

Egalitarian Anarchism

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

Keywords— philosophical anarchism, authority, relational egalitarianism, political inequality, social inequality

1 Introduction

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

with more influence over the laws as superiors and those with less as inferiors. So, relational egalitarianism implies we have reason to avoid obeying such laws. And, if we have reason to avoid obeying the law, we're less likely to have a general duty to obey the law. So, relational egalitarianism supports philosophical anarchism.

That's the argument in a nutshell. This argument is interesting because it gives us a version of philosophical anarchism grounded in egalitarian considerations. Let's call this version egalitarian anarchism. In the rest of the paper we'll explore this view. We'll start, in the next section, by saying more about philosophical anarchism. This will let us see the advantages this view has over existing versions of philosophical anarchism. In §3, we'll say more about relational egalitarianism. The version of relational egalitarianism we'll most use focuses on de facto authority. It identifies an egalitarian problem with some people's say-so having more weight than others. I'll then lay out the above argument in more detail. In §4 we'll see how it applies in autocracies. In §5 we'll see how it applies in democracies. I'll then defend the argument from some worries. In §6 we'll see how much support it really provides for philosophical anarchism. In §7 we'll see how robust it is to different ways of specifying relational egalitarianism. Finally, in §8, we'll see what laws, according to egalitarian anarchism, we should avoid obeying.

2 Philosophical anarchism

Philosophical anarchism is the view that it's not generally the case we ought obey the law. In this section I'll spell out this view. We'll first fix the notion of obedience. When you obey a law, you do what the law says *because* the law says to do it. We should distinguish this from conformity. When you conform you just do what the law says: you might do this for any reason whatsoever. The difference is that obedience imposes greater constraints on your motivations. Consider, for instance, laws forbidding murder. Most people, I suspect, refrain from murder because of ordinary moral considerations. They're not motivated by the fact that the law forbids murder. In contrast, consider tax laws. Many people, I suspect, give forty percent of the income

to the government because the law requires them to do so. They're motivated by the fact that paying taxes is legally obligatory. The latter is a case of obedience; the first is mere conformity. Philosophical anarchism, as I'm interpreting it, rules out a general duty to obey the law. It doesn't say anything directly about conforming to the law. We'll return to the significance of this point in §6.1.

Let's now fix what it is for there to be a general duty to obey the law. We can distinguish two senses in which this could be meant. The weaker sense is purely extensional. On this sense, what having a general duty to obey the law means is that most of us ought obey most of the laws. The stronger sense invokes claims about metaphysical grounds. On this sense, having a general duty to obey the laws means that that most of us ought obey most of the laws *because* they're the laws. The '*because*' here is a because of metaphysical explanation rather than motivation. The idea is that the fact a command is a law itself metaphysically grounds the fact we should obey the command. Philosophical anarchism, as I'm interpreting it, denies that there's a general duty to obey the law in even the weaker sense. It denies that most of us ought obey most of the laws.¹

Let's clarify one final thing. We'll think of philosophical anarchism as a thesis about particular countries. One version denies that most Americans have a duty to obey most American laws. Another denies that most Chinese people have a duty to obey most Chinese laws. A third denies that most Swedes have a duty to obey Swedish laws. And so on. I suspect it's the first version contemporary writers have usually had in mind. Most have, after all, been writing in the United States. This will also be my focus, but we'll discuss other versions too. The difference often won't matter. But when it does I'll make clear which version we're discussing.

We can now look at existing bases for philosophical anarchism. There are currently two well-developed ways of defending philosophical anarchism. It's most common to argue by elimination. This involves arguing that all extant arguments for a general duty to obey the law fails. One then infers that there is no such duty.² This is a powerful, but limited, strategy. Its chief limitation

¹I won't distinguish between what we have a duty to do, what we have an obligation to do and what we ought to do. I use them to mean the same thing.

²Simmons (1979) and Huemer (2013) are the clearest exemplars of this approach. One can also find this in Smith (1973) and Raz (1979).

is that it's hostage to the fortunes of history. That nobody has yet identified a general source of obligations to obey the law isn't decisive evidence that there is no such source. For all we know, someone could identify such a source tomorrow. A defense of philosophical anarchism which identified some positive reason to doubt the existence of such a duty would be more secure. With such a defense in hand, we could more confidently deny the existence of a general duty to obey the law.

A second way to defend philosophical anarchism is rooted in regard for autonomy. Wolff (1970) is the main advocate of this strategy.³ Wolff claimed we have a duty to act autonomously. By this, he meant we have a duty to reflectively deliberate on what to do. Anytime we obey someone, he thought, we violate this duty. So, we must have no duty to obey the law. Unfortunately, this strategy faces formidable challenges. Very few people found Wolff's claims about autonomy convincing. They doubted we have a duty to act autonomously, at least in Wolff's sense. And they doubted that obeying the law means acting non-autonomously. In particular, they doubted that when you obey the law you cannot deliberate on how to act.⁴ I think these doubts are justified. So, I doubt that Wolff provides a viable form of philosophical anarchism.

