



Philosophical Anarchism and Political Disobedience.; The Principle of Fairness and Political Obligation.

Review Author[s]:
Jonathan Wolff

Mind, New Series, Volume 102, Issue 407 (Jul., 1993), 500-504.

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

Mind is published by Oxford University Press. Please contact the publisher for further permissions regarding the use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/oup.html>.

Mind
©1993 Oxford University Press

JSTOR and the JSTOR logo are trademarks of JSTOR, and are Registered in the U.S. Patent and Trademark Office. For more information on JSTOR contact jstor-info@umich.edu.

©2001 JSTOR

suggestion that cause and effect coincide for some temporal interval is framed in terms of events and in terms of her processes.

I conclude that Emmet has not shown there to be a need for a distinct category of processes in addition to events; processes just are sequences of events. This conclusion affects the metaphysical foundations of Emmet's book. But most of the acute and illuminating discussion of the second half of her book can be saved by reading her talk of processes as talk of sequences of events.

Clare College
Cambridge CB2 1TL
UK

ALEX OLIVER

Philosophical Anarchism and Political Disobedience, by Chaim Gans. Cambridge: Cambridge University Press, 1992. Pp. xiii + 174. £27.95,

The Principle of Fairness and Political Obligation, by George Klosko. Lanham, MD: Rowman and Littlefield, 1992. Pp. xiii + 204. £41.95 H/b. £15.95 P/b.

As both Chaim Gans and George Klosko point out, many recent theorists have argued for Philosophical Anarchism—that we have no special obligation to obey the law. The project of both is to show that this view is in error.

Klosko's clear and well-written book is the most comprehensive attempt yet to argue for the existence of political obligations from the Principle of Fairness. In essence the argument is that as we benefit from our fellow citizens' compliance with the law, we owe them a duty of fairness to submit as well. This has great intuitive plausibility, but then so too does Nozick's famous riposte: people can't create obligations by forcing goods upon others.

Klosko takes an important step forward in showing how to reply to Nozick. He argues that three necessary conditions must be met if a scheme is to generate obligations through the Principle of Fairness. "Goods supplied must be (i) worth the recipients' effort in providing them; (ii) 'presumptively beneficial'; and (iii) have benefits and burdens that are fairly distributed" (p. 39). Examples of presumptively beneficial goods are "the benefits of physical security provided by law and order, national defence, and protection from a hostile environment" (p. 40). These goods are said to be necessary for any acceptable life and so we can presume that all people want them. But as they can only be supplied by cooperative effort, and there is no way to exclude non-cooperators, then it is reasonable to force everyone to contribute, provided conditions (i) and (iii) are also satisfied. The only objectors will be those who unfairly wish to take a free ride on the efforts of others, and these are the people that the argument is explicitly designed to catch.

Klosko plausibly argues that condition (iii) will be met if a society adopts "tolerably fair procedures" for determining the distribution of benefits and burdens. However condition (i)—that the benefits are worth the burdens—must be a matter for each individual. Klosko recognises that there could be people for whom this

condition fails, and consoles himself with the thought that such people will be rare. Who, after all, would really benefit from the abolition of law and order? Yet there are groups of people who do try to isolate themselves and avoid the benefits of government, and so it seems possible that such people will escape political obligations, on Klosko's argument. Klosko, however, does not seem to mind, although he somewhat blurs the issue by setting out the requirement that an acceptable theory "must be able to establish the obligations of *all or most* members of society" (my emphasis p. 3). Others might think that this goal shows lack of ambition, and it would have been helpful if Klosko had said more about the important issue of whether anyone at all can be permitted to escape political obligations.

Of much greater concern to Klosko is the fact that governments also supply non-presumptive "discretionary goods", i.e. goods that many people could live without (e.g. clean streets, public transportation). He assumes that it is ideally the task of a theory of political obligation to explain all spheres of governmental activity, and so has to show how the principle of fairness can be extended to cover the supply of these non-presumptive goods. Klosko's bold claim is that if a government supplies at least one presumptive good then this can trigger obligations to contribute to many discretionary goods. His main argument is that presumptive goods often, in practice, cannot properly be supplied without a package of discretionary goods, and so, indirectly, we have an obligation to contribute to the supply of these too. For example, Klosko correctly points out that while transport and communication facilities are, in themselves, discretionary goods, they are vital to the successful functioning of the armed forces.

Klosko does acknowledge that not everything provided by modern governments can be justified in these terms, and in particular certain welfare measures must be defended by appeal to other arguments. But it is not clear why Klosko feels that the theorist of political obligation should set out to justify the content of all a society's laws. Surely there is room for a division of labour between the theory of political obligation (why have laws?) and the theory of justice (what particular laws should we have?). Further, it must be rare that contemporary governments find it desirable or effective to attempt to justify, say, transport policy to the electorate on the basis of military, rather than consumer, need.

In *Philosophical Anarchism and Political Disobedience* Gans fairly points out that Philosophical Anarchism is a peculiar, "toothless" doctrine, often combined with the recommendation that nevertheless we should obey most laws, most of the time. Gans argues instead that we do have an obligation to obey the law, but this duty is limited in the sense that its justification also entails the right or duty to disobey on certain occasions. He admits that the practical difference between the two positions may be vanishingly small, but still his view, if it can be sustained, is theoretically more attractive (even if less exciting in a sophomoric sort of way). There surely is something bizarre, even cowardly, in proclaiming oneself an anarchist while disclaiming any radical consequences of this view.

