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# **On The Edge of Political Anarchism: A Study of Simmons' Philosophical Anarchism and the Duty to Oppose and Undermine the State**

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# **On The Edge of Political Anarchism**

A Study of Simmons' Philosophical Anarchism and the Duty to Oppose and  
Undermine the State

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## Table of Contents

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<b>Introduction</b>	<b>5</b>
<b>1. Laying the Groundwork: Definitions and Methodology</b>	<b>10</b>
1.1 Key Concepts.....	10
<i>Anarchism</i> .....	11
<i>Political Anarchism</i> .....	12
<i>Philosophical Anarchism</i> .....	13
1.2 Simmons on the Impact of Philosophical Anarchism.....	14
<i>The Balance-of-Reasons Approach</i> .....	16
<i>Moral Reasons for Support or Obedience</i> .....	17
1.3 Method.....	18
<b>2. Mapping the Debate: Exploring Senor, Wellman, and Simmons</b>	<b>20</b>
2.1 Wellman’s Challenge to Simmons.....	20
2.2 Senor’s Perspective.....	22
2.3 Simmons’ Counter-Arguments .....	24
<i>The Natural Executive Right</i> .....	25
<i>The Natural Duty of Justice, Justification and Legitimacy</i> .....	26
<i>The Classes of Moral Reasons to Support</i> .....	27
<i>Consequences of Opposition</i> .....	27
2.4 Conclusion .....	28
<b>3. Unraveling the Moral Balance: a Critical Analysis of Simmons' Arguments</b>	<b>30</b>
3.1 The Moral Foundations for Opposition .....	30
3.2 Previewing the Discussion.....	32
3.3 The Natural Executive Right as Justification for State Coercion? .....	33
<i>Moral Power: States vs. Individuals</i> .....	34
<i>Payment and Consent</i> .....	36
3.4 A Natural Duty of Justice in an Illegitimate State .....	38
<i>Reassessing the Justness of the State in Light of Illegitimacy</i> .....	39
<i>Burdens of Citizenship and State Support</i> .....	42
3.5 Reconsidering Natural Duties: the Insufficiency for State Support .....	44
<i>The Independent Nature of Natural Duties</i> .....	45
<i>Discharging Natural Duties Outside of State Structures</i> .....	46
3.6 Anarchy, Disorder, and Misconceptions .....	48

3.7 Conclusion.....	49
<b>4. Reinterpreting Resistance: an ‘Adaptive Duty’ to Oppose and Undermine</b>	<b>52</b>
4.1 Understanding the Adaptive Duty .....	52
4.2 From Trivial to Tangible: an Adaptive Duty’s Place in Anarchism.....	55
<i>Radical Realist Anarchism Explained</i> .....	57
4.3 Conclusion.....	58
<b>Conclusion</b>	<b>60</b>
<b>Bibliography</b>	<b>62</b>

## Introduction

Contemporary political philosophy has seen increased scepticism on political authority and obligation, prompting questions about whether political institutions have a justified ground for exercising authority.<sup>1</sup> Justification for authority in a democracy could for example stem from the support of the people - explicit or tacit -; or by the ‘good’ the institutions do for the people, the country as a whole, or some other objective. But how do we know a society, or an individual, consents to the political authority? And what constitutes the good, and does it provide sufficient grounds to establish authority?

What constitutes sufficient grounds for political institutions to justify the exercise of political authority is ultimately a moral question. In the absence of these grounds, we can question whether this implies that we are morally *obliged* to disobey the state, assuming, for example, that we have a moral obligation to fight injustice.<sup>2</sup> At this point, while I will provide more detailed definitions of these terms later on, pressing questions arise when confronted with a revision of the state's authority: How should we act in political matters when faced with a reassessment of the authority and legitimacy of the state? State illegitimacy might indeed provide grounds for rebellion against state coercion, possibly even challenging its existence. However, if the people decide to fight the state, could this not have grave consequences for the stability of our society, involving haphazard use of violence, and perhaps even magnifying injustice? This might be a reason to refrain from challenging the state after all.

In this thesis, I address this underlying dilemma by exploring whether *philosophical anarchism* - the belief that no political institution holds legitimacy - inevitably implies *political anarchy*, which strives towards a reality in which no political institutions exist. I specifically

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<sup>1</sup> For example, see Joseph Raz, *The Authority of Law* (Oxford: Oxford University Press, 1979), <https://doi.org/10.1093/acprof:oso/9780198253457.001.0001>; M. B. E. Smith, “Is There a Prima Facie Obligation to Obey the Law?” *The Yale Law Journal* 82, no. 5 (1973): 950–76, <https://doi.org/10.2307/795537>

<sup>2</sup> See Alan John Simmons, *Moral Principles and Political Obligations* (Princeton NJ: Princeton University Press, 1979), 193.

examine A.J. Simmons' philosophical anarchism, who provides a dominant voice in formulating and defending this position within political philosophy.<sup>3</sup> Thus, this thesis's main question is: *Does Simmons' philosophical anarchism imply political anarchism?*

Simmons claims political obligation is absent and that states are, therefore, illegitimate by lacking a right to rule.<sup>4</sup> This conclusion seems devastating for some critical thinkers, justifying widespread disobedience and active resistance to the state, thus implying political anarchism.<sup>5</sup> If Simmons' position is true and states coerce us without having any special right to our obedience, it should be considered a moral violation that gives us moral reasons to resist.<sup>6</sup>

As I will show, Simmons has guarded himself against this criticism in claiming his position does not have any revolutionary impact on our social lives or implies widespread disobedience and chaos.<sup>7</sup> Simmons distinguishes philosophical anarchism from political anarchism by denying a connection between the illegitimacy of a state and a duty to abolish the state. To him, there are strong moral reasons to not oppose the state.<sup>8</sup> But is his counter enough, and is he successful in distinguishing philosophical anarchism from political anarchism? Or might he just be unwilling to

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<sup>3</sup> See Simmons, *Moral Principles and Political Obligations*; Alan John Simmons, "The Anarchist Position: a Reply to Klosko and Senor," *Philosophy & Public Affairs* 16, no. 3 (1987), <https://www.jstor.org/stable/2265268>; Alan John Simmons, *Justification and Legitimacy: Essays on Rights and Obligations* (Chicago: The Chicago University Press, 2001), 102-121. For other authors who are considered philosophical anarchists, see Robert Paul Wolff, *In Defense of Anarchism*. (London and New York: Harper and Row, 1970); Leslie Green, *The Authority of the State* (Clarendon Press, 1988).

<sup>4</sup> Simmons, *Justification and Legitimacy*, 110.

<sup>5</sup> See Wellman and Simmons, *Is There a Duty to Obey the Law?*; George Klosko, "Political Obligation and the Natural Duties of Justice," *Philosophy & Public Affairs* 23, no. 3 (1994): 256, <https://www.jstor.org/stable/2265185>; Tony Honore, "Must we Obey? Necessity as Ground of Obligation," *Virginia Law Review* 67, no. 1 (1981): 42-43. <https://doi.org/10.2307/1072831>

<sup>6</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 27-28.

<sup>7</sup> Simmons, "The Anarchist Position," 278-279. Because of philosophical anarchisms' inherent limit on practical consequences, other critical thinkers denote philosophical anarchism as 'toothless' (Leslie Miller, *Anarchism*. [London: Dent, 1984], 15). The lack of practical implications undermines any ethical support for anarchism (John Clark, "What is Anarchism?," *Nomos* 19 [1978]: 8, <http://www.jstor.org/stable/24219036>) Ultimately, it is a position that is identical to the claim that there *is* a duty to obey the state (Chaim Gans, *Philosophical Anarchism and Political Disobedience* [Cambridge University Press, 1992], 90, <https://doi.org/10.1017/CBO9780511898235>).

<sup>8</sup> Simmons, *Justification and Legitimacy*, 110.

face the logical conclusion of his philosophy? If so, we might need new and better arguments to show that political anarchism is not imminent within Simmons' framework.

In this thesis, I will argue that Simmons is unsuccessful in guarding his position against implying political anarchism; that ideas of state illegitimacy and an absence of political obligation do give rise to a duty to oppose and undermine the state. Next, I will briefly introduce the structure of this thesis.

The first chapter will be devoted to explicating the key concepts utilized in this thesis and presenting the method of this thesis. I will give a general characterization of political anarchism and Simmons' philosophical anarchist theoretical framework. As I will elaborate, according to Simmons, any right to oppose the state must be weighed in a 'balance-of-reasons approach' that involves weighing the relevant duties, rights and moral reasons that either support or challenge the state.<sup>9</sup> This approach leads Simmons to dismiss accusations of implied political anarchism.<sup>10</sup> The question is whether Simmons' initial position indeed holds.

Chapter two then is devoted to analyzing Simmons' argument and bringing in competing arguments, namely those by Joseph Wellman and Thomas Senor.<sup>11</sup> Wellman and Senor similarly highlight that Simmons' position has moral implications that not just result in some instances of justified disobedience but rather endanger the existence and desirability of our political institutions; coercion without right is a moral wrong that should be resisted, and there is no moral bond to urge us to support and obey our institutions. This is such an undesirable outcome, that Simmons' must be

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<sup>9</sup> Simmons, *Justification and Legitimacy*, 108.

<sup>10</sup> Simmons, *Justification and Legitimacy*, 109.

<sup>11</sup> For the criticism, see Thomas D. Senor, "What if There are No Political Obligations? A Reply to A. J. Simmons," *Philosophy & Public Affairs* 16, no. 3 (1987) <https://www.jstor.org/stable/2265267>; Wellman and Simmons *Is There a Duty to Obey the Law?*, 26-29. For Simmons' response, see Wellman and Simmons *Is There a Duty to Obey the Law?*, 191-193; Simmons, "The Anarchist Position," 275-279.



wrong in claiming the absence of political obligation.<sup>12</sup> I then expand on Simmons' response to both Wellman and Senor, in which he attempts to show, again, that his philosophical anarchism does not imply such radical consequences.

In chapter three, I refer back to Simmons' balance-of-reasons view and argue for the moral foundations for opposition, drawing on the assertions made by Wellman and Senor. I then separately evaluate Simmons' arguments in the light of this critique and test their strength in withstanding Wellman's and Senor's claims. Simmons' response consists of four lines of argument, which I will assess individually. The question I ask is: do Simmons' arguments indeed stave off a duty to oppose and undermine the state, *despite* the moral consequences of state illegitimacy and an absence of political obligation? Or does the moral balance tip towards a duty to oppose and undermine the state? Arguing for the latter, I show why I find Simmons' philosophical anarchism, after all his counterarguments, still implies political anarchism.

In the fourth chapter and final chapter, I supplement my claim by noting that not just any radical consequence is justified within Simmons' position. To encapsulate this nuance, I highlight and elaborate on a specific duty to oppose and undermine the state as stipulated by Simmons, which heeds his moral concerns regarding the consequences of violent and immediate opposition to states.<sup>13</sup> I will elaborate on what I will characterize as an 'adaptive duty'; this duty does not imply a call for widespread disobedience but can inform peaceful yet effective social and political reform methods. In proposing this duty, I challenge the misconception that political anarchism inevitably leads to violent upheaval and social unrest.

To conclude, I pose that Simmons' critics could make a stronger case against Simmons. Whereas their position merely underlines how Simmons' framework provides moral *reasons* to

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<sup>12</sup> In a previous draft of his article, Senor poses that we ought to look for a new account for justification and legitimacy. This is because Simmons' position justifies a whole lot of disobedience, making the conclusion improbable (Simmons, "The Anarchist Position," 275, n.7).

<sup>13</sup> See Simmons, *Justification and Legitimacy*, 107, n. 11.

fight the state, I think these moral reasons furthermore inform a *duty* to *oppose* and *undermine* the state —giving rise to a kind of anarchism that is more peaceful than violent. As for Simmons, he needs to show why the absence of a moral duty to obey, inherent state illegitimacy, and the absence of political obligation, are not morally worrisome enough to lead to the conclusion that we need to “dismantle all existing states”<sup>14</sup>. In other words, he needs to show why unjust states have a *raison d'être*.

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<sup>14</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 29.

## 1. Laying the Groundwork: Definitions and Methodology

This chapter is devoted to defining key terms and concepts utilized in this thesis. In the first section, I illustrate some general definitions of anarchism, philosophical anarchism, and political anarchism. In the second section, I clarify Simmons' characterization of the political impact of philosophical anarchism and why he does so, according to his balance-of-reasons approach. In the third section, I will give a general overview of the method of this thesis and the arguments and duties that will be discussed throughout the next three chapters.

### 1.1 Key Concepts

Before describing anarchism and its various forms, I shortly explicate the three main concepts utilized in this thesis: political obligation, political authority, and political legitimacy.<sup>15</sup> *Political obligation* is traditionally defined as a general moral requirement to obey and support the law of one's country or state.<sup>16</sup> *Political legitimacy* is a virtue of political institutions and their executive powers, which can be described as the right to command, or the right to rule.<sup>17</sup> *Political authority* is a combination of the elements of legitimacy and political obligation. In common understanding, it

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<sup>15</sup> I clarify the use of these concepts in line with Simmons' view because I direct myself at his position but will refer to other definitions throughout if relevant.