So both these versions of philosophical anarchism have drawbacks. The first lacks robustness. The second rests on implausible premises. Egalitarian anarchism can, I think, mitigate these worries. On this view, we have positive reason to avoid obeying laws which have been made very unequally. This reason is grounded in the fact that we ought relate to people as equals. Here's how this mitigates the worries. First, positive reason to not obey the law makes philosophical anarchism more robust. It means refuting it isn't as simple as identifying any old reason to obey the law. One has to show this reason is weightier than the reason to not obey the law. And, second, relational egalitarianism seems on firmer footing than Wolff's claims about autonomy. It's extremely plausible that we should relate to others as equals. So egalitarian anarchism has advantages over existing forms of philosophical anarchism. At least so I'll try to show. But before that let's say more about relational egalitarianism.

³Smith (2013) is the only other in-print advocate for this, as far as I know.

⁴Frankfurt (1973), Gans (1992, 4–41) and Horton (2010, 124–31) all evince both doubts.

3 Relational egalitarianism

Relational egalitarianism is the view that we ought to relate to one another as equals. This view is rooted in two observations. The first is that inegalitarian relationships are objectionable. Elizabeth Anderson (1999), for instance, condemns ‘distinctions of moral worth based on birth or social identity – on family membership, inherited social status, ethnicity, gender or genes.’ The idea is that there’s something objectionable about societies structured by hierarchical relationships. The second observation is that egalitarian relationships are attractive. Samuel Scheffler (2003, 30) gives friendship and marriage as examples. The idea is that there’s something worthwhile about such relationships. Relational egalitarians think that the truth of these observations gives rise to certain reasons. We have reason to do things which are antithetical to the inegalitarian relationships and agreeable to the egalitarian relationships. Doing such things respects the latter and repudiates the former.

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

This isn’t the only constraint that the value of egalitarian relationships generates. That’s be-

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

So that's the relational egalitarian view, or at least a prominent version of it. This very version has already been fruitfully applied to questions of political authority. Both Niko Kolodny (2014) and Daniel Viehoff (2014) argue that it grounds a duty to obey democratically-made laws. These are laws over which all have equal influence. They think that when you disobey such a law, you're exacerbating some of the inequalities you ought not exacerbate. You are, in their view, setting yourself up as a superior. On Kolodny's view, this works as follows: one thing disobeying democratically-made law does is exacerbate inequality in de facto authority.⁵ De facto authority is the weight people imbue in your say-so. It's consists, in part, in how likely people are to obey your commands. The more likely your commands are to get obeyed, the more de facto authority you have. The thought is that, when you disobey democratically-made laws, you're granting yourself more de facto authority than others. And this, the thought goes, is to set oneself up as a superior. So you have reason to obey such laws.

It will help to give the argument in more detail. I think it works best when applied to a society in which everyone has roughly equal de facto authority. Suppose one lives in such a society. Now consider any democratically-made law. Suppose most people obey this law. Then their

⁵Viehoff (2014) focuses on inequalities in power. We'll look at this view in §7.1.

obedience contributes to your own de facto authority. Now suppose you do not obey the law. Then your obedience doesn't contribute to their de facto authority. So, your own authority has increased without anyone else's authority increasing. And, since you live in a society where everyone initially had equal de facto authority, that grants you more authority than anyone else. So you've created inequality in de facto authority. And this is what you have reason not to do. So this argument identifies a reason for law-abiding members of a society of equals to obey democratically-made laws. In these cases, it supports the authority of the state.

We've now got an articulation of relational egalitarianism and we've seen one application of it to questions of political authority. I think these are plausible views. But my aim isn't to defend them. My aim is to show how these considerations can ground a version of philosophical anarchism. Here's the nub: the democratic authority arguments apply only to laws over which we all have equal influence. But there aren't many laws like that. Influence over most laws in most places is distributed very unequally. Under these conditions obeying the law does exacerbate inequalities which we ought not exacerbate. So we have reason not to obey the law. In the next two sections we'll see how this argument works when the inequalities are those in de facto authority. But we fix on this just for convenience. In §7 we'll see how this works on other ways of spelling out the relevant inequalities. It turns out that many inequalities get exacerbated when you obey the law in inegalitarian regimes. But let's begin by seeing how obeying the law exacerbates inequality in de facto authority.