Gans' book is in two parts, and in the first half he tries to refute the Philosophical Anarchists. The most interesting part is Chapter 2, where he takes on the "Critical Anarchists" who claim that there are no good arguments to show that we do have political obligations. In response Gans argues that four arguments succeed against standard lines of criticism. These are arguments from fairness, from the negative consequences of disobedience, from the duty to support just institutions, and from communal obligations. Gans' innovation is to argue that these arguments are complementary in the sense that, while each argument on its own has flaws, they can be repaired by mutual supplementation. For example, Rawls claims that we have a duty to support those "just institutions which apply to us". But how can we give a non-circular criterion for when an institution applies to us? Gans appeals to the notion of obligations arising within a community to answer this. The two arguments, then are put to work together.

This is a valuable and useful suggestion, but we cannot treat it as much more than that, for Gans does little to test it against criticism. One obvious point is that it seems unsatisfactory simply to help oneself to one claim from Rawls, and another from his most trenchant critics, without examining whether the two claims have consistent justifications at a more fundamental level. Perhaps there is no problem here, but we need reassurance.

The most interesting coupling of arguments, and the most important, both in itself and in its role in Gans' overall project, is that between the argument from fairness and the argument from the negative consequences of disobedience. Gans accepts that the simple argument from fairness cannot create a universal obligation to obey, for, as discussed above, some people will prefer to have no law and no benefits, and it hardly seems fair to enforce the reverse preference upon them. But then, Gans adds, suppose that the law is "morally necessary". Those who prefer no law and no contribution have an "immoral" preference, to which no weight should be given. Thus the only relevant issue is whether these people should receive the benefits of the law without suffering the burdens. Fairness demands they should not.

Why should we think the law is morally necessary? Here I must say that I did not find the discussion easy to follow. In part Gans follows a route very similar to Klosko's "presumptive goods" approach. But he also seems to appeal to the idea of law as a tool for enforcing desirable conducts, and thus to the negative consequences of breaking the law. Still it is not obvious that either consideration is sufficient to establish that the law is morally *necessary*, rather than, say, morally desirable. But without the stronger claim it is hard to see why the anti-statists preferences are immoral, so I feel Gans has to do more work to make the argument go through.

Just as Gans tries to support the argument from fairness with the argument from negative consequences, he also tries, as a separate argument, the reverse. Often there are no significant direct negative consequences of breaking the law. The law can exist despite a certain measure of free-riding. But then, if law-abiding citizens notice this free-riding their resentment at the unfairness may lessen

the law's hold on them. Therefore breaking the law also has these indirect negative consequences. This is an argument, then, for general obedience.

Critics will argue that there is something odd in trying to refute the anarchist by appealing to the negative consequences of disobeying the law. Surely the anarchist will respond: no law, no negative consequences of disobedience. But this perhaps ignores the dialectical structure of the position. Gans does not so much attempt to refute anarchism, but respond to anarchic rejection of arguments for the state. In particular Gans is here trying to reply to the claim that if an act has negative consequences, it will have them whether or not it is prohibited by the law. So his task is to find a *special* negative consequence of breaking the law, and he makes out a plausible case.

Gans believes that the argument for obedience also shows when disobedience is permitted or even required. Here his discussion is partly informed by contemporary events in Israel, including personal experience of limited conscientious objection during national service. Later he "considered it appropriate to object totally to serving my reserve military duty within the mechanism dominating the Palestinians" (p. xii). A capsule statement of his view is that we sometimes have a right to disobey for moral reasons, although we (almost?) never have the right to disobey for non-moral reasons, such as personal interest or economic efficiency. This distinction, however, is problematic. I might (rightly or wrongly) think a measure immoral because it ignores my personal interest.

To explain Gans' position in a little more detail, he attempts, first, a purely formal specification of the circumstances of justified disobedience, relying only on the argument from negative consequences. The consequences of disobedience must be weighed from the point of view of one's political morality. If a law does direct harm to that political morality, and greater indirect harm would not follow from disobedience, then one has a right, perhaps even a duty, to disobey that law. Thus by this argument both nationalists and liberals could have the right to disobey laws that do not accord with their political morality.

This pluralism may seem alarming. We may accept that extreme nationalists are justified in rejecting liberal measures *when considered from their own point of view*, but it does not follow that their behaviour is really justified: perhaps their political morality is mistaken. This seems to be what Gans believes for clearly he accepts what he calls a humanistic political morality. But he does not argue for his view here—that is not the task of this book—so he feels that all he is entitled to assert is the purely formal view, even though that is not his final position. But he does add a sketch of the outlines of a substantive view of the limits of obligation, which supports the humanist case.

Gans' discussions of both obligation and disobedience are of real interest, and deserve serious consideration. Generally the book is intelligent and careful, although somewhat tough-going in places. Curiously, however, with a handful of exceptions, it takes little note of work published after the mid-1980's or so. Klosko's work, bang up to date, deserves note as perhaps the best and most detailed attempt yet to account for our political obligations with the argument

from fairness. Both books make valuable contributions to the ever-expanding literature.

Department of Philosophy
University College London
Gower Street
London WC1E 6BT
UK

JONATHAN WOLFF

The Existence of the World: An Introduction to Ontology, by Reinhardt Grossmann. London: Routledge, 1992. Pp. vi + 139. £30.00.

Intended as an introduction to ontology, this delightful little book is a condensed, simplified, and modest reworking of Grossmann's earlier contribution *The Categorical Structure of the World* (Bloomington, Indiana: Indiana University Press, 1983). The book consists of five chapters which can be divided into three sections. Section one (chapters one and two) focuses on the debate between ontologists