<sup>16</sup> Richard Dagger and David Lefkowitz, "Political Obligation," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2021 Edition, <https://plato.stanford.edu/archives/sum2021/entries/political-obligation/>

<sup>17</sup> Political legitimacy can be understood in a normative and descriptive manner. This thesis will concern the normative approach to legitimacy, whereby its presence is determined by referring to "some benchmark of acceptability or justification of political power or authority and—possibly—obligation." (Fabienne Peter, "Political Legitimacy," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2017 Edition, <https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>).

consists of the moral right to rule under which states can make and execute laws and demand compliance using coercion and the threat of legal sanctions.<sup>18</sup>

### *Anarchism*

Anarchism can be defined in various ways, and there is no agreement among theorists on one simplistic definition: negatively put it is a critique of political arrangements, involving scepticism towards or even a wholesale rejection of authority.<sup>19</sup> Positively, it is a vision of what constitutes the good life: generally, it is that of an autonomous, non-coercive, voluntary association, and freedom by liberalization from political institutions and its formal legal systems, governments, or the state.<sup>20</sup> Others however see the praxis of anarchism as indispensable in its definition;<sup>21</sup> it should necessarily advocate active opposition or illegitimacy to the state, involving “immediate institutions of non-coercive, non-authoritarian and decentralist alternatives”<sup>22</sup>. Simmons however rejects this latter definition and rather defines anarchism according to the uniting claim that all states are illegitimate.<sup>23</sup>

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<sup>18</sup> Alan John Simmons, "Political Obligation and Authority," in *The Blackwell Guide to Social and Political Philosophy*, ed. Robert L. Simon (Blackwell, 2002), 17, <https://doi.org/10.1002/9780470756621> As opposed to defining political obligation, there is less consensus on how to understand political authority (Simmons, "Political Obligation and Authority," 18). Simmons sees political authority or legitimacy as a claim right, whereby other theorists such as Michael Huemer see it as a justification right (Michael Huemer, *The Problem of Political Authority*. [London: Palgrave Macmillan, 2012], 6). This thesis follows Simmons and utilizes the dominant view on political authority as a claim right, implying that states with authority have a right to command and coerce, but also the right to be obeyed (Simmons, *Justification and Legitimacy*, 18).

<sup>19</sup> Bruno Leipold, "Political Anarchism and Raz's Theory of Authority," *Res Publica* 21, no. 3 (2015): 315, <https://doi.org/10.1007/s11158-015-9266-1>

<sup>20</sup> Simmons, *Justification and Legitimacy*, 102.

<sup>21</sup> Leslie Miller, *Anarchism*, 6-7.

<sup>22</sup> See John Clark, "What is Anarchism?," 6.

<sup>23</sup> Simmons, *Justification and Legitimacy*, 114.

### *Political Anarchism*

This thesis defines political anarchism according to two main ideas, as proposed by Bruno Leipold.<sup>24</sup> The first is the claim that anarchism is a better alternative to the state, and to see a desirability in changing existing political structures. Including a vision of a social life without political institutions, the existence of a state becomes unnecessary; it is rather seen as a bad form of social organization.<sup>25</sup>

The first claim supports the second claim of political anarchism: there exists an obligation or duty to actively oppose and eliminate the state.<sup>26</sup> This claim will be the subject of discussion in this thesis. This duty is a direct implication of the rejection of political authority: all existing states are illegitimate, and the states' existence and authority are thus unjustified.<sup>27</sup> According to Simmons, the duty to oppose and undermine the state can be stronger or weaker. It is stronger if any state that crosses over the 'threshold of illegitimacy' supplies a moral imperative to uniformly oppose it. Meaning that we are required to resist every state that is illegitimate in the same manner. The duty to oppose and undermine the state is weaker if the duty to oppose varies with the extent of illegitimacy.<sup>28</sup> This variation in strength will become important in assessing the similarity between political and philosophical anarchism, a point to which I will return in chapter four.

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<sup>24</sup> Leipold, "Political Anarchism and Raz's Theory of Authority," 315, n. 9.

<sup>25</sup> Magda Egoumenides, "Anarchism and Political Obligation," in *The Routledge Handbook of Anarchy and Anarchist Thought*, ed. Gary Chartier and Chad Van Schoelandt (Abingdon: Routledge, 2020), 208.

<sup>26</sup> Leipold, "Political Anarchism and Raz's Theory of Authority," 315. From here on, I will refer to a *duty* to oppose and undermine the state.

<sup>27</sup> Magda Egoumenides, *Philosophical Anarchism and Political Obligation*. (New York: Bloomsbury Academic & Professional, 2014), 2.

<sup>28</sup> Simmons, *Justification and Legitimacy*, 107. n. 11.

### *Philosophical Anarchism*

Philosophical anarchism is a response to the philosophical project of ‘the problem of political obligation’ and corresponding the ‘problem of political authority’, which concerns itself with proving that decent states possess legitimate political authority and that its citizens have political obligations with respect to them. The philosophical anarchist responds negatively to this: most citizens have no political obligations.<sup>29</sup> Philosophical anarchism can thus be defined as the view that few (if any) subjects of existing states have a moral duty to obey the law of those states, simply because they are the law.<sup>30</sup> Simmons characterizes philosophical anarchism as *a posteriori* anarchism because it claims states are illegitimate, not because political obligation is impossible by virtue of the state’s nature, but rather because all attempts at establishing the proper grounds for political obligation have failed.<sup>31</sup>

Simmons has provided a key work in analyzing whether various theories succeed in establishing political obligation.<sup>32</sup> His view, which is called ‘political voluntarism’, sees consent theories as the most promising route to establishing this bond.<sup>33</sup> The view of political voluntarism emphasizes that special obligations, such as political obligations, can only be acquired through the voluntary actions of agents.<sup>34</sup> It prioritizes values such as individual autonomy, freedom, and equality, holding that individuals should have a right to self-governance. Any coercion that is not

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<sup>29</sup> Simmons, *Moral Principles and Political Obligations*, Chapter 8.

<sup>30</sup> Green, *The Authority of the State*.

<sup>31</sup> Simmons, *Justification and Legitimacy*, 110-111.

<sup>32</sup> See Simmons, *Moral Principles and Political Obligations* for a systematic review of the classes of arguments of political obligation. Simmons finds four formal conditions of political obligation, namely particularity, generality, bindingness, and content independence, to be lacking in different theories of political obligation. For the topic of this thesis is limited, I assume that Simmons’ analysis of these theories is correct. In what follows, I rather regard the conclusion Simmons draws from this rejection of theories on political obligation.

<sup>33</sup> Simmons, *Moral Principles and Political Obligations*, 57.

<sup>34</sup> Diane Jeske, "Special Obligations," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2021 Edition, <https://plato.stanford.edu/archives/win2021/entries/special-obligations/>

justified through consent violates this right. Despite his leanings towards consent theories, Simmons finds that all theories on establishing political obligation, including consent theories, fail to create political obligation.<sup>35</sup> He asserts:

We must conclude that citizens generally have no special political bonds which require that they obey and support the governments of their countries of residence. Most citizens have neither political obligations nor “particularized” political duties, and they will continue to be free of such bonds barring changes in political structures and conventions.<sup>36</sup>

In essence, Simmons thus finds there to be an absence of a special political bond that compels us to obey and support our political institutions. Now that I have illustrated Simmons' foundations, I turn to delve deeper into what his consequent view is on the legitimacy of a state and advisable attitudes towards states.

## **1.2 Simmons on the Impact of Philosophical Anarchism**

Being free of political obligations or duties implies an absence of any special bond between citizens. Therefore, according to Simmons, there exists no general moral duty to obey the law.<sup>37</sup>

Correlative to this conclusion, it would mean that states are illegitimate to most citizens. In other words, governments do not have the right to command and be obeyed. Simmons concludes this based on the correlativity thesis, which posits that every right corresponds to an obligation or duty. Therefore, the right to command should correspond to the government claiming an obligation of obedience from its citizens. But if no such obligation to obey is established, it follows there cannot be a right to command, rendering the state illegitimate.<sup>38</sup>

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<sup>35</sup> Simmons, *Moral Principles and Political Obligations*, Chapters 3 and 4.

<sup>36</sup> Simmons, *Moral Principles and Political Obligations*, 192.

<sup>37</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, Chapter 8.

<sup>38</sup> Simmons, *Moral Principles and Political Obligations*, 195-197.

Simmons assures us that the conclusion that most people have no political obligations is not as counterintuitive as it might seem. What his conclusion *can* do, is remove any strong moral presumption in favour of obedience. It entails deciding on a case-by-case basis what response to the state is best.<sup>39</sup> Simmons summarizes his position on justified disobedience as such:

Disobedience will be justified primarily in the areas of specifically political duties imposed by law (for example, taxation and conscription) and unnecessarily restrictive laws (for example, those criminalizing possession of marijuana or "unnatural" sexual acts). Even in these areas, of course, governments may sometimes be justified in coercive interference (if something of moral importance turns on interference), and the disobedience that can be justified within a just state will seldom take the form of active resistance to the government as a whole.<sup>40</sup>

On this account, careful and thoughtful disobedience to laws is justified in a few instances, although it does not necessarily take the form of active resistance to the state. Simmons approves disobedience in areas where he contends governments do the most wrong; restricting its citizens unfairly and violating their rights. This concerns “certain political legal requirements such as payment of certain taxes or military service, along with many paternalistic and moralistic laws and laws creating victimless crimes.”<sup>41</sup> Laws that prohibit harmless private conduct, military laws to protect the state and those laws that finance such government operations may be justifiably disobeyed. Such legal disobedience often does not negatively impact the legal order or the community, Simmons claims, which justifies this kind of disobedience.<sup>42</sup>

Despite these points, Simmons emphasizes that the philosophical anarchist does not endorse routine legal non-conformity, active resistance, or revolution.<sup>43</sup> On the contrary, the moral content

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<sup>39</sup> Simmons, *Moral Principles and Political Obligations*, 200.

<sup>40</sup> Simmons, "The Anarchist Position," 279.

<sup>41</sup> Simmons, *Justification and Legitimacy*, 115.

<sup>42</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 146.

<sup>43</sup> See Simmons, *Is There a Duty to Obey the Law?*, 191; Simmons, *Moral Principles and Political Obligations*, 194.



and practical force of judgements on state illegitimacy differentiates philosophical anarchism from other forms of anarchism. This is so because it does not take the illegitimacy of states to imply a strong moral imperative to oppose or eliminate states.<sup>44</sup> Simmons thus distinguishes philosophical anarchism from political anarchism because it does not require the abolishment of the state: a philosophical anarchist can, therefore, remain non-political. Simmons justifies this conclusion through a balance-of-reasons approach.

### *The Balance-of-Reasons Approach*

This is Simmons' method of approaching the question of how we ought to act in all matters political. This method does not treat state illegitimacy and the absence of political obligation as conclusive calls for action, but as elements that must be carefully weighed against other moral considerations. As Simmons himself writes: "The practical stance with respect to the state... should be one of careful consideration and thoughtful weighing of all the reasons that bear on action in a particular set of political circumstances."<sup>45</sup>

Simmons' balance-of-reasons approach does not treat obligations or duties as absolute moral judgements. Rather, they are situated within a decision framework with other competing considerations.<sup>46</sup> This essence of these variably weighted obligations and rights emerges when we contrast a phrase such as "X has a duty to do A" with "X ought to do A" or "It would be wrong for X not to do A."<sup>47</sup> Simmons sees the balance-of-reasons approach to lead to such an 'ought' judgement; it is the result of deliberation by considering all reasons for action. Obligations and rights are strong, but no conclusive reason for action. This is because they can conflict with other

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<sup>44</sup> Simmons, *Justification and Legitimacy*, 105.

<sup>45</sup> Simmons, *Justification and Legitimacy*, 109.

<sup>46</sup> Simmons, *Justification and Legitimacy*, 108.

<sup>47</sup> Simmons, *Moral Principles and Political Obligations*, 7-10.

obligations or rights, or be overshadowed by other moral reasons for action.<sup>48</sup> He mentions, for example, that strong prudential reasons for action override weak obligations, and that strong moral reasons that are grounded in the happiness of others leave acting on weak rights one possesses unjustifiable.<sup>49</sup>

### *Moral Reasons for Support or Obedience*

So, what are good moral reasons that weigh in against judgements of an absence of political obligation? Simmons identifies three classes of moral reasons that give reason to not oppose the state despite its illegitimacy, but rather to comply with the law.<sup>50</sup>

The first class consists of natural moral duties owed to other citizens qua persons, such as the duty to help those in need or to refrain from doing harm.<sup>51</sup> These duties are moral requirements that apply to everyone regardless of status or position and are thus possessed independently from society.<sup>52</sup> Even without political obligation, laws that enforce these duties cannot be justifiably disobeyed.<sup>53</sup> It pertains to laws that prohibit the most serious crimes that are considered morally impermissible apart from it being prohibited by law, such as theft and murder,<sup>54</sup> or to laws that provide a manner of guiding conduct in a consistent manner such as traffic laws, whereby

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<sup>48</sup> Simmons, *Justification and Legitimacy*, 108.

<sup>49</sup> Simmons, *Justification and Legitimacy*, 108.

<sup>50</sup> Simmons, "The Anarchist Position," 275-276.

<sup>51</sup> Simmons, *Moral Principles and Political Obligations*, 13. Here, Simmons uses John Rawls' notion of natural duties. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1999), 114, Section 19 and 55.

<sup>52</sup> Huemer, *The Problem of Political Authority*, 145. Natural duties form the core of what was known as "Natural Law" (Simmons, *Moral Principles and Political Obligations*, 13). I will discuss the natural duties in more detail when I turn to describe Simmons' response to Senor in section 2.3, and my consequent evaluation in chapter 3.