4 Disobeying autocrats

Let's start with the starkest case. Suppose you live in a dictatorship. One man makes all the rules. Perhaps Mao commands you to exterminate the sparrows.⁶ Perhaps Khrushchev com-

⁶The Great Leap Forward was not so great for the Chinese sparrow. In 1960 they were branded 'the public animals of capitalism.' Their crime was exploiting the workers. They had, more literally than most, fed on the fruits of their labour. Such exploitation was no longer allowed in the People's Republic. The anti-sparrow campaign mobilized millions. People banged pots and pans all night until the birds, unable to land, fell exhausted from the sky. This drove the sparrow almost to extinction in China. Unfortunately it seemed the sparrow had contributed more than mere exploitation. They'd kept down pests. Soon after the campaign a plague of locusts devastated crops: China ultimately ended up importing new sparrows from the Soviet Union. For a good account, see Shapiro (2001).

mands farmers to sow maize instead of grain.⁷ Now suppose that you have reason to avoid objectionable inequalities in de facto authority. Being disposed to obey these commands constitutively contributes to such inequality. It increases the dictator's de facto authority without increasing anyone else's. This amounts to giving the dictator's say-so more weight than you give that of other people. So it seems you have reason not to be disposed to obey these commands. And that translates into reason to avoid obeying the dictator.⁸ So, if you live in a dictatorship, you have reason to avoid obeying the law.

This doesn't require you to do opposite to what the dictator commanded. Suppose you were going to kill some sparrows anyway. Then you needn't count as obeying the dictator. Rather, it requires that the dictator's commands don't motivate you. When the dictator tells you to do something, you don't do the thing because the dictator told you to do it. If you do it, you've got some other motivation. In this sense, you're indifferent to the dictator's commands. You don't let them move you. If you end up doing as commanded it's not because you were so commanded. So, in this sense, you have reason not to obey the laws in a dictatorship.

Yet this might not seem to much matter. One-man dictatorships are not common. It's hardly ever the case that one man, really, makes all the laws. Most autocracies are oligarchies. It's a group of people who make the laws. But the argument extends to such autocracies. For suppose the oligarchs make the laws collectively. When you obey collectively-made laws, you contribute to the authority of each person with a hand in their making. And you contribute to their authority, roughly, in proportion to their influence over the laws. So obeying these laws contributes to the authority of each of the oligarchs. And that makes one's society more unequal. So, insofar as one has reason not to contribute to such inequality, one has reason not to obey the laws of an oligarchy.

The key premise linking one-man dictatorships and oligarchy is that, when you obey laws

⁷Khrushchev made Russian farmers do this in 1959. It was not a wise move. After two years of bad harvests, he was ousted in a coup (Hosking, 2001, 538–39).

⁸I'll assume throughout this paper that if you have reason to be disposed not to Φ , then you have reason not to Φ . This follows on the assumption that not- Φ -ing is a necessary means to not being disposed to Φ , and reasons transmit through necessary means.

over which people have shared influence, you contribute to the authority of each of them in proportion to the influence they had over those laws. This seems to me plausible. Suppose you always do what the members of some group, collectively, tell you to do. But suppose they never do the same for you or any group of which you're a part. This seems to me to put you in an inegalitarian relationship with those group members. But, in any case, it would be extremely odd were the argument to break down here. For then one would have weighty reason to avoid obeying the laws in one-man dictatorships but no reason whatsoever to avoid obeying the laws in two-man dictatorships. The laws of the Spartans, with their two kings, would be fine. But those of the Romans, with their single dictators, would be in trouble. That seems to me absurd. So it seems that the shift from one-man rule to oligarchy shouldn't affect the argument. In autocracies, whatever the variety, you've got egalitarian reason to not obey the law.

5 Disobeying democracies

This matters. About two fifths of the world's population live in autocracies (Atlas, 2018). It matters what three billion people have reason to do. But I don't live in an autocracy. I live in the United States. So it's not obvious whether this affects my reason to obey the law. But there are some similarities between the United States and some autocracies. Namely, influence over the laws is very unequally distributed in the United States. It's much *less* unequally distributed than in China. But it's very unequally distributed nonetheless. And that, so I'll suggest, means people also have reason to not obey American laws.

Let's start with some empirical findings. There's a large body of research indicating that, in the United States, the rich have much more influence over the laws than everyone else. We can separate this research into two strands. The first looks at how policy connects to preferences. Whose preferences does policy respond to? The second looks at how the behavior of *policymakers* connects to preferences. Whose preferences do policymakers respond to? It turns out that both policymakers and policy seem to mainly respond to the preferences of the rich. We'll look at

each strand in turn.

