to the fall of the Soviet Union indicate that stronger powers will not always seek to conquer weaker ones. Similarly, numerous countries without significant armies remain safe (e.g., Costa Rica and Switzerland). The conditions necessary for secure anarchic states include possessing liberal values, being without severe internal conflicts in areas of the world without such conflicts, and being surrounded by peaceful liberal states. Under other conditions, anarcho-capitalism might not survive, but in general, Huemer believes anarchic states will be much more peaceful than existing ones. For instance, the US defense establishment gives the country major incentives toward war. While terrorism is also considered, in terms of deaths caused, Huemer views it as a relatively minor problem, in comparison to murders of the usual sort. Most terrorism, he believes, is as a result of US foreign policy, while the threat of weapons of mass destruction and nuclear war to date have been exclusively from states.

In a final chapter, Huemer considers how anarcho-capitalism could emerge in actual societies. Although this process is not inevitable, he believes it is neither impossible nor highly unlikely. His main appeal is to moral progress over the centuries. As common opinion today renounces slavery, torture, and wars of conquest, in the future it may recognize the evils of government. This process could begin with substitution of private arbitration mechanisms for courts, then move on to privatization of security services, and then to other governmental services. His book is intended to contribute to this process.

As one may see, Huemer covers a great deal of ground and does so with a combination of ingenuity, philosophical sophistication, and the conviction of a zealot. While there is something cult-like in his account of anarcho-capitalism, in attempting to assess it, we enter a realm of speculation. It is likely that how one responds will be heavily influenced by one's own views of human nature and how society works. For what it is worth, I believe Huemer is wildly optimistic. One aspect of human nature he neither discusses nor defends is extreme individualism. I believe people are far more likely to organize in groups—racial, religious, ethnic, ideological—and the result will be more like Somalia or *Game of Thrones* than an orderly consumer society.

Less speculatively, one of the book's striking flaws is its inadequate discussion of public goods. Market failure in regard to public goods is widely viewed as the strongest ground for the state. While Huemer does discuss war and terrorism, his account is hardly convincing. Other public goods are ignored. These include overall law and order, public health, environmental protections, protection from natural disasters, and so on. Global warming? There is no discussion. Similarly, aside from special interest rent seeking, the modern economy is not discussed. Presumably, it will function much better entirely free from government interference. Similarly, one subject missing from the account of moral progress in Huemer's final chapter is how all developed countries have implemented extensive social welfare programs. Convergence on these institutions and the ideas of human equality and dignity that support them seems of a piece with the developments Huemer discusses. But this is a view he would of course reject.

On Huemer's own premises, there is much to dispute. For instance, he believes the problem of organized crime will largely disappear. As things stand, the vast majority of its profits come from supplying illegal substances and services—drugs, gambling, prostitution. But all these will be legalized. However, Huemer does not consider that, in anarcho-capitalism, organized crime will still go where the money is (e.g., into organized extortion). If private security agencies are to combat this effectively, they will need far more than the minimal resources that Huemer believes are all protective agencies require (255, 263). Or consider preservation of competition. If you want to travel safely from New York City to Cleveland, your protective association will have to have reciprocity agreements with all the other protective associations along the way, and presumably all of them with one another. Opportunities for cartelization are apparent, with attendant rent seeking and other disadvantages. Or consider Huemer's faith in the fairness and impartiality of arbitration companies, motivated by fear for their reputations. The disgraceful conduct of the securities rating agencies in the recent financial crisis does not inspire confidence—to say nothing of the conduct of the major financial institutions.

Most original is the discussion of defense issues. As generally throughout the book, in this chapter, Huemer is clear and reasonable. But as usual, it is easy to disagree with him. While he is aware that countries much weaker than others lack the ability to deter, he does not consider that stronger countries have incentives to use their power to take economic advantage of weaker ones—to treat them, in other words, as banana republics. Similarly, unless all countries did away with their weapons simultaneously, the countries that kept them would have overwhelming power with, again, incentives to take advantage of others. Consider terrorism. Even if most terrorism is a response to the foreign policy of liberal countries, is this true of all? In modern society a handful of individuals can do enormous damage. Huemer does not consider that one reason for the relatively small number of recent deaths from terrorism is the huge resources governments have used to thwart them. With changes in foreign policy, Huemer assumes most terrorists would desist. But would they? More likely, to (mis)paraphrase Trotsky: under anarcho-capitalism, you may not be interested in terrorism, but terrorism is interested in you.

In conclusion, Huemer has developed an important argument. Coupling his account of anarcho-capitalism with his critique of authority renders each side more powerful. But there is much to argue with on both sides of his case.

GEORGE KLOSKO
University of Virginia

QUERY TO THE AUTHOR

No Query.