<sup>53</sup> Simmons, "The Anarchist Position," 276.

<sup>54</sup> Simmons, "The Anarchist Position," 276.

“inconsistency would be undesirable”<sup>55</sup>. Disobedience to such a law, and driving on the right, is not inherently morally wrong but would endanger oneself and others.

The second class is another natural duty, namely a ‘natural duty of justice’ to support and assist in the formation of just institutions — at least as long as no great inconvenience to ourselves is involved.<sup>56</sup> This duty involves supporting institutions that exhibit certain qualities, such as benevolence or the promotion of happiness.

The third class of moral reasons proposed by Simmons cannot be classified as duties but nevertheless play a role in determining the means of action. Such various moral reasons are for example the effect of our disobedience on others, such as when others are disturbed or inconvenienced.<sup>57</sup>

Based on considering such moral reasons within the balance-of-reasons approach, Simmons can justify the lack of moral weight he ascribes to state illegitimacy and consequently any connection to a duty to oppose and eliminate the state. Despite the absence of general political obligation and the state’s lack of right to rule, each of these moral considerations gives reasons to obey rather than disobey our governments – the imperative is just not *in the law itself*. Any right to oppose the state is thus not a final moral imperative but must be weighed against these other moral reasons.<sup>58</sup>

### 1.3 Method

Having outlined Simmons’ initial defence against implying political anarchism, I will now briefly expound on the method of this thesis and the general content of the upcoming chapters.

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<sup>55</sup> Simmons, *Moral Principles and Political Obligations*, 194.

<sup>56</sup> Simmons, *Moral Principles and Political Obligations*, 154.

<sup>57</sup> Simmons, *Moral Principles and Political Obligations*, 193.

<sup>58</sup> Simmons, *Justification and Legitimacy*, 109.

Simmons uses the balance-of-reasons approach to claim that immediate and serious opposition to the state or regular conduct contrary to its laws “will not be morally justifiable on balance”<sup>59</sup>. Although I accept Simmons' balance-of-reasons approach — agreeing that rights and obligations should not be viewed in isolation but as ‘possible defeasible moral reasons’<sup>60</sup> — I draw a different conclusion accordingly. I apply Simmons’ balance-of-reasons view, analyzing four lines of argument that Simmons presents, to further argue that widespread disobedience is not implied by his position, and that opposition to and undermining of the state are not justified.

Contrary to Simmons, I will argue that the proposed duties and moral reasons fail to outweigh the duty to oppose and undermine the state. However, I will aim to provide a nuanced perspective by proposing that the balance-of-reasons view supports a duty to oppose and undermine the state that varies in content relative to the illegitimacy of the state in question. I base this duty on a characterization of Simmons regarding the different imperative forces of a duty to oppose and undermine the state.<sup>61</sup> In chapter four, I will expand on Simmons’ depiction of this duty, characterizing it as an ‘adaptive duty’.

Having established a theoretical framework and illustrated Simmons’ balance-of-reasons approach, I now turn to the next chapter of this thesis to illuminate the debate surrounding Simmons’ position and its implications for state opposition.

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<sup>59</sup> Simmons, *Justification and Legitimacy*, 110.

<sup>60</sup> Simmons, *Justification and Legitimacy*, 108.

<sup>61</sup> Simmons writes the following in characterizing anarchists that hold a duty to oppose and undermine the state as a consequence of state illegitimacy: “Strong anarchists may treat this obligation as a uniform threshold obligation or as an obligation that varies in content with the extent of illegitimacy. In the former case, any state that crossed over the threshold of illegitimacy would thereby impose on us an obligation with uniform content to oppose it, regardless of how extensively illegitimate it was. In the latter case, the extent or nature of *our obligation to oppose the state would be taken to vary with the extent of its illegitimacy*. Illegitimate states are not necessarily equally illegitimate; some may be worse than others and so *may require us more actively (or in some other way differently) oppose them.*” (Simmons, *Justification and Legitimacy*, 107 n. 11.)(emphasis mine).

## 2. Mapping the Debate: Exploring Senor, Wellman, and Simmons

Here, I relay the critique brought forward by Wellman and Senor, and Simmons' defences against these critiques, illustrating the debate to which I will respond. Both authors find Simmons' position undesirable because of its seeming radical consequences. They have similarly argued that Simmons' position has practical consequences resulting from the absence of political obligation and state illegitimacy; no incentive to obey the law, and resistance and opposition to political institutions are justified. In the last section, I will illustrate Simmons' response to Senor and Wellman. In the next chapter, I comment on each of Simmons' arguments separately.

### 2.1 Wellman's Challenge to Simmons

I turn to first illustrate Wellman's claim, who has indicated that Simmons has difficulty advocating philosophical anarchism without committing himself to political anarchism.<sup>62</sup> Wellman emphasizes that states do not have the right to command and be obeyed in the absence of political obligation and consequent state illegitimacy. However, coercion without right based on the proper moral bond renders the state non-consensually coercive. According to Wellman, Simmons should consider this non-consensual coercion morally wrong by virtue of his commitment to political voluntarism.

While Wellman does not elaborate further on why he believes Simmons should consider this wrong, I propose an interpretation. In essence, Wellman argues that non-consensual coercion should be considered morally wrong because it violates those rights that are deeply valued within Simmons' political voluntarist framework, such as the right to self-governance, and self-ownership.<sup>63</sup> These rights should take precedence in the discussion: any coercion that is not justified through consent violates these rights, and state coercion is missing the moral grounding necessary

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<sup>62</sup> See Wellman and Simmons, *Is There a Duty to Obey the Law?*, 26-29.

<sup>63</sup> Huemer, *The Problem of Political Authority*, 172.

to be justified. Wellman's claim thus shows that coercion without the right to command and to obey creates a moral imbalance in state activity and its justification. The state coerces and punishes by virtue of its legal power but lacks the moral power to do so, which should be found in the presence of political obligation and state legitimacy.<sup>64</sup>

To continue, Wellman poses Simmons' position implies a political conclusion as opposed to a philosophical one because unjustified non-consensual coercion calls for resistance to the state. Simmons should think that, just like we have a moral reason to resist a company non-consensually coercing its clients, we have moral reasons to resist the state non-consensually coercing those living within its territories so that we can free others from this injustice.<sup>65</sup>

Wellman strengthens his arguments by drawing a parallel between the political coercion of the state and the coercion imposed by a master upon a slave. Suggesting that, just as we have moral reasons to fight the injustice that is slavery, we ought to work towards ending political coercion. It would be implausible to engage in "philosophical abolitionism": observing that there is no moral obligation for slaves to obey their masters but not condemning the practice of slavery itself as impermissible.<sup>66</sup> The absence of an obligation to obey within the practice of slavery indicates why the act of enslaving others is not permitted. Therefore, Wellman concludes:

It seems at the very least awkward to support the analogous position regarding political states — philosophical anarchism — which insists that citizens have no moral obligation to obey the law but denies that there is anything morally problematic about imposing this law in the first place...there is

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<sup>64</sup> This difference in legal and moral power has been remarked by Fabian Wendt, "Against Philosophical Anarchism," *Law and Philosophy* 39 (2020): 328-332, <https://doi.org/10.1007/s10982-020-09377-4>

<sup>65</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 27. Simmons uses an analogy between a company and the state to show why, without an obligation to the state, there is reason to not oppose its existence and perhaps even support it based on good qualities. As Wellman notes, there is however an important difference between a company and a state: the latter is reliant on non-consensually coercing those living within its territory, whereas a company has voluntary contracts with its clients.

<sup>66</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 28.

reason to suspect that any argument that calls into question our duty to obey the law can equally be applied, *mutatis mutandis*, to the state's right to exist.<sup>67</sup>

Wellman challenges the foundations of the state, arguing that it should be condemned and questioned for existing if it coerces us without having the right to our obedience based on the proper voluntary moral bond. Acknowledging the lack of a slave's obligation to obey their master, as well as the reason for resistance against this overtly unjust coercion, exposes the underlying rationale we ought to have for resisting non-consensual state coercion. Wellman's challenge to Simmons is that he needs to show why, in the absence of a general moral duty to obey the law, his arguments do not lead to the conclusion that we should "all take to the streets to dismantle all existing states."<sup>68</sup>

## 2.2 Senor's Perspective

Similarly to Wellman, Senor, in his article titled "What If There Are No Political Obligations?", puts forwards the claim that "if there are no political obligations, no government can be just while coercing citizens into obeying laws they have no duty or obligations to obey."<sup>69</sup> Senor claims that the states' unjustness leaves Simmons' framework incapable of providing a moral incentive to comply with and support political institutions.<sup>70</sup>

Senor directs himself to the natural duty of justice posed by Simmons to imply support to, instead of undermining our political institutions.<sup>71</sup> The natural duty of justice cannot foster support because it works under the proviso that a state is a reasonably just institution, whereas states simply cannot be considered just in their typical state activity within Simmons' framework. This is primarily because if states are illegitimate, they consequently punish noncompliance without the

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<sup>67</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 28-29.

<sup>68</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 29.

<sup>69</sup> Senor, "What if There are No Political Obligations?," 265.

<sup>70</sup> Senor, "What if There are No Political Obligations?," 268.

<sup>71</sup> Simmons, *Moral Principles and Political Obligations*, 154.

proper authority to do so, rendering it morally unjust to demand payment and to punish and coerce compliance. Given that these institutions are acting unjustly, Senor argues that the natural duty of justice “will make no recommendation that one support and comply with them.”<sup>72</sup>

To explicate this, Senor introduces a thought experiment of an anarchist citizen, Jane, who lives under a government B. Jane refuses to pay taxes and refuses to take any moderately avoidable benefits from B, thus leaving her with no political obligation to B, which in turn has no right to coerce and therefore demand payment of taxes from Jane. Still, because of the refusal to comply with B, Jane is taken to jail for tax evasion.<sup>73</sup>

According to Senor, Simmons would be wrong in claiming that Jane is still morally obligated to pay taxes to B by virtue of the natural duty of justice. B cannot be just with respect to Jane because it demands payment and enacts punishments without right: “Institutions that demand cooperation on payment of fines, imprisonment, and even death without having the right to do so, are simply not naturally described as just.”<sup>74</sup>

Furthermore, Senor addresses Simmons’ third class of various weaker moral reasons that are not a duty or obligation such as the effect of not cooperating with other citizens, and the problem of inconveniencing others with our disobedience.<sup>75</sup> If such a moral reason is not a duty or obligation, are they morally significant? Senor doubts this: whereas an obligation or duty could roughly have sufficient moral weight to guide us *as if* we have political obligations, it remains questionable

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<sup>72</sup> Senor, “What if There are No Political Obligations?,” 268.

<sup>73</sup> Senor, “What if There are No Political Obligations?,” 263.

<sup>74</sup> Senor, “What if There are No Political Obligations?,” 264. According to Senor, to counter this by claiming that state activity is just if the punishment fits the crime, can not render an institution just. The punisher must be in the correct position to justifiably punish wrongdoing. Punishment should be enacted from legitimate authority, but in Simmons’ account states are not legitimate.

<sup>75</sup> Senor, “What if There are No Political Obligations?,” 265-267.



whether Simmons' various weaker moral reasons are morally significant enough.<sup>76</sup> They are not equally compelling because they cannot provide a sufficient morally relevant force to urge us to obey.

Senor claims that even a *duty* to not inconvenience others and frustrate plans can be overridden. This is so because this is a duty "insofar [as] the agent himself is not inconvenienced by his refraining from the action that might inconvenience."<sup>77</sup> For example: Jane having to pay taxes to not inconvenience others by frustrating plans, is an unreasonable price to pay if she justifiably knows there to be no political obligation and therefore finds the state to be unjust in its typical coercive activities. Therefore, Senor claims that a moral reason or even a duty to not inconvenience others is too weak and cannot urge one to support the state or refrain from breaking the law in the face of state illegitimacy. The natural duty of justice and weaker moral reasons such as not inconveniencing others are insufficient to bind us to political institutions in the absence of political obligation.<sup>78</sup>

### 2.3 Simmons' Counter-Arguments

Having discussed Senor's and Wellman's claims, I now turn to Simmons' response to both authors.<sup>79</sup> Simmons needs to show, as Wellman indicated, why state illegitimacy and absence of general political obligation are not morally worrisome enough to inform a duty to oppose and undermine the state and justify ridding ourselves of our political institutions. I illustrate that

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<sup>76</sup> Simmons denies that he wants to claim that we are bound as if there were political obligations, see Simmons, *Moral Principles and Political Obligations*, 275. I however observe that Senor raises a valid point: if not to undermine, and in many cases support and *possibly obey* our political institutions, we do need an appropriate moral force as it sketches a political relationship that is close to as if there were political obligation.

<sup>77</sup> Senor, "What if There are No Political Obligations?," 266.

<sup>78</sup> Senor, "What if There are No Political Obligations?," 268.

<sup>79</sup> I identify his arguments from Simmons, "The Anarchist Position," 275-279; Wellman and Simmons, *Is There a Duty to Obey the Law?*, 191-193 I will however substantiate and clarify Simmons' claims by referring to his other works if necessary.

Simmons' arguments, through his balance-of-reasons approach, lead him to a position where state coercion is not morally worrisome enough to justify resistance to the state and inform a duty to oppose and undermine the state. I illustrate Simmons' arguments in the same order they will be discussed in the next chapter.