The most influential study in the first strand is Martin Gilens' *Affluence and Influence*. Gilens (2012) provides evidence that, at most, the preferences of the richest 10 percent of American citizens have influenced American public policy. He does this by examining what happens to policy when the preferences of the rich and the poor diverge. Gilens finds that when the preferences of the rich differ from those of the poor, it's the former who win out. He concludes that at most the richest 10% of Americans have influenced policy. The influence of those below this stratum is statistically indistinguishable from nil. This is a shocking finding. If Gilens is right, at most one in ten Americans have had any substantial influence over policy. Influence over the law is extremely unequal.⁹

The most influential study in the second strand is in Larry Bartel's *Unequal Democracy*. Bartels (2008) investigates whether *policymakers* are more responsive to their richer constituents than to their poorer constituents. He compares senators' voting behavior to their constituents' self-reported ideology. He finds no association between how senators voted and the ideology of their poorer constituents. There was some association between how senators voted and the ideology of the middle classes. But the strongest association was between the ideology of the affluent and senatorial voting behavior. His study supports the view that, at least, the poorest third have very little influence on how their senators vote. He himself concludes that 'the modern Senate comes a good deal closer to equal representation of incomes than to equal representation of citizens.'¹⁰

These studies paint a stark picture of political inequality in the United States. But we needn't

⁹There's a lot of work in this vein. Jacobs and Page (2005) show unequal responsiveness when it comes to foreign policy. Rigby and Wright (2011) find unequal responsiveness at the state level. Gilens and Page (2014) extend on the approach discussed in the text. Winters and Page (2009) go as far as arguing that the U.S. is an oligarchy. By this, they mean it is the very richest (maybe the richest 0.1%) who have real influence. Much of the pushback to this work involves the claim that this inequality has few policy consequences, since rich and poor usually want the same thing (Soroka and Wlezien, 2008; Enns, 2015). But this point is moot in the present context. We're interested in where power lies in American democracy. We're not interested in the policy consequences of unequal distributions of power. Gilens (2009) makes a similar point.

¹⁰For a replication of Bartel's results with a different dataset and the 2011 congress, see Rhodes and Schaffner (2017). Several studies have also found evidence of economic biases in earlier stages of policymaking. Rigby and Wright (2013) look at what issues candidates campaign on and Flavin and Franko (2017) look at what kind of bills get introduced: both find that, with respect to these activities, politicians are much more responsive to richer citizens.

accept the details of the picture for the argument to keep going. We just need to accept the very plausible claim that, in the United States, influence over the laws is distributed very unequally. With this in hand, the reasoning in the previous section transposes over to the American case. When you obey American laws, you contribute to the authority of each person with a hand in their making. And how much you contribute to their authority is proportional to how much of a hand they had in their making. So you contribute to the authority of the rich more than that of your other fellow citizens. So you're violating an egalitarian constraint. Now suppose you have reason to avoid doing this. Then you have reason not to obey American laws. So, what goes for autocracies also goes for inegalitarian democracies, like the United States. You have egalitarian reason to avoid obeying American laws.

Let's look at one way to delay this conclusion. It isn't plausible that, in every case, inequalities of de facto authority are objectionable. Consider your typical bureaucrat. Bureaucrats often have more de facto authority than ordinary citizens. But this needn't be objectionable. So there must be conditions which render such inequalities anodyne. What are these conditions? Relational egalitarians have said some things about this. Kolodny (2014, 317–20) suggests that they come down to delegation relations. Suppose bureaucrats count as agents of ordinary citizens. Then he thinks their relative surfeit of power is unobjectionable.¹¹ He himself doesn't say exactly what delegation is. But it plausibly requires that citizen's control how bureaucrats exercise power. When bureaucrats use of power in under popular control, on this view, their extra de facto authority is not an egalitarian problem.

Viehoff (2019) considers a somewhat different view. On this view, what matters is how society justifies these inequalities. This is partly a matter of how individuals are disposed to justify them, and partly a matter of what justifications would make most sense of societal arrangements. The key thought is that there are good and bad ways to justify such inequalities. Suppose they're justified by appeal to the superior moral worth of bureaucrats, This is a bad way. This means they pose a problem. But suppose, instead, that they're justified by appeal to the public interest.

¹¹Christiano (2008) has a similar view.

This is a good way. On the view Viehoff considers, they then pose no such problem. More generally, on this view, if society justifies the extra authority of bureaucrats in one of the good ways, then that extra authority is not objectionable. And the paradigmatic good was is by appeal to the public good. So inequalities in de facto authority needn't always be a problem.

These are good points. But they seem of little help here. Patently, when it comes to the inequality between rich and poor, neither condition holds. Rich citizens do not stand in delegation relations to poorer citizens. The affluent are not the agents of the poor. And we do not, in fact, justify the extra power of the rich by appeal to the public good. There could be societies where people justified the rich's excess influence as entirely benign. But the United States is not such a society. We're shocked by such inequalities: we're not inclined to think they make us all better off. So it doesn't seem like these points can help avoid the argument. And we can say something more general here: the political inequalities between rich and poor in America look like paradigm cases of objectionable inequalities. So it seems that no plausible account of when such inequalities are unobjectionable should include them in its remit. So it seems to me that the argument stands: in the United States, we have egalitarian reason not to obey the law.

How does this support philosophical anarchism? Well we have a duty to do something, I assume, only if we have weightier moral reason to do that thing than not. So, if we have reason to not obey the laws of some countries, we're less likely to have a duty to obey those laws. I've just argued that in both autocracies and the United States, we have reason to avoid obeying the law. So, people in those countries are less likely to have a general duty to obey the laws. And that supports a version of philosophical anarchism. Now these egalitarian considerations don't *entail* philosophical anarchism. We might, after all, have weightier countervailing reason to obey the law. But, unless that's the case, philosophical anarchism does follow. I haven't argued there are no such countervailing reasons. So I haven't provided a complete case for philosophical anarchism. But my contention is that egalitarian considerations can make up part of such a case. And they, on their own, make it less likely that we have all-things-considered reason to obey the law.

Does this go for other democracies? I'm not sure. Political scientists have spent much more time examining inequality in the United States than inequality anywhere else. So how unequal are other democracies is less clear. But I have my suspicions. I suspect many countries are no more equal than the United States. Brazil and India seem like important examples. So in these countries the conclusion will likely go through undisturbed. But in some places, political influence seems much more equitably distributed. Sweden and Switzerland are examples. In these countries one at least has much less egalitarian reason to avoid obeying the law. Indeed, in these places, one might not have any egalitarian reason to avoid obeying the law. That is because there might be a feasibility condition on objectionable inequality. It might be that when it's not really feasible to make a country more egalitarian, the inequality therein isn't objectionable. And perhaps this condition is satisfied in some very egalitarian countries, like Sweden. I take no stand on this; I don't think we currently have the empirical evidence to decide the matter. So I take no stand on whether Swedes have reason to avoid obeying Swedish laws. But most large democracies are not very like Sweden. Most are much more inegalitarian. So, citizens in many large democracies will have egalitarian reason to not obey the law.

6 Is this result significant?

Egalitarian considerations, I've just argued, can ground a reason to avoid obeying the law. In this section, I'll discuss how significant this result is. We'll first discuss whether the version of philosophical anarchism it supports matters. That means whether, if true, this version would make a difference to how we ought live our lives. We'll then discuss just how weighty the relevant reason will be. This determines how much support for philosophical anarchism it can provide.

6.1 Obedience

The notion of obedience I've been using is specific. On this notion, obeying the law means doing what the laws says because the law says to do it. But you can avoid doing that while still doing

what the law says. You can, in the defined sense, avoid obeying the law without breaking it. You just need to be motivated by something other than the law's command. So, if the law forbids stealing, you needn't go around stealing. It's just that the law forbidding theft mustn't be the thing which motivates you not to steal. So, one might think, it doesn't really matter if we lack a general duty to obey the law. And it doesn't really matter if we, often, have positive reason to avoid obeying the law. Neither should affect anything that we do. They only affect how what we do should be motivated.

There's something right about this point. If I'd concluded that we should generally break the law, then that'd matter much more. But I haven't concluded that. And I don't think it. Nonetheless, I think the point understates the importance of motivation. That's because I think a lot of people are motivated to do things because the law tells them to do those things. In other words, I think a lot of people obey the law, in my sense of 'obey.' I think this because the empirical evidence supports it. The most salient work here is work Tom Tyler did in the 1990s (Tyler, 2006). He wanted to see why people followed the law. So he asked them. He found most people said one should obey the law, even when it went against what they thought was right. And he found these beliefs had a big effect on how they acted. Those who didn't think this were less likely to follow the law (Tyler, 2006, 57–68). This suggests that many of us are, in my sense, obeying the law. We often do what the law says because the law says to do it. So, if we have reason to not obey the law, we have reason to reconfigure the motivational basis our actions. This might not mean we have reason to break the law. But it matters nonetheless. It represents a big change to our lives.

I also think that, very occasionally, if we have reason to not obey the law we'll have reason to break it. That's because we sometimes have more control over our actions than over the motivational basis of our actions. We sometimes have more control over what we *do* than over why we do the things we do. One reason for this is that we're often completely ignorant of why we act the way we do.¹² This makes controlling the motivational bases of those actions difficult. In

¹²The classic study is Nisbett and Wilson (1977).

such cases, breaking the law may be a surer way of not obeying it than complying with it. So, in such cases one might have good reason to break the law. How common these cases are I do not know. I suspect they are quite rare. But this shows that it's possible to have egalitarian reason to break the law.

6.2 Weight

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

The crucial premise here is the premise that, if something leads to a modest impairment of one's fellow citizens' relationships, then one has only modest egalitarian reason to avoid doing that thing. This would be very plausible were we construing the relevant reasons as consequentialist reasons. On this construal, one's reason to avoid exacerbating some inequality is that doing so will make some relationships less egalitarian. And one has reason not to do this simple because it's bad for those relationship to be less equal. On this construal, the weight of one's reason matches the extent of the badness: just a little badness grounds just a lightweight reason. But this is not how we've been construing these reasons. We've taken them to derive from a requirement to respect the value of egalitarian relationships, not to promote that value. So this straightforward justification for the premise doesn't seem like a good one.