### *The Natural Executive Right*

Simmons' first line of argument claims that not all state coercion is without right, as states have the right to enforce natural morality. Just as we have natural duties that give us reason to obey and support the state, persons also possess a 'natural executive right'. This means that all persons have a natural right to enforce natural law concerning basic moral rules — by coercion if necessary.<sup>80</sup> Governments as a conglomeration of persons have this same natural right to enforce natural law.<sup>81</sup> This right, therefore, justifies the state's enforcement of restrictive laws that prohibit naturally immoral behaviour and those enforcing a system of coordination.<sup>82</sup>

This means that Senor's attack on the applicability of the natural duty of justice does not hold, as the natural executive right leaves the state considerably more justified.<sup>83</sup> Senor does not address this enforcement of natural law, Simmons emphasizes, but rather relies on the political duty of taxation in proving B to be unjust with respect to Jane.<sup>84</sup> Simmons claims coercion by the state is unjust in two aspects, namely when it extends beyond the enforcement of natural law into the enforcement of political duties and coercively prevents rival enforcement. However, Simmons

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<sup>80</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 192. This argument, in particular, is drawn from Locke's doctrine of the natural right to punish, see John Locke, *Two Treatises of Government*, ed. Lee Ward (Cambridge: Hackett Publishing Company, Incorporated, 2016), Second Treatise, Section 13, *ProQuest Ebook Central*.

<sup>81</sup> Simmons, "The Anarchist Position," 276.

<sup>82</sup> Alan John Simmons, *On the Edge of Anarchy: Locke, Consent, and the Limits of Society* (Princeton University Press, 1995), 264.

<sup>83</sup> Simmons, "The Anarchist Position," 277.

<sup>84</sup> Simmons does concede that states do not have the right to enforce civil law which targets political duties. See Simmons, "The Anarchist Position," 276.

contends, this is not serious and systematic enough to warrant overt opposition, and as no duty could require us to only support perfectly just institutions, the natural duty of justice still holds.<sup>85</sup> In short, the natural executive right of states leaves state coercion, on balance, not morally worrisome enough to justify resistance to the state and inform a duty to oppose and undermine the state.

*The Natural Duty of Justice, Justification and Legitimacy*

Simmons' second line of argument introduces another reason why the natural duty of justice holds, giving us a moral reason for obedience and support instead of opposition: states can be justified through their merits and accomplishments despite being illegitimate.<sup>86</sup> Senor mistakenly focuses solely on the right of a government to enforce duties, Simmons points out; the absence of political obligation, and the right of a government to be obeyed, is only *one* criterion of justification of government action.<sup>87</sup> According to Simmons, the justification and legitimacy of a state are distinct aspects and independent variables when evaluating a state.<sup>88</sup> Whereas legitimacy concerns the nature of a state's rights and thus the history of the relationship of the state to its subjects, a state is justified when it is morally acceptable through general qualities or virtues.<sup>89</sup> This can be the capability of and commitment to securing rights, promoting happiness, and a fair and sufficient distribution of social goods, as well as it being open to change.<sup>90</sup>

To conclude this argument, besides justified state action in virtue of the natural executive right, a state can be justified by exhibiting certain virtues. Because of this, states coercion is on

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<sup>85</sup> Simmons, "The Anarchist Position," 276-277.

<sup>86</sup> See Simmons, "The Anarchist Position," 277-278.

<sup>87</sup> Simmons, *Moral Principles and Political Obligations*, 199.

<sup>88</sup> Simmons, *Justification and Legitimacy*, 109.

<sup>89</sup> Simmons, *Justification and Legitimacy*, 125.

<sup>90</sup> See Simmons, "The Anarchist Position," 277; Simmons, *Moral Principles and Political Obligations*, 198.

balance; not morally worrisome enough to justify disobedience and resistance to the state.<sup>91</sup> Rather, by virtue of a natural duty of justice, we ought to support and possibly obey our political institutions.

### *The Classes of Moral Reasons to Support*

Simmons' third line of argument defends the classes of moral reasons for why we ought not to display widespread disobedience or dangerously oppose the state, but rather do what the law prescribes. Simmons observes that Senor failed to address *other* natural duties owed to other citizens qua persons, such as the duty to do no harm and the duty to help others.<sup>92</sup>

Because these natural duties give reasons for support, fewer weight hinges on moral reasons that do not constitute a duty or an obligation, such as to not inconvenience others or frustrate plans. Hence these bring no insuperable difficulties to Simmons' position. Senor doubts the moral force of these reasons, but Simmons claims they do not *have* to be as morally forceful as a duty or obligation. They could prove to be relevant when obedience is costless. When obedience has a cost, they are worth weighing along with other relevant moral reasons and duties.<sup>93</sup> Simmons thus claims that natural duties provide enough reason for why opposition and disobedience are not justified and that his position does not imply political anarchism.

### *Consequences of Opposition*

I turn to illustrate Simmons' fourth and last line of argument. It is a culmination of Simmons' previous arguments on the natural executive right, justified states, and natural duties: Simmons claims that coercion by the state is not worrisome enough to risk the misery and social upheaval that

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<sup>91</sup> Simmons, "The Anarchist Position," 277-278.

<sup>92</sup> Simmons, "The Anarchist Position," 276.

<sup>93</sup> Simmons, "The Anarchist Position," 278.

would be a result of active or revolutionary resistance.<sup>94</sup> The extent to which law is enforced without right – meaning beyond what is asked of independent moral reasons for action – is sufficiently harmless making the coercion of states morally justified on balance.<sup>95</sup> The destructive consequences of active resistance outweigh any right we have to oppose state coercion, especially because according to Simmons, the state is not always coercing without right. This argument makes sense within Simmons' balance-of-reasons approach: we need to weigh up the different consequences of various possible strategies to the importance of the rights it violates.<sup>96</sup> And coercion without right is *in and of itself* simply not worrisome enough to Simmons.

## 2.4 Conclusion

This chapter has illustrated the debate in which this thesis situates itself. The first two sections introduced Wellman's and Senor's critiques of Simmons' position. Senor has shown that, in the absence of political obligation, we have reason to assume we are not bound to support or comply with our political institutions as they are not only illegitimate but also unjust. Wellman has argued that we have moral reasons to actively resist the state being non-consensually coercive without having any rights over its citizens.

The third section illustrated Simmons' response to Wellman and Senor. To summarize, it consisted of the following four lines of argument: (1) state coercion is not always without right because of the natural executive right of states; (2) the state can, despite being illegitimate, be justified through its good qualities and accomplishments, meriting support in virtue of a natural duty of justice; (3) we have other important moral reasons, such as natural duties to other persons qua citizens, that form the core of legal rules and make widespread disobedience unjustified; and

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<sup>94</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 192.

<sup>95</sup> See Wellman and Simmons, *Is There a Duty to Obey the Law?*, 192.

<sup>96</sup> Simmons, *On the Edge of Anarchy*, 267.

(4) state coercion and illegitimacy is not worrisome enough *in and of itself* because of the destructive consequences of overt resistance. These arguments all play into the claim that we have no duty to oppose and undermine the state. According to Simmons, Wellman's and Senor's concerns about state illegitimacy and non-consensual state coercion are not sufficiently worrisome to justify opposition or widespread disobedience.

In the next chapter, I situate Wellman's and Senor's comments in relation to a *duty* to oppose and undermine the state and evaluate Simmons' arguments.

### 3. Unraveling the Moral Balance: a Critical Analysis of Simmons' Arguments

Simmons finds that on balance, there are good moral reasons not to oppose the state. This chapter is dedicated to analyzing Simmons' arguments to determine whether Simmons succeeds in keeping the moral balance away from a duty to oppose and undermine the state. In the first section I argue why, based on Senor and Wellman's comments, state illegitimacy informs a duty to oppose and undermine the state, though neither has explicitly indicated *why* Simmons' position implies a duty to oppose and undermine the state. This is important with respect to the moral weight to which Simmons' arguments must contest to keep the moral balance away from opposition. In the second section, I supply a general structure of the arguments that are about to follow. The subsequent four sections discuss the validity of Simmons' arguments and assess whether, in line with Simmons' balance-of-reasons approach, they leave the moral balance to tip in favour of obedience instead of a duty to oppose and undermine the state. Ultimately, I contend these arguments do not withstand scrutiny, as I will demonstrate.

#### 3.1 The Moral Foundations for Opposition

Simmons' argument hinges on the notion that there are on balance good moral reasons to support the state and not oppose it, even if illegitimate. Contrary to this, by building on Wellman's and Senor's claims, I introduce various duties, rights, and moral reasons related to state illegitimacy that inform and give moral weight to a duty to oppose and undermine the state.

Senor's claims initially show that we lack a moral incentive to support and comply with our political institutions because states are unjust and a natural duty of justice fails to foster support. Wellman advances this point, by arguing that the injustice involved in non-consensual coercion gives us moral reasons to dismantle existing states, freeing others from the injustice of non-voluntary coercion.

The crux of Wellman's and Senor's arguments is that state illegitimacy renders states unjust and non-consensually coercive, which in turn involves the violation of rights to self-governance and autonomy – a point to which Simmons has conceded, as he mentions that living under political institutions has certain costs in individual autonomy.<sup>97</sup> Wellman suggests this gives us moral *reasons* warranting resistance and opposition. Drawing from Simmons' writings, I pose moreover that such moral reasons give rise to a *duty* to oppose and undermine the state. Simmons mentions that we have a duty to fight injustice, as well as a duty to promote justice.<sup>98</sup> Simmons utilizes this as a reason to support the state, but I pose otherwise: if we have a duty to fight injustice, and state illegitimacy is accompanied by continual unjustified coercion and the violation of rights, it follows we have a duty to oppose and undermine the state in order to combat this unjustness. A duty to promote justice also supports this cause as opposition involves not only ridding ourselves of the injustice associated with current political institutions, but also promoting a more just society. Such a society might be a better alternative by, for example, relying on anarchist principles such as voluntary associations, and being free of coercion without right and centralized power abuses.<sup>99</sup> This is a way of promoting the values that anarchists value and hold, such as that of self-governance and the presence of equal relations.

Furthermore, the state engages in wrongs which Simmons explicitly concedes to, which I pose also warrants a duty to oppose and undermine the state. Simmons mentions costs involved in

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<sup>97</sup> See Wellman and Simmons, *Is There a Duty to Obey the Law?*, 133.

<sup>98</sup> See Simmons, *Moral Principles and Political Obligations*, 193; and Simmons, *Justification and Legitimacy*, 110.

<sup>99</sup> I assume anarchist society would perform at least *better* in this respect than current political institutions by aiming to achieve a kind of social organisation according to voluntaristic principles. There is, however, a critique that it is not clear whether an anarchist society can prove to be and remain completely free of such coercion and successfully base itself on voluntary cooperation, see John Horton, "Anarchism: Political and Philosophical," in *Political Obligation. Issues in Political Theory* (London: Palgrave, 1992), [https://doi.org/10.1007/978-1-349-22286-5\\_5](https://doi.org/10.1007/978-1-349-22286-5_5), 120-123. For a further illustration of these worries, see Egoumenides, *Philosophical Anarchism and Political Obligation*, 222.



complying with modern states and legal systems, not just in independence and self-government, but also characterizing it as the following:

It has made possible (and depressingly frequent) slaughter, terror, persecution, injustice, and manipulation on a scale that would be otherwise unimaginable...they continue to do impressive jobs of solidifying social (ethnic, religious, racial) hierarchies, of institutionalizing condescending and moralizing attitudes, of threatening and controlling persons and nations outside their territories, and so on.<sup>100</sup>

While such moral worries are not grounded in the mere illegitimacy of a state and can therefore not be conclusive for the case under consideration, they directly challenge the desirability of the existence of the state. These moral reasons, therefore, contribute to the overall moral balance on which a duty to oppose and undermine the state is predicated.

In conclusion, nonconsensual coercion without right provides a moral basis for a duty to oppose and undermine the state by virtue of a duty to fight injustice, promote justice, and the violation of the right to self-governance and autonomy. Other moral concerns associated with states, while not directly arising from their illegitimacy, further contribute to this duty although not supplying a conclusive reason for action.

### **3.2 Previewing the Discussion**

I now turn to relay the structure of the discussion of Simmons' arguments and give a preliminary overview of how I will find each of the arguments to situate within the balance-of-reasons view. As I will show, I will find these to be unsuccessful.

The first argument, discussed in section 3.1, is Simmons' claim that states are not always coercing without right, therefore not being morally worrisome enough on balance and requiring any

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<sup>100</sup> Wellman and Simmons, *Is There a Duty to Obey the Law?*, 192.

opposition. I will argue that states are not coercing natural law with right – leaving state coercion to, on the contrary, be morally worrisome, leaving the moral balance to tip in favour of opposition.

Simmons' second argument, illustrated in section 3.2, could salvage this conclusion, as Simmons claims that states can be justified by their merits and accomplishments while being illegitimate, which upholds the natural duty of justice that tips the moral balance towards supporting our political institutions instead of disobeying and undermining them. I however will argue that the justness of a state is not separate from a state's illegitimacy, but also that the natural duty of justice cannot be called upon for support because its requirements cannot be fulfilled.

Simmons' third argument, on the existence of independent moral reasons such as natural duties, can show that widespread disobedience and opposition are still not justified regardless of the invalidity of the natural duty of justice. In addition to this, I pose that Simmons is correct in claiming that independent moral concerns urge us to refrain from certain immoral behaviour, but these reasons do not bind us to support the state over any other form of social organization, therefore not sufficing to steer the moral balance away from political anarchism.