Still, one might think that only modest impairments of one's fellow citizens' relationships only modestly disrespect the value of those relationships. So one might think one still had but a modest reason to avoid obeying the law. Now, in a sense, this is just to deny the version of relational

egalitarianism I outlined in §3. This view involves the claim that one has reasonably weighty reason to avoid creating certain inequalities. This claim is crucial to the arguments, by Kolodny (2014) and Viehoff (2014), that one has weighty reason to obey democratically-made law. After all, disobeying democratically made law surely makes only a modest contribution to the inequality of one's fellow citizens' relationships. So my argument for egalitarian anarchism stands and falls with these arguments for the authority of democracy. That seems to me a comfortable position to be in; I think these arguments are powerful. And it's not really a surprise: both arguments undergirded by the very same view.

But how plausible is that view? I've already said I'm not going to give a full-blown defense of it in this paper. But I'll give a half-blown one. I don't think this view is implausible. It's common in personal relationships that we have weighty reason to avoid doing things which would only mildly impair those relationships. Imagine you're getting coffee for you friend. You have enough cash to buy you each a small filter coffee or yourself a large chai latte. It would only mildly impair your relationship to do the latter; it would be a mild violation of the requirement to take your friend's welfare to be as weighty as your own. But you have weighty reason nonetheless to do the former. The weight of your reason to do it outstrips the extent to which that thing protects the relationship. This seems to me to happen often. So it is not surprising that it would happen when it comes to exacerbating inequalities. The weight of one's reason to avoid exacerbating an inequality might well outstrip how much that exacerbation impairs some relationships.

Now that's not to say that the weight of this reason is completely inured to how much you exacerbate the relevant inequalities. That *would* be implausible. We should think that the more one exacerbates inequality, the weightier this reason will be. But we should think one has quite weighty reason to avoid even small exacerbations of inequality. How weighty our reason is to avoid obeying the law, then, does in part depend on how much doing so exacerbates inequality. This itself depends on how we measure such inequality.¹³ But, generally speaking,

¹³My preferred measure is the Mean Difference (MD). Here's how to define that. Let $\langle i, \dots n \rangle$ be a set of people. Let y_i be how much de facto authority the i th member of this set enjoys. We call $\langle y_i, \dots y_n \rangle$ the *distribution* of de facto authority amongst these people. Then the MD is defined as:

the more unequal is a political system the more obeying the law exacerbates such inequalities. The empirical evidence indicates that the United States is very unequal. And I think we have weighty reason to avoid making inequalities even a little worse. So I think, in the United States, we have reasonably weighty reason not to obey the law.

7 Is this result robust?

We'll now look at the robustness of this result. Relational egalitarianism can take many different forms. I think the most plausible versions involve equality of de facto authority. But I'm not sure about this. So it'll be useful to see whether different versions of relational egalitarianism support a reason to not obey the law. In other words, it'll be useful to see whether this argument is robust to different ways of spelling out relational egalitarianism. My conclusions will be mixed. Not all ways of articulating relational egalitarianism support philosophical anarchism. But most of them do. So I think the argument is reasonably robust to differing versions of relational egalitarianism.

7.1 Power

I've assumed that egalitarian relationships require equality in de facto authority. But it's also plausible that they require equality of power.¹⁴ Let's think of power, roughly, as the ability people have to influence other's behavior.¹⁵ It seems problematic, in certain context, when your friend has much more power than you. Suppose your friend consistently uses their greater monetary resources to entice you to do what they want. They bribe you into going where they want to go. One of the problems with this seems to me an egalitarian problem: it gives them more power

$$\frac{\sum_{j=1}^n \sum_{i=1}^n |y_i - y_j|}{2n}$$

The numeric value of this equation isn't important. What matters is that it gives us a way of ordering different distributions by their inequality. This isn't the only way to measure inequality. But it's a simple measure which matches a lot of intuitive judgements. Temkin (1993) provides a discussion of this and other approaches to measuring inequality.

¹⁴Both Kolodny (2014, 295) and Viehoff (2014, 354) suggest this.

¹⁵Note the caveat 'roughly.' Goldman (1972) provides a fuller account.

over what you do together. More generally, egalitarian relationships require equality of power. Moreover, much more controversially, one might think that's *all* they require. They don't require equality of de facto authority at all. So our focus on de facto authority has been wildly misguided. We should have instead focused on power.

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

7.2 Over versus overall

We've so far been working with notions of overall authority and overall power. The first notion plumbs how likely someone's commands are to be obeyed in general. The second plumbs how much influence someone has over how people behave in general. These are monadic notions. But there are also dyadic versions of these notions. Consider authority. We can talk not only about how much authority someone has overall. We can also talk about how much authority they have over a particular person. This means how likely that particular person is to obey their commands. So Xi Jinping might have a lot of authority overall. But he might have little authority over me. I won't do what he says, although millions of others will.¹⁶ Similarly, we can talk not

¹⁶I don't mean to suggest I'm especially independent; just that I don't live in China.

only about how much power someone has overall. We can talk about how much power they have over someone in particular. This means how much influence they have on how that very person behaves. So I might have power over my kid brother. But I have little power over anyone else. I can affect what my brothers does, but I can't determine what anyone else does.

These dyadic notions seem relevant to egalitarian relationships. It seems especially hard to be in an egalitarian relationship with your boss or your prison guard, for example. And that's because they have power and authority over you. Moreover, much more controversially, we might think these dyadic notions are the only notion of power and authority which matter to egalitarian relationships. On this view, there's no barrier to being in an egalitarian relationship with someone else's boss. This boss might have more power and authority overall than you do. But they have neither power nor authority over you. Egalitarian relationships, on this view, merely require parity of power and authority *over*. They're impaired only when one participant has more power or authority over the others than those others have over that participant. So, they give rise to a more circumscribed set of reasons than we previously claimed. They give rise to reasons not to give someone unequal power or authority over anyone else, rather than more power and authority overall.

Does the argument still go through on this view? It seems that some versions of it do. Let's start with authority. Suppose you obey a law which the dictator has made. Then you're giving them more authority over you than you have over them. They can order you around, but you can't order them around. But, if you should avoid exacerbating inequalities in the authority people have over each other, you should avoid doing this. So you should avoid obeying such a law. Similar points go for power: if it's power over which really matters to egalitarian relationships, then obeying the law gives the dictator more power over you. But this exacerbates the inequality of your relationship with the dictator. So you should avoid obeying the law.

These versions of the argument are, however, different in an interesting way. When we focus on the overall notion of authority and power, one's reason to avoid obeying the law is mainly constituted by the impact one's obedience has on the relationships other people stand in. But when

we focus on the notion of authority and power over, obeying the law exacerbates the inequality between you and the powerful alone. So your reason to avoid obeying the law is, in a certain sense, largely self-regarding; obeying the law puts you in a relationship of inferiority. Your reason to avoid obeying the law amounts to a reason to avoid putting yourself in relationships of inferiority.

Could one deny that we have reason to avoid putting ourselves into relationships of inferiority? One might think that one has reasons to avoid putting others into relationships of inferiority solely because it wrongs them. It treats them as inferiors. But one might deny that one can wrong oneself at all. And so one might deny one can wrong oneself in this way. And so one might think that one has no reason to avoid putting oneself into relationships of inferiority. But this line of thought does not seem to me very plausible. The case seems similar to failing to develop your talents or to harming yourself. You might not wrong anyone else when you do these things. So perhaps you don't have moral reason not to do them.¹⁷ Nonetheless you have weighty reason of a non-moral sort to develop your talents and to not harm yourself. Similarly, you have weighty reason of at least a non-moral sort to avoid relationships of inferiority. So, even when we focus on the notions of power over and authority over, the argument goes through.

7.3 Standing-based authority

Let's see how robust my argument is to a final way of characterizing de facto authority. As I've characterized it, one's de facto authority is how likely people are to obey your commands. This means how likely it is for people to do what you told them because you told them to do it. This notion is blind to why people are ultimately motivated to obey your commands. They might be moved, for example, by fear or avarice. Perhaps they're scared of the consequences of disobedience. Perhaps they look fondly on the rewards of obedience. As I've characterized de facto authority, this doesn't matter. All that matters is how likely people are to obey one's commands.

¹⁷This is of course controversial. I'm not endorsing this claim. But I can see why one would.

But there's a stronger notion of de facto authority. On this notion, the ultimate explanation of why people obey your commands does matter. In particular, on the notion I have in mind, what matters is people's ultimate assessment of your moral standing. If they obey your commands because they judge you have elevated moral standing, then this contributes to your de facto authority. But if they obey them for some other reason –fear or avarice– then it does not. The relevant judgements concern how weighty are the reasons your commands themselves ground. Someone judges you have a high moral standing if they think the mere fact you've commanded them to do something gives them weighty moral reason to do that thing. Someone judges you have low moral standing if they think such facts give them very little reason. Perhaps kings might have sometimes had a lot of de facto authority in this sense; people might have obeyed kings because they thought they had elevated moral standing. But few contemporary political leaders have such de facto authority. Few people think members of Congress, for example, have higher moral standing than ordinary citizens.