Lastly, Simmons' fourth argument – the claim that on balance, coercion without right is not worrisome enough to risk social upheaval of revolutionary resistance – I will argue to be unconvincing. I will argue that Simmons' moral balance is determined by assuming a necessarily violent and immoral means of political anarchism, which I pose does not have to be so.

### **3.3 The Natural Executive Right as Justification for State Coercion?**

Simmons' first argument claims that state coercion is often with right, as states have the right to enforce natural morality. However, does the natural executive right really justify state coercion, making it 'with right'? In this section, I question whether this is so, based on two claims. The first argument involves the applicability of the natural executive right to states. The second pertains to the absence of consent required for justifying state coercion in virtue of a natural executive right.

*Moral Power: States vs. Individuals*

I pose that states are not acting with right in enforcing and demanding compliance with natural law by illustrating Ryan Windeknecht's claims.<sup>101</sup> As his argument goes, the state is not justified in virtue of the natural executive right, and Simmons' position cannot hold the claim that the state can be justified in enforcing the law even if illegitimate or unjustified in existing.<sup>102</sup> Simmons is wrong in justifying the state in enforcing and creating laws and policies that punish and prohibit natural law based on the natural executive right. This is so because there is a difference between states coercing natural law through enacting and creating policies and individuals having the right to punish and prohibit natural law.<sup>103</sup> Windeknecht's argument highlights that for states to be justified in doing so, they should have the same moral power as an individual.

Windknecht claims there to be a difference based on two reasons. Firstly, the natural executive right concerns itself with the right of individuals or groups of individuals, whereas the state is not just a conglomeration of individuals or reducible to its members. The given that an individual has this right does not translate to the institution of which the individual is a member having this right. Rather, the natural executive right merely concerns a justification for what Windeknecht calls 'bare acts'; namely the prohibiting and punishing of individuals, groups, or institutions. Whereas the creation and enforcement of laws and policies is a 'political act'.<sup>104</sup> A political act cannot be justified as an instance of a bare act, he claims. This is the second reason why the state is not justified, by virtue of the natural executive right: it involves two different types of actions. Windknecht uses the example of rape: prohibiting and punishing rape by individuals or

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<sup>101</sup> This argument is introduced in Ryan Gabriel Windeknecht, "Law Without Legitimacy or Justification? The Flawed Foundations of Philosophical Anarchism," *Res Publica* 18, no. 2 (2012): 173-188. <http://doi.org/10.1007/s11158-011-9175-x>

<sup>102</sup> Windeknecht, "Law Without Legitimacy or Justification?," 174.

<sup>103</sup> Windeknecht, "Law Without Legitimacy or Justification?," 182-183.

<sup>104</sup> Windeknecht, "Law Without Legitimacy or Justification?," 182.

groups of individuals is different from the creation of laws and policies that prohibit rape and punish rapists.<sup>105</sup> The difference for Windknecht lies in that to create laws and policies means to not only prohibit and punish, it includes authoritative rules about prohibition and punishment; “as well as second-order rules about the creation, interpretation, and enforcement of these first-order rules. Whereas bare acts are best thought of as simple acts, political acts are better thought of as complex, institutionally supported practices.”<sup>106</sup>

How would Simmons respond to Windeknecht's claim? I observe that Simmons would merely highlight that governments, on the contrary, *are* a conglomeration of individuals and groups. Therefore, the state is justified in creating and enforcing laws and policies that reflect natural morality.<sup>107</sup> But I think that Simmons would then fail to acknowledge a certain difference, as a state apparatus and institution is more than a simple conglomeration of persons. This is so because it is not reducible to their members, but also because the state involves a different exercise of power through the formation and enactment of laws and policies and institutions that punish. A state official is merely subject to the larger institution they are a part of and is inevitably involved in some kind of interpretation and thus application of natural law.

Because of this difference, I find Windeknecht's argument convincing in challenging Simmons' claim that the state justifiably enforces natural law by virtue of the natural executive right. The right for individuals to prohibit and enforce natural law does not naturally translate to the

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<sup>105</sup> Windeknecht, “Law Without Legitimacy or Justification?,” 182.

<sup>106</sup> Windeknecht, “Law Without Legitimacy or Justification?,” 183. Windeknecht does not elaborate on what exactly is meant by a 'bare' act in contrast to a 'political' act, besides denoting them as acts of prohibiting and punishing. I interpret a bare act as, for example, an individual denoting rape in a more private sphere and refraining from rape because it is immoral. This can include to punish by shunning and demonizing perpetrators. It becomes a political act when it involves the institutionalization of laws surrounding rape and the creation of institutions that punish.

<sup>107</sup> According to Simmons, the punishment of moral wrongdoers is done by state officials who justifiably exercise their natural rights. Simmons seems to assume that state officials are those who directly punish and enact natural morality, not acknowledging that a state official is a part of, and subject to, an institution that enforces and enables not just punishment but its establishment of authoritative rules. See Simmons, *On the Edge of Anarchy*, 265: “States may not demand that we obey their laws; but *they* may legitimately punish us for doing what is, in fact, contrary to law, when our so acting breaches a moral duty....those who govern and administer the law are also persons possessing this right.” (emphasis mine).

right to create and enforce policies and state laws. If the state is not justified by virtue of individuals having this natural executive right, then the natural executive right is thus not applicable to state coercion of natural law. Lastly, as states are illegitimate in Simmons' framework, we are left without an appropriate source of the states' right to enforce natural law.

### *Payment and Consent*

The previous argument claimed that the state is coercing without right. Here, I pose that in the absence of consent, this should be considered morally wrong in two ways: in preventing others from executing their natural executive right, and in demanding payment for the facilitation of the enforcement of natural law.

To start with the latter point: the state apparatus demands and requires payment in enforcing natural law, which I think Simmons should consider as wrong in the absence of consent. This is so because, on the one hand, Simmons writes that states may legitimately punish in areas considering naturally immoral acts, or those regarding laws that provide a system of coordination. But on the other, he claims the state may not demand payment for the enforcement of the laws in these same areas.<sup>108</sup>

Simmons emphasizes that “governments were never authorized to be the sole enforcers of natural morality, *nor did typical residents ever consent to pay for this.*”<sup>109</sup> But the demand of payment to enforce natural law, such as police forces, is essential. This is a contradiction in Simmons' work: if the demand for payment is morally wrong in Simmons' framework, it follows that the state is morally wronging its citizens by enforcing natural law as this necessarily requires payment. Simmons can thus not infer that the state is acting with right when enforcing natural law.

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<sup>108</sup> Simmons writes that governments routinely wrong those against whom their laws are enforced in, among others, the following category: “those that require payments (or which permit seizures of property) to finance or facilitate government operations, provision of public benefits, and the like.” (Simmons, *On the Edge of Anarchy*, 264).

<sup>109</sup> Simmons, *On the Edge of Anarchy*, 265 (emphasis mine).

Moreover, the absence of consent renders the state without authorization to be the sole enforcer of natural morality. This is so because, according to Simmons, one must voluntarily consent to surrender the executive right to interpret and enforce the natural law before entering a political relationship.<sup>110</sup> So what is there to say about the moral wrong done in preventing other punishers from punishing, if states have not acquired an exclusive natural executive right through consent?

Initially, Simmons concedes that the philosophical anarchist must regard this as wrong.<sup>111</sup> However, Simmons adds, states do no wrong in prohibiting other individuals or groups from exercising their right to punish if states are more efficient and fair in punishing immorality.<sup>112</sup> Reasonable persons would not want to compete in such a dangerous activity, Simmons claims, nor quarrel about who does punish if it is done.<sup>113</sup>

Simmons' justification of the state preventing others from executing natural law seems to be based on the lack of motivation or means of private citizens to do so. This is however a circular argument, as this lack of initiative is probably caused by the prevention of rival enforcement in the first place. The state has a powerful monopoly on violence that arguably prevents individuals and groups from executing their natural right to punish. To then refer to the justness of the punishment enacted by the state as justification does not get rid of the given that the state is not authorized to be the sole enforcer of this natural morality, and unjustifiably takes on a monopoly on enforcing this.

I now turn to briefly summarize my position, having posed arguments against Simmons' claim that the state is acting with right in enforcing natural law. I have reason to think that the natural executive right posed by Simmons does not translate to the right of states to create and

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<sup>110</sup> See Windeknecht, "Law Without Legitimacy or Justification," 176-179 for an interpretation of Simmons' Lockean anarchism and use of consent theory.

<sup>111</sup> Simmons, *Moral Principles and Political Obligations*, 277.

<sup>112</sup> Simmons, *On the Edge of Anarchy*, 265.

<sup>113</sup> Simmons, "The Anarchist Position," 277n9.

enforce laws and policies that enforce natural law. Moreover, if we follow Simmons' claims closely, the state morally wrongs its citizens by requiring payment to finance their government operations in the absence of consent. Lastly, the state preventing rival punishers to enact natural law is, following Simmons' position, unjustified in the absence of consent. Accordingly, it has become clear that Simmons' political voluntarism renders the execution of natural law unjustified by lack of consent. The state does not have the right to create and enforce laws and policies based on natural law and is wronging its citizens by coercing compliance and demanding payment for this.

Therefore, contrary to Simmons' claim, Wellman and Senor are not wrong in asserting that the state is coercing without right, in the absence of political obligation and state illegitimacy. And the claim that to oppose this coercion by virtue of a duty to oppose and undermine the state still holds. Simmons could posit his third argument to try and avoid this conclusion, namely that state coercion without right nor state illegitimacy renders a state *unjust*. A just state cannot justifiably be undermined but rather should be supported because of a natural duty of justice. I turn to discuss this argument in the next section.

### **3.4 A Natural Duty of Justice in an Illegitimate State**

Simmons finds Senor to be mistaken in characterizing states as unjust in the face of state illegitimacy, as the state can be justified through its merits and accomplishments. This in turn gives reasons for compliance to the state in virtue of a natural duty of justice.<sup>114</sup> In the first section, I argue why the state's illegitimacy, on the contrary, has moral implications for the justness of a state. In the second, I direct myself specifically to how the natural duty of justice is not a dependable source of support, in light of the costs of obeying or disobeying an illegitimate state.

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<sup>114</sup> Simmons, "The Anarchist Position," 154.

*Reassessing the Justness of the State in Light of Illegitimacy*

I turn to nuance Simmons' demarcation of justification and legitimacy. While I find Simmons to be correct in saying that a state can display and possess good qualities irrespective of its illegitimacy, I will bring into question their independence as two separate spheres of moral evaluation.

Simmons can indeed argue that we can distinguish between good and bad states, as not all states are on equal moral footing despite their shared illegitimacy.<sup>115</sup> Such a view is based on a state's qualities and achievements; a state's justifying features represent those things that are good to achieve such as peace, justice, and various forms of coordination.<sup>116</sup>

But do state illegitimacy and the absence of political obligation have no bearing on a state's justness at all? To question this, I illustrate a point introduced by Magda Egoumenides, who indicates that the absence of political obligation and state illegitimacy reveals a significant flaw in the moral fabric of the state.<sup>117</sup> Noting that the absence of political obligation constitutes a gap in the justification of the state, she posits the following questions: "How can political institutions relate to their subjects if they lack political obligation? And how can they function and be distinguished from their alternatives if they lack such a relationship? That is, how can they be (considered as) permanent and exclusive if they have no right to command and be obeyed?"<sup>118</sup> This lack of political obligation and a state's right to command and be obeyed Egoumenides identifies with a lack of adherence to what she calls anarchist 'ideals of legitimacy.'<sup>119</sup> These ideals – such as that of self-government, equal participation, and voluntarism – serve as indications of appropriate relationships that institutions must have to be deemed legitimate and justified from the

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<sup>115</sup> Simmons, *Moral Principles and Political Obligations*, 198.

<sup>116</sup> Virtues of states are often expressed by the state *doing* something, rather than passively exhibiting mere qualities. See Wendt, "Against Philosophical Anarchism," 539

<sup>117</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, Chapter 1.

<sup>118</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 49.

<sup>119</sup> See Egoumenides, *Philosophical Anarchism and Political Obligation*, 8-9.



perspective of individuals.<sup>120</sup> Simmons' conclusion about the absence of political obligations contradicts these anarchist ideals of legitimacy and anarchist values. This, in turn, shows that the state lacks an appropriate moral basis, which should give us reason to become dissatisfied with the state.<sup>121</sup>

More importantly, Egoumenides claims that the need for justification of political obligation has an indirect effect on other areas of justification.<sup>122</sup> If, according to Simmons, the merits of an institution alone cannot establish political obligation and thus demand support and compliance, can an appeal to such virtues nevertheless motivate and justify the political constraints that do ask for a continual attitude of compliance? Egoumenides claims that state illegitimacy is a sign that the state is hard to justify, one way or the other. This, in turn, gives reason to seek independence from the state, or even question whether political institutions should exist at all.<sup>123</sup> Perhaps one ought to adopt a more sceptic outlook on the state, as “we have moral reasons to be more independent in our reasoning about social behaviour and also to develop nonpolitical forms of solutions to social problems, or, at least, to understand their intuitiveness.”<sup>124</sup>

I argue that Egoumenides correctly identifies reasons for dissatisfaction with the state, based on these claims. Simmons recognizes states as illegitimate because of the absence of proper foundations to establish political obligation, such as consensual relations. This underscores the importance of these values in evaluating the moral nature of the state. This evaluation, however, shows a shortcoming of political practices. For example, the inability to establish active citizenship

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<sup>120</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 8-9.