I do not think my argument is robust to this way of spelling out de facto authority. That's because I doubt that many people nowadays obey the law due to such judgements. This seems particularly unlikely in the United States. I don't think many Americans think the rich have higher moral standing than the rest of us. But I also doubt this is the case in most dictatorships. Anecdotally, if you ask ordinary Chinese people why they obey the law, they never mention the elevated moral worth of party officials. They mention fear of punishment. And, sometimes, they point to the huge material gains party rule has furnished in the last forty years. They sometimes take this to give such officials the right to tell them what to do. So, when de facto authority is conceived in this way, obeying the law is unlikely to contribute to the de facto authority of those with influence over the law. So this view provides no basis for philosophical anarchism.

Yet it's worth noting the high cost of this view. Namely, if what I've just said is right, it renders relational egalitarianism politically toothless. Many people have hoped that relational egalitarianism provides some reason to favour democracy over autocracy. But, on this construal, it does not. That's because there are very few contemporary autocracies where people obey the

law because of the perceived elevated moral standing of the autocrats. China is not like this. Nor is Singapore, Russia or Rwanda. So this version of relational egalitarianism has very little contemporary political relevance. It precludes a system in which kings are obeyed due to their greater (perceived) moral standing. But it has little to say about institutional choice between feasible, currently existing systems. I myself take this to be a serious cost to spelling out relational egalitarianism in terms of this notion of de facto authority. It is sufficiently serious, I think, that we should reject this approach to relational egalitarianism.

8 Domain-specific anarchism

We've seen that many versions of relational egalitarianism can provide a basis for philosophical anarchism. So, it seems to me that we should take egalitarian anarchism seriously. I want to end this paper by highlighting an interesting feature of this view. It tells us to treat different laws differently. We have weightiest reason to avoid obeying those laws over which influence is most unequally distributed. This is because obeying such laws contributes more to inequality in de facto authority. And the weight of our reason not to obey a law is partly a function of how much obeying said law contributes to such inequality. So, we have weightiest reason to not obey such laws. Conversely, if influence over a law is equally distributed, then we have no egalitarian reason to not obey it. So, the weight of our reason not to obey a law depends on how equally influence over that very law is distributed.

So where is influence over the law most unequal? I'll just explore this in the American case. Let's begin with federal laws. Gilens (2012, 97–123) looks at political inequality in four different federal policy domains: religion, economics, foreign policy and social welfare. He finds clear evidence of unequal responsiveness in all domains but the last. So, one likely has weightier reason to avoid obeying laws in the first three domains than in the fourth. In concrete terms, these three domains include things like tax law and drug laws. The fourth includes laws around education and healthcare. So consider, for instance, the medical device tax. This is a 2.3 percent

excise tax instituted by the Affordable Care Act. Likely, one has less reason to avoid obeying this law than one does to avoid obeying federal income tax laws. That's because influence over the medical device tax was probably more egalitarian than was influence over federal tax laws. So, egalitarian anarchism says different things in different policy domains.

Now let's look at state laws. Here the case is more nuanced. Rigby and Wright (2011) provide evidence that political inequality differs in different states. It's most severe when it comes to economic policymaking in poor states. And they suggest that all kinds of policymaking is more unequal in economically unequal states (Rigby and Wright, 2013). Unless these findings mislead, how weighty the reason one has to disobey state law depends on what state one is in. One has more reason to disobey the laws in poorer, more unequal states. In other words, the laws of Mississippi are more suspect than those of Maryland. You have greater reason to spurn the former than the latter. So, egalitarian anarchism says different things about laws in different jurisdictions.

Laws differ in ways other than policy domain and jurisdiction. They differ in age. And this seems to matter to how egalitarian was the process which made them. Gilens (2012) provides evidence that, over the last fifty years, political inequality has been worsening in America: he suggests that there has been a 'steady strengthening of policy responsiveness for affluent Americans, [which] has not been accompanied by a similar increase in responsiveness to the less well-off' (Gilens, 2012, 233). He thinks this is due to growing economic inequality and the increasing importance of money in politics (Gilens, 2012, 234–252). If so, we seem to have weightier reason to not obey newer laws. That's because we can expect that the process producing them has been more unequal. So, egalitarian anarchism says different things about laws passed in different eras. Egalitarian anarchism can –combined with suitable empirical evidence– give us quite fine-grained advice about which laws we have most reason to avoid obeying.

9 Conclusion

Let me sum up. My aim in this paper has been to provide an egalitarian basis for philosophical anarchism. But I don't hope to have convinced you that philosophical anarchism is true. I just hope to have bumped up your confidence in a conditional: if relational egalitarianism is true, then philosophical anarchism is true. And I think you should have some confidence in relational egalitarianism. So I also hope to have bumped up your confidence in philosophical anarchism. I myself find the argument we've just explored quite compelling. It seems to me that the severe inequality of most lawmaking processes may well provide good reason not to obey the law. When the laws are made unequally, I think, obeying the law rules out relating to people as equals. It counts as treating those with power as superior to ordinary citizens.

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