<sup>121</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 49-54.

<sup>122</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 50.

<sup>123</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 51.

<sup>124</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 51.

because of a lack of adherence to anarchist values such as self-government and equal participation, reveal significant shortcomings as a result of political constraints.

Although Simmons excludes these ideals of legitimacy from the merits and virtues of a state, can they really be disregarded given the moral gap in the state's existence? The continual need for justification of political constraints shows that the state's merits and virtues might not be enough to offset the inherent defects of the state. The illegitimacy of a state rather shows a defect of current political institutions that certain merits and qualities of a state do not replace as a different kind of evaluation – in fact, it negatively influences the desirability of the state, but also the justification of its existence. Egoumenides' sceptical outlook, I find, leads one closer to the anarchist alternative to which a duty to oppose and undermine the state is ultimately directed. In contrast to the state, an anarchist society could embody these ideals of legitimacy that Egoumenides highlights, presenting itself as an alternative that is free from the moral worries associated with state illegitimacy.

So, circling back to Simmons' argument, is the state just and does it merit support by virtue of a natural duty of justice, despite being illegitimate? Considering the above analysis, I find it questionable whether Simmons' assertion holds. The moral gap in the state's existence, the violation of key anarchist values, as noted by Egoumenides, and the state's unjust actions, suggest otherwise. If the state is lacking the values and foundations to establish political obligation, and this results in an inherent moral gap in the state's existence that cannot be compensated for by merits, it leads me to challenge the applicability of a natural duty of justice as an argument for support instead of opposition. These considerations can rather shift Simmons' moral balance away from support, and more towards opposition, informed by a narrative of the pursuit of an anarchist society that embodies the ideals of legitimacy.

Having illustrated the moral concerns of state illegitimacy and its impact on the overall justification of a state, I turn in more detail to the specific implications of such worries on the natural duty of justice.

*Burdens of Citizenship and State Support*

The aforementioned concerns, I argue, embody significant costs associated with obedience or rightful disobedience, as Simmons puts it — casting doubt on the eligibility of the natural duty of justice to merit support and compliance.

I first consider the situation of Senor's thought experiment: citizen Jane, who displays disobedience towards ‘unnecessarily restrictive laws’ that Simmons criticizes; in this case, those regarding marijuana.<sup>125</sup> Jane justifiably knows there to be no political obligation to B, and carries more than the legal amount of marijuana as permitted by B. If she is caught, there is no escape from punishment despite her rightful disobedience. The state’s coercive monopoly on force leaves Jane incapable of adopting the selective stance towards political institutions that Simmons stands for. Can a state that coerces or punishes without right really merit support from a citizen like Jane? I think not; if Jane is being coerced into compliance against her will, or suffers a punishment without the state having any right to punish, the state imposing such penalties cannot merit support from Jane, because it is simply not just.

Furthermore, I illustrate the importance of the cost involved in supporting and obeying illegitimate states, which in turn undermines the natural duty of justice.<sup>126</sup> According to Simmons, this duty applies if it can be executed “without excessive risk or loss to oneself”<sup>127</sup>. This condition is what George Klosko calls the ‘benefit condition’, meaning that individuals only adopt the

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<sup>125</sup> See Simmons, "The Anarchist Position," 279.

<sup>126</sup> Simmons differentiates between supporting and obeying, writing that we have "duties to support (and, possibly, to obey) governments" (Simmons, "The Anarchist Position," 279). But I take it that to support a state apparatus, also means to obey as it upholds central state services. I therefore use obeying and supporting interchangeably.

<sup>127</sup> Rawls, *A Theory of Justice*, 114. Simmons adopts this qualifier when writing that “we have a natural duty to support and assist in the formation of just institutions, at least as long as no great inconvenience to ourselves is involved” (Simmons, *Moral Principles and Political Obligations*, 154). Rawls himself is unclear on whether the cost qualifier applies to his duty; on the one hand, he seems to suggest that all natural duties have such a cost clause. On the other, he formulates the duty to comply and to do our share in just institutions without a cost clause attached. See Klosko, "Political Obligation and the Natural Duties of Justice," 254-256. I however assume, likewise to Simmons, that the cost qualifier is attached to the natural duty of justice.

political duties if the costs of supporting others are outweighed by the benefits. Klosko calls any such duty that is qualified by virtue of the costs involved a 'weak duty' or 'weak principle'.<sup>128</sup>

However, Klosko doubts the force of a political duty, such as the natural duty of justice, with the benefit condition attached; noting that there are significant demands placed on citizens to support the state and maintain its existence through obedience.<sup>129</sup> The requirements of the 'burdens of citizenship' impinge on the lives of individuals in various ways. Klosko mentions requirements such as having to obey the law, paying taxes, and conscription.<sup>130</sup> Because of this, the natural duty of justice is less likely to apply in the way that Simmons wants it to, namely as providing a general moral basis for why, in many cases, we ought to support our political institutions and assist in the formation of just institutions.<sup>131</sup> Klosko concludes that in the absence of political obligation, the prerequisites for supporting and advancing just governments cannot be supplied by the natural duty of justice as it consists of a weak duty. Because of its benefit condition, such a duty "will not uphold central state services."<sup>132</sup>

Senor has implicitly introduced a similar argument when highlighting the burden placed on individuals like Jane, who must comply despite knowing there to be no political obligation. This is an 'unreasonable price' to pay, as Senor puts it, which overrides a duty to not inconvenience others.<sup>133</sup> But there are also additional costs besides assuming the responsibilities of citizenship such as taxation, which poses problems for the application of the natural duty of justice. As described in the previous sections, non-consensual coercion and the demand for payment for the state's monopoly in enforcing natural law violate important rights like that of self-government.

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<sup>128</sup> Klosko, "Political Obligation and the Natural Duties of Justice," 255-256.

<sup>129</sup> Klosko, "Political Obligation and the Natural Duties of Justice," 256.

<sup>130</sup> Klosko, "Political Obligation and the Natural Duties of Justice," 256.

<sup>131</sup> Klosko, "Political Obligation and the Natural Duties of Justice," 269.

<sup>132</sup> Klosko, "Political Obligation and the Natural Duties of Justice," 270.

<sup>133</sup> Senor, "What If There Are No Political Obligations?," 267

Given the significant costs of supporting and living under an illegitimate state, I conclude that the natural duty of justice cannot demand to support our political institutions if it is qualified in relation to cost. Therefore, as proposed by Senor, the natural duty of justice does not suffice in engendering support and assistance in the maintenance of the state in the absence of political obligation and state illegitimacy. The significant requirements for assuming typical citizenship, the effects of state illegitimacy, as well as the moral gap in the existence of the state, provide compelling reasons to search out alternatives and independence from the state, rather than support it because of a natural duty of justice.

Even if the natural duty of justice fails to account for support, Simmons might emphasize that we still have good moral reasons to do many of the things required by law, based on the three classes of moral reasons outlined in section 1.2. I now turn to discuss this next argument and why I find it is insufficient grounds to assume the moral balance would tip towards supporting the state.

### **3.5 Reconsidering Natural Duties: the Insufficiency for State Support**

Simmons raises an important point that Senor failed to acknowledge: the existence of natural duties owed to other citizens qua persons. Simmons finds that these pervasive natural duties act as a safeguard against opposition to the state, therefore those other weaker moral reasons that Senor doubted the moral force of do not have to be as compelling. In this section, I explore those other natural duties as mentioned by Simmons, specifically the duty to help those in need, the duty to do no harm, and the duty of respect.<sup>134</sup> While I will observe that these duties indeed succeed in guarding Simmons' position against supporting widespread disobedience, I will argue that these duties are not forceful enough to prevent the emergence of a duty to oppose and undermine the state, as they can be discharged independently from it.

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<sup>134</sup> Simmons, *Moral Principles and Political Obligations*, 13.

*The Independent Nature of Natural Duties*

I find it important to note that natural duties do not establish a sign of a moral bond between a citizen and its particular government precisely because, according to Simmons, it cannot establish political obligation or a general moral duty to obey the law.<sup>135</sup> Any moral reason to comply that follows from these duties is the result of a deliberation that works independently from the legal status of law. Natural duties supply general, independent moral reasons for specific moral behaviour that merely overlap with legislation.

Simmons' emphasis on natural duties suffices to show that an anarchist cannot justifiably disobey all the laws and thus display widespread disobedience. If natural morality exists separately from the state, it does not get forfeited in the absence of political obligation or state illegitimacy. Assume for example, that we all have a natural duty to not harm others. This duty exists regardless of whether we live under a state or not. This duty can still withhold an anarchist from acting recklessly, even if the state is considered illegitimate.

However, precisely because natural duties are independent moral considerations, I doubt whether they suffice to foster support and withhold resistance to the state. Senor has, despite failing to properly address natural duties owed to citizens, addressed a relevant worry: the *force* of the moral considerations that Simmons puts forward must be so strong as to not induce any significant social change, instead engendering support from citizens instead of opposition to the state, *despite* the absence of political obligation and state illegitimacy. But are natural duties forceful enough to accomplish this? As I will substantiate below, I argue they are not as they do not compel support and obedience of the state, but merely compel to refrain from certain wrongful behaviour. In what follows I show why, within Simmons' framework, natural duties do not tip the moral balance away from the duty to oppose the state *as state*.

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<sup>135</sup> See Simmons, *Is There a Duty to Obey the Law?*, Chapter 8.

*Discharging Natural Duties Outside of State Structures*

I pose the underlying question of whether we need to fulfil our natural duties through support or participation within the state, or whether they can be fulfilled outside of the state's framework. I here argue for the claim that Simmons' natural duties do not necessitate state support and therefore is eligible to tip the moral balance away from opposition in light of state illegitimacy (or at least unable to prevent it).

This is first because Simmons himself seems to suggest that natural duties can be discharged outside of state structures, and thus without being associated with a state.<sup>136</sup> The absence of a general moral duty to obey the law is no destructive conclusion to Simmons precisely because a person can act morally without any bearing on a duty to obey the law. For example, in discussing why a duty to rescue does not ground a moral duty to obey the law, Simmons writes: "Why can I not simply do the duty described. ... just by scrupulously refraining from violence (deception, etc.) toward others (and letting others see my intentions in this regard), while acknowledging no duty at all to obey the law?"<sup>137</sup> It is plausible for a citizen to fulfil natural duties independent from the state. A person might, for example, respect others' property rights without subscribing to the legitimacy of a state's specific property laws.

Moreover, I think Simmons cannot claim that natural duties necessarily translate to supporting the state over non-state forms of social organizations, as he defends the claim that we can act morally without subscribing to membership of a political community, or even supporting it.<sup>138</sup> Simmons for example affirms that it is not obviously unreasonable or morally inconsiderable to prefer "more limited or less coercive small-scale forms of cooperations to states (and all that

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<sup>136</sup> See Simmons, *Justification and Legitimacy*, 138.

<sup>137</sup> Simmons, *Justification and Legitimacy*, 188.

<sup>138</sup> See Simmons, *Justification and Legitimacy*, 153.

states involve).<sup>139</sup> Simmons moreover argues that it is not self-evident, and more of an empirical question of whether political membership best fulfils our duties and respect for other people's rights. Rather, private action can prove to be more fruitful in accomplishing this.<sup>140</sup>

Thus, if, according to Simmons, natural duties can be discharged independently from institutional arrangements, they do not provide a strong moral force to support our political institutions. Instead, this acknowledges the possibility of adhering to natural duties outside of state structures without having to support and comply with the state in the face of its illegitimacy.

Why is this relevant to emphasize? I pose that without providing a necessary moral reason to support the state, natural duties are not forceful enough to tip the balance toward support instead of opposition in the face of state illegitimacy and the absence of political obligation. What the natural duties can do is guard Simmons' position against implying widespread disobedience; persons have natural duties to refrain from certain immoral behaviour as dictated by natural law. However, because Simmons concedes we can exhibit moral behaviour outside of state coercion, natural duties do not bind us to support the state over any other form of social organisation. Following Simmons, they seem able to be realized without assuming citizenship and be discharged independently from institutional arrangements.

On this basis, I argue that natural duties as moral reasons for support are not sufficient to counteract the duty to promote justice and fight the injustice that weighs in the moral balance; leading to justify opposition (i.e., natural duties do not tip the moral balance away from the duty to oppose the state). Lastly, Simmons can object that the destructiveness following overt opposition to the state would lead to a breach of natural duties, making it unjustified. I turn to discuss this claim in the next section.

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<sup>139</sup> Simmons, *Justification and Legitimacy*, 151. For a similar claim, see Wellman and Simmons, *Is There a Duty to Obey the Law?*, 194.

<sup>140</sup> Simmons, *Justification and Legitimacy*, 153.



### 3.6 Anarchy, Disorder, and Misconceptions

I characterize this argument as the culmination of Simmons' claims so far: understood within his balance-of-reasons view, the wrongs of state illegitimacy are not important enough, on balance, to justify the consequences of active opposition. Simmons makes a fair point, as widespread disobedience to fight the injustice of violation of rights is an unjustified strategy in the sense that it merely replaces the violation of rights with another evil by destroying the social fabric and causing chaos. Therefore, we would have reason to refrain from such revolutionary resistance.

I, however, disagree with Simmons that widespread disobedience and consequent destructive consequences are representative of political anarchism and its duty to oppose and undermine the state. Simmons has not supported his claim with empirical evidence or reference to any anarchist tactics. I pose that, within anarchist literature, various common conceptions of anarchist tactics contradict Simmons' claim. An anarchist can, for example, opt to avoid causing short-term harm by pursuing the goal of anarchism by violent revolutionary means, and instead prefer to replace, and thus undermine, the state according to a gradual and balanced reconstruction of social life as envisioned by anarchism.<sup>141</sup> It is argued that instead of anarchism leading to widespread unrest, social order can be maintained.<sup>142</sup> One common tactic to that end is the use of prefigurative politics; by implementing social structures, this aims to cultivate "attitudes and abilities of trust and cooperation that are required for an alternative reconstruction of social life, and that life in states has made us lose."<sup>143</sup> Such tactics aimed at gradual social reform do not necessarily cause harm and chaos as, for example, driving on the wrong side of the road would. It is

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<sup>141</sup> For example, see John T. Sanders, "The State of Statelessness," in *For and Against the State: New Philosophical Readings*, ed. John T. Sanders and Jan Narveson (Rowman & Littlefield, 1996), 273-274, <https://philarchive.org/rec/SANTSO-6>

<sup>142</sup> See Michael Taylor, *Community, Anarchy and Liberty* (Cambridge: Cambridge University Press, 1982), chap. 3, <https://doi.org/10.1017/CBO9780511607875>

<sup>143</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 223.

this latter type of tactic that Simmons has in mind, driving the moral balance to steer away from opposition.

Simmons' argument becomes less strong once we remove the presumption that the transition to an anarchist society and the opposition to political institutions is accompanied by widespread misery, involving widespread disobedience. If we change a 'bomb throwing' strategy to one of, say, slow reform, a duty to do no harm no longer shifts the moral balance away from opposition. Instead, non-consensual coercion and the violation of the right to self-government are sufficiently worrisome to shift the balance-of-reasons view towards a duty to oppose and undermine the state, it just depends on the *mode* of opposition.

In the next chapter, I formulate a duty to oppose and undermine the state that encapsulates Simmons' worry of unjustified destructive consequences, as it can vary in content (and thus means) according to the illegitimacy of the state in question and other morally relevant considerations.

### **3.7 Conclusion**

In this chapter, I evaluated four lines of Simmons' arguments, to assess whether they are successful in keeping the moral balance away from a duty to oppose and undermine the state as informed by state illegitimacy.

In section 3.1, I explicitly introduced relevant rights and duties that inform a duty to oppose and undermine the state within the balance-of-reasons framework. These were the violation of the rights of self-governance and autonomy because of non-consensual coercion and the duty to oppose injustice and promote justice.

Subsequently, in section 3.2 I provided an overview of the ensuing arguments, and in section 3.3 I responded to the argument of the 'natural executive right' of states to enforce natural law. It found that contrary to Simmons' claim, the overlap between the state's law and natural law has no bearing on the state's legitimacy. Echoing Windeknecht, I claimed that the natural executive right of

individuals and groups does not suffice as justification for states to create and enforce policies that reflect natural law. The state upholding a monopoly on the enforcement of natural law and its demanding payment for this without consent remains unjustified. The argument, therefore, fails to outweigh a duty to oppose non-consensual coercion, given that states fundamentally remain coercive without right.

In section 3.4, I was concerned with the natural duty of justice to support institutions that are justified despite being illegitimate. By drawing from Egoumenides, I offer the nuance that, despite its merits, the state's illegitimacy causes a moral gap in the justification and existence of the state, consequently challenging its desirability. I moreover considered the costs of obedience and disobedience and argued that the natural duty of justice cannot engender support of the state because it is a weak duty with a 'benefit condition' attached. The natural duty of justice therefore cannot be used by Simmons to keep the balance away from opposing the state.

Simmons' other natural duties were the focus of section 3.5, where I argued that the natural duties do not serve as significant moral reasons for support, outweighing reasons and duties for opposition. I argued this to be so, primarily because they can be discharged independently from institutional arrangements such as the state, as Simmons himself contends: we can act morally without subscribing to membership of a political community, or even supporting it. Instead, these duties are moral constraints on a duty to oppose and undermine the state.

Finally, section 3.6 touched on the consequences of widespread disobedience, agreeing with Simmons that destructive consequences of opposition are not justified, on balance. These consequences conflict with, for example, the natural duty to do no harm and therefore plausibly outweigh the duty to oppose injustice and the duty to oppose the state. However, I noted that this conclusion presupposes a particular execution of the duty to oppose and undermine the state, which, I will substantiate, does not have to be so. Simmons' position is, therefore, not resistant to a duty to oppose and undermine the state.

In conclusion, I have found Simmons' arguments unconvincing in guarding his position against implying political anarchism and thus a duty to oppose and undermine the state. Although I note that the content and application of the duty to oppose and undermine the state – its *mode* – is morally constrained by Simmons' natural duties. Simmons' endeavour to safeguard his position against the implications of political anarchism, therefore, only partially succeeds. His position cannot downright imply political anarchism without constraints as it does not justify (the consequences of) widespread disobedience; there exist independent moral reasons that prescribe moral behaviour. However, as argued throughout this chapter, Simmons' arguments fail in keeping the balance to tip towards support instead of opposition, considering the duty to resist the state as a source of injustice.

As natural duties will be a constraint for active opposition, my claim is, therefore, contingent on my characterization of a duty to oppose and undermine the state. In the next chapter, I will argue for what I call an 'adaptive duty' to oppose and undermine the state that, on the contrary, will not be undermined by Simmons' moral objections.

## 4. Reinterpreting Resistance: an ‘Adaptive Duty’ to Oppose and Undermine

In this chapter, I argue why Simmons’ philosophical anarchism, despite the existence of natural morality and duties, implies an adaptive duty to oppose and undermine the state, and thus political anarchism. I challenge Simmons’ claim that political anarchism and opposition to the state are not justified on balance by showing that a characterization of this duty can indeed encapsulate certain moral constraints. In the first section, I will sketch out what I understand to be an adaptive duty to oppose and undermine the state that follows from the balance-of-reasons approach. In the second section, I take on a possible objection Simmons could raise to my proposal and consider a consequent case study of a position within anarchism that embodies such a duty.

### 4.1 Understanding the Adaptive Duty

Simmons’ equation of political anarchism with widespread disobedience – i.e., a duty to oppose and undermine the state leads society into civil war and causes widespread misery – functions to defend his position from implying political anarchism.<sup>144</sup> He thus assumes a strong and overriding duty to oppose and undermine the state, and posits that other relevant duties or moral reasons cannot take priority over this duty.

In this section, I argue against this characterization of a duty to oppose and undermine the state. I do this by elaborating on a duty to oppose and undermine the state that varies in content and means with the extent of illegitimacy, as formulated by Simmons,<sup>145</sup> and other relevant moral considerations with respect to the state. From here on, I will refer to this duty as an ‘adaptive duty to oppose and undermine the state’. Ultimately, political anarchism can avoid Simmons’ objection by taking on this adaptive duty.

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<sup>144</sup> See for example Wellman and Simmons, *Is There a Duty to Obey the Law?*, 192.

<sup>145</sup> Simmons, *Justification and Legitimacy*, 107, n. 11.

To start, who possesses this adaptive duty? I pose that such a duty is possessed by all persons who are subject to non-consensual state coercion and thus live under an illegitimate state.<sup>146</sup> Concerning what *kind* of duty it is, I pose that it should not be considered a natural duty that is possessed by all persons independent from political society and owed to all citizens qua persons. This is because Simmons' philosophical anarchism is essentially an *a posteriori* project, which claims state illegitimacy based on contingent circumstances –namely the failure of the state to operate in a way that establishes legitimacy or political obligation. A duty to oppose and undermine follows directly from these failings, and thus actual political circumstances. This contingency makes it unfit to be seen as a natural duty.

Instead, because of this emergence, I pose this adaptive duty can rather be classified as a political duty; it directly involves the relationship between the individual and the state, and prescribes the appropriate response to its presence. Moreover, it aims to transform the current political paradigm into a form of social organisation that is in line with anarchist values and ideals, which will involve communal decision-making and navigating power relations, arguably still falling within the political realm. In addition, this adaptive duty importantly also functions as a moral duty, because it is informed by a consideration of moral worries that arise from state illegitimacy, such as the violation of rights and broader considerations of justice. Hence, the adaptive duty is ultimately a moral judgement and call to action against perceived injustices.

I argue that what characterizes this duty is its ability to nuance its execution in terms of the *mode* of opposition. This nuance, I pose, results directly from the balance-of-reasons approach from which this duty emerges and in which it is situated in. As this approach goes, obligations or duties are no absolute moral judgements but are set within a decision framework with other competing

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<sup>146</sup> Although, an exception could be those residents who are naturalized, or in some other sense have explicitly consented to the rule of the government, as the state is legitimate with respect to them. However, we could pose that even those residents have a weaker, moral *reason* of say, supererogation, to oppose the state to oppose wrongs done to others.

considerations; a duty to oppose and undermine the state cannot disregard other moral reasons and duties, such as the duty to do no harm. Because this duty operates in a decision framework with competing considerations, it embodies a nuanced approach to how to act in matters political; when other moral considerations trump a duty to oppose and undermine the state, the execution of this duty must adjust accordingly.

A political anarchist should accept that there are moral constraints on how to bring about political change, depending on the competing moral considerations. As Egoumenides writes, the anarchist must “like everyone else, have responsibility as well as freedom.”<sup>147</sup> What considerations does the execution of this duty depend on? I pose that the means of action can vary in line with a moral ranking of governments, such as the extent to which states deviate from the anarchist ideal of self-government and equal political participation. Simmons’ framework allows this differentiation in moral status as he claims that not all states are morally equal, despite sharing illegitimacy; observing that states can violate the rights of their inhabitants more frequently and systematically, or be “more or less merciful, responsive, beneficent, efficient, and wise.”<sup>148</sup> Another variable in deciding on the means of action can also be a state’s other justifying features and those independent moral concerns as mentioned earlier that are not necessarily rooted in illegitimacy; it concerns whether the state in question has, for example, more apparent institutionalized social and ethnic hierarchies and possesses “condescending and moralizing attitudes”<sup>149</sup>.

If the moral status of the state is more deplorable and unjust, this justifies the duty to oppose and undermine the state to override other moral concerns such as to maintain social harmony. A totalitarian state justifies more immediate, overt anarchist action resembling Simmons' description of violence. This could involve a political tactic such as direct action, sabotages, and strikes. Direct

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<sup>147</sup> Egoumenides, *Philosophical Anarchism and Political Obligation*, 246.

<sup>148</sup> Simmons, *On The Edge of Anarchy*, 261.

<sup>149</sup> Wellman and Simmons, *Is There a Duty To Obey The Law?*, 193.

action can also be used in a more refined way to directly intervene, participate, and manage social affairs. This involves different forms of nonviolent resistance to authority, such as campaigns and movements.<sup>150</sup> This is then perhaps a more justified tactic for a state operating a democracy. In that case, the weak duty to oppose and undermine states does not override other natural duties. This can mean taking the abolishment of states as a long-term goal, instead of engaging in immediate destruction of the social fabric, by aiming for reform and eventual replacement of the state through developing institutions that make a stateless society viable.<sup>151</sup>

All this indicates that the execution of a duty to oppose and undermine the state in the form of a violent revolution is not always warranted, as this is not always justified in reference to other competing moral considerations.<sup>152</sup> In this way, it suffices as a moral imperative to oppose states without succumbing to Simmons' depiction of a mindless violent revolution. To summarize what I have so far argued to be an adaptive duty to oppose and undermine the state, it: (1) varies with the extent of the illegitimacy of the state; (2) does not disregard independent moral concerns; and therefore (3) contains no final judgement on the means of arriving at anarchism.

#### **4.2 From Trivial to Tangible: an Adaptive Duty's Place in Anarchism**

I anticipate Simmons to disagree with my proposal of this adaptive duty. Because I treat the duty to oppose and undermine the state as dependent on other moral considerations within his balance-of-reasons approach, Simmons could counter that it is rather weak because it can be overridden by these same considerations when states act justifiably or are justified. Simmons claims that as states are often justified, such a weak duty leads to obedience rather than dangerous opposition.<sup>153</sup>

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<sup>150</sup> See Egoumenides, *Philosophical Anarchism and Political Obligation*, 226.

<sup>151</sup> This has been proposed by Wendt, "Against Philosophical Anarchism," 531.

<sup>152</sup> Some writers acknowledge this as a characteristic of anarchism. For example, see Wendt, "Against Philosophical Anarchism," 531.

<sup>153</sup> Simmons, *Justification and Legitimacy*, 111-112.



Simmons moreover writes the following: “Strong anarchists who nonetheless regard the obligation to oppose the state as relatively trivial weaken their position to the point where it becomes in practice indistinguishable from weak anarchism.”<sup>154</sup>

I however doubt whether the duty I have proposed is really ‘trivial’, meaning that the application clause of this duty is easily overridden by the states acting justifiable or its justifying features, through which no practical consequences would follow. This is so because, as chapter three concluded, the state is not acting justifiably if it is coercing natural and civil law without right, and thus consent. And as Egoumenides argued, an appeal to ‘justifying features’, merits, and virtues of a state does not do away with the moral gap in the existence of the state.<sup>155</sup> A state possessing worthwhile merits is rather an indication that the road to anarchism should not seek to immediately destruct the state apparatus but rather work to transform it from within.

I have nuanced the duty in terms of mode and immediacy, but such moral constraints do however not diminish its effects. It identifies and aims to get rid of those moral wrongs that Simmons *should* take seriously, as the state is proving not morally consistent with his political voluntarism and the ideals he upholds. It means to fight those “frighteningly regular, wrongful acts and policies”<sup>156</sup> that persons are subjected to. To further argue how such a duty to oppose and undermine the state could prove to be applicable, I will turn to describe radical realist political anarchism and its endorsed methods of anarchist revolution that I believe exemplify this duty to oppose and undermine the state.

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<sup>154</sup> Simmons, *Justification and Legitimacy*, 107n12.

<sup>155</sup> See Egoumenides, *Philosophical Anarchism and Political Obligation*, 49.

<sup>156</sup> Simmons, *On The Edge of Anarchy*, 266.

*Radical Realist Anarchism Explained*

I illustrate the realist anarchist position as illustrated by Gearóid Brinn.<sup>157</sup> I argue that this position exemplifies an adaptive duty to oppose and undermine the state because it adopts long-term strategies, but also allows differentiation of means of achieving this based on the actual political circumstances, all the while without departing from the goal of achieving anarchism.

As described by Brinn, Realist anarchism takes a practical and ‘realistic’ approach to achieving its goals. It does this by understanding the ‘actual conditions’ that the method of achieving anarchism must consider.<sup>158</sup> I propose that this approach illustrates what I perceive as an adaptive duty to oppose and undermine the state. This is due to realist anarchism’s focus on actual circumstances and thus willingness to engage in the context in which the duty is exercised, namely the state in question – from which ultimately, the balance-of-reasons approach derives its content. This, in turn, can facilitate the incorporation of the extent of the illegitimacy of the state in question, other justifying features of the state, and thus ultimately the political context.

Furthermore, realist anarchists recognize that there are no ‘immediate or guaranteed’ ways of achieving anarchism, but instead adopt long-term strategies.<sup>159</sup> In doing this, realist anarchists express a willingness to engage with dominant political institutions, which contrasts the stereotypical violent destruction of the state, Brinn emphasizes.<sup>160</sup> Such an approach to radical change is more viable than an armed revolution because of the state's monopoly of power and particularly constraining state apparatuses.<sup>161</sup> Instead, these methods aim to democratically engage

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<sup>157</sup> Gearóid Brinn, "Smashing the State Gently: Radical Realism and Realist Anarchism," *European Journal of Political Theory* 19, no. 2 (2020): 206–227, <https://doi.org/10.1177/1474885119865975>

<sup>158</sup> Brinn, "Smashing the State Gently," 210.

<sup>159</sup> For a more in-depth discussion of such strategies, see Brinn, "Smashing the State Gently," 219-220

<sup>160</sup> Brinn, "Smashing the State Gently," 219.

<sup>161</sup> Milan Rai, "Chomsky and Revolution," in Noam Chomsky: *Critical Explorations in Contemporary Political Thought*, ed. A. Edgley (London: Palgrave Macmillan, 2015), 177. [https://doi.org/10.1007/978-1-137-32021-6\\_9](https://doi.org/10.1007/978-1-137-32021-6_9)

with dominant institutions and can prove to be more successful in the long-term achievement of radical change.<sup>162</sup> This method of advancing towards an anarchist society stands in contrast with the widespread disobedience and misery that Simmons characterizes political anarchism with. By not advocating a violent revolution and rather favouring long-term strategies, but also by its willingness to engage with actual conditions of states (granting that the condition of some states might merit violent revolution, too), I pose that such a realist anarchist position and its adaptive duty to oppose and undermine the state *is* indeed a form of political anarchism implied by Simmons' philosophical anarchism.

### 4.3 Conclusion

This chapter has given a proposal of how Simmons' philosophical anarchism implies political anarchism. Specifically by building on Simmons' balance-of-reasons approach to describe an adaptive duty to oppose and undermine the state that can avoid Simmons' claim of political anarchism necessarily entailing widespread disobedience and misery. The first section described how I understand this duty exactly, namely that it varies with the extent of illegitimacy and takes into consideration other justifying features of the state. But also, how this informs a differentiation between the type of tactics that result from a duty to oppose and undermine the state and does not require needlessly violent and unhinged political resistance.

The second section illustrated a possible objection from Simmons, namely that this duty is not strong enough and leads to a position that is indistinguishable from philosophical anarchism. I have argued against this by claiming that there is still an incentive to oppose the state, but there are moral constraints for the mode of execution. By illustrating the realist anarchist position, I have shown an anarchist position that exemplifies the adaptive duty, which is distinct from philosophical anarchism by not departing from the goal of achieving anarchism. I conclude that Simmons'

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<sup>162</sup> Brinn, "Smashing the State Gently," 219-220.

philosophical anarchism *does* imply political anarchism that is characterized by a duty to oppose and undermine the state, the appropriate mode of which is dependent on the extent of state illegitimacy, operating within a balance-of-reasons approach.

## Conclusion

In this thesis I explored the implications of Simmons' philosophical anarchism, raising the question of whether it implies political anarchism and, therefore, a giving rise to a duty to oppose and undermine the state. As proposed by Wellman and Senor, notions of state illegitimacy, an absence of political obligation, and the resulting non-consensual state coercion indeed present moral dilemmas. By emphasizing the moral concerns arising from state illegitimacy, I have aimed to initiate a dialogue on reviewing our political structures and exploring alternative forms of social organisation.

Through a discussion of Simmons' counterarguments to Wellman and Senor's critique,<sup>163</sup> I found the moral reasons, duties and rights Simmons argues steer the balance away from opposition towards support to not be successful. State illegitimacy negatively influences the desirability of the state and the justification of state imposition, more than Simmons concedes to; state coercion without right, also in the case of natural law, becomes morally worrisome by default, and a natural duty of justice is insufficient to engender support to illegitimate institutions. Instead, I have argued that by virtue of a duty to promote justice and oppose injustice, non-consensual coercion morally justifies a duty to oppose and undermine the state.

However, I have noted that this duty to oppose and undermine the state has moral limitations. Widespread disobedience and violence are not immediately justified because this would mean disregarding independent moral motivations to display moral behaviour such as natural duties. To consider these concerns, I have argued for an adaptive duty to oppose and undermine the state that is situated within Simmons' balance-of-reasons view; it varies in content with the extent of illegitimacy in question and can accordingly require a different or more active form of

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<sup>163</sup> Wellman and Simmons, *Is There A Duty to Obey the Law?*, 24-29, 191-193; Simmons, "The Anarchist Position," 275-279; Senor, "What If There Are No Political Obligations?,"

opposition. I conclude that Simmons' philosophical anarchism does indeed imply political anarchism because it informs such a duty to oppose and undermine the state *in principle*.

It is important to note that this thesis —while focusing on the duty to oppose and undermine the state —, has not addressed the claim that anarchism is a superior alternative to the state. Although I have suggested that anarchism's relative freedom from non-consensual coercion renders it a better option, a more comprehensive exploration requires extensive empirical research on the success of anarchist societies in securing rights and promoting well-being.

Ultimately, by arguing how Simmons' position flows into political anarchist conclusions, I have aimed to show the moral weight and relevance of conclusions surrounding the absence of state legitimacy, and political obligation. If we come to Simmons' conclusion, this means having reason to steer away to a new form of social organization that avoids current coercive relations between citizens and their states. It means to give serious thought to alternative forms of organizing social life while balancing the well-being of fellow citizens and individual rights. Moreover, the revised perspective offered in this thesis provides new ways of understanding political anarchism — not as an ideology advocating for disorder and violence, but as one advocating for systemic reform and resistance against unjust coercion.

I conclude this thesis by highlighting a certain paradox that follows from my conclusion. An adaptive duty encapsulates anarchist tactics directed at slow reform within political institutions to directly challenge them. But what if these tactics are not successful? The political playing field in which the anarchists find themselves is created by the state, driven by self-preservation. If trying to change the state from within, one ultimately is stopped by the state apparatus itself. Should the anarchist ultimately fail, are more militant tactics justifiable to still work towards the goal of anarchism and oppose the state? Moreover, how can we create fair ground for anarchists to enter political discourse and introduce their ideals? These are important questions for future debate.

## Bibliography

- Brinn, Gearóid. "Smashing the State Gently: Radical Realism and Realist Anarchism." *European Journal of Political Theory* 19, no. 2 (2020): 206–227. <https://doi.org/10.1177/1474885119865975>
- Clark, John. "What is Anarchism?" *Nomos* 19 (1978): 3-28. <http://www.jstor.org/stable/24219036>
- Dagger, Richard, and David Lefkowitz. "Political Obligation." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2021 Edition. <https://plato.stanford.edu/archives/sum2021/entries/political-obligation/>
- Egoumenides, Magda. *Philosophical Anarchism and Political Obligation*. New York: Bloomsbury Academic & Professional, 2014.
- Egoumenides, Magda. "Anarchism and Political Obligation." In *The Routledge Handbook of Anarchy and Anarchist Thought*, edited by Gary Chartier and Chad Van Schoelandt, Abingdon: Routledge, 2020. <https://doi.org/10.4324/9781315185255-14>
- Gans, Chaim. *Philosophical Anarchism and Political Disobedience*. Cambridge University Press, 1992. <https://doi.org/10.1017/CBO9780511898235>
- Green, Leslie. *The Authority of the State*. Clarendon Press, 1988.
- Honore, Tony. "Must we Obey? Necessity as Ground of Obligation." *Virginia Law Review* 67, no. 1 (1981): 39-62. <https://doi.org/10.2307/1072831>
- Horton, John. "Anarchism: Political and Philosophical." In *Political Obligation. Issues in Political Theory*, London: Palgrave, 1992. [https://doi.org/10.1007/978-1-349-22286-5\\_5](https://doi.org/10.1007/978-1-349-22286-5_5)
- Huemer, Michael. *The Problem of Political Authority*. London: Palgrave Macmillan, 2012.
- Jeske, Diane. "Special Obligations." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter 2021 Edition. <https://plato.stanford.edu/archives/win2021/entries/special-obligations/>
- Klosko, George. "Political Obligation and the Natural Duties of Justice." *Philosophy & Public Affairs* 23, no. 3 (1994): 251-270. <https://www.jstor.org/stable/2265185>
- Leipold, Bruno. "Political Anarchism and Raz's Theory of Authority." *Res Publica* 21, no. 3 (2015): 309–329. <https://doi.org/10.1007/s11158-015-9266-1>
- Locke, John. *Two Treatises of Government*. Edited by Lee Ward. Cambridge: Hackett Publishing Company, Incorporated, 2016. *ProQuest Ebook Central*
- Miller, Leslie. *Anarchism*. London: Dent, 1984.

- Peter, Fabienne. "Political Legitimacy." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2017 Edition. <https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>
- Rai, Milan. "Chomsky and Revolution." In *Noam Chomsky: Critical Explorations in Contemporary Political Thought*, edited by A. Edgley, London: Palgrave Macmillan, 2015. [https://doi.org/10.1007/978-1-137-32021-6\\_9](https://doi.org/10.1007/978-1-137-32021-6_9)
- Rawls, John. *A Theory of Justice*. Revised edition. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1999.
- Raz, Joseph. *The Authority of Law*. Oxford: Oxford University Press, 1979. <https://doi.org/10.1093/acprof:oso/9780198253457.001.0001>
- Sanders, John T. "The State of Statelessness." In *For and Against the State: New Philosophical Readings*, edited by John T. Sanders and Jan Narveson, Rowman & Littlefield, 1996. <https://philarchive.org/rec/SANTSO-6>
- Senor, Thomas D. "What if There are No Political Obligations? A Reply to A. J. Simmons." *Philosophy & Public Affairs* 16, no. 3 (1987). <https://www.jstor.org/stable/2265267>
- Smith, M. B. E. "Is There a Prima Facie Obligation to Obey the Law?" *The Yale Law Journal* 82, no. 5 (1973): 950–76. <https://doi.org/10.2307/795537>
- Simmons, Alan John. *Moral Principles and Political Obligations*. Princeton, NJ: Princeton University Press, 1979.
- Simmons, Alan John. "The Anarchist Position: A Reply to Klosko and Senor." *Philosophy & Public Affairs* 16, no. 3 (1987). <https://www.jstor.org/stable/2265268>
- Simmons, Alan John. *On the Edge of Anarchy: Locke, Consent, and the Limits of Society*. Princeton University Press, 1995.
- Simmons, Alan John. *Justification and Legitimacy: Essays on Rights and Obligations*. Chicago: The Chicago University Press, 2001.
- Simmons, Alan John. "Political Obligation and Authority." In *The Blackwell Guide to Social and Political Philosophy*, edited by Robert L. Simon, Blackwell, 2002. <https://doi.org/10.1002/9780470756621>
- Taylor, Michael. *Community, Anarchy and Liberty*. Cambridge: Cambridge University Press, 1982. <https://doi.org/10.1017/CBO9780511607875>
- Wellman, Christopher, & Simmons, Alan John. *Is There a Duty to Obey the Law?* Cambridge University Press, 2005.



Wendt, Fabian. "Against Philosophical Anarchism." *Law and Philosophy* 39 (2020): 527–544.  
<https://doi.org/10.1007/s10982-020-09377-4>

Windeknecht, Ryan Gabriel. "Law Without Legitimacy or Justification? The Flawed Foundations of Philosophical Anarchism." *Res Publica* 18, no. 2 (2012): 173-188. <http://doi.org/10.1007/s11158-011-9175-x>

Wolff, Robert Paul. *In Defense of Anarchism*. London and New York: Harper and Row, 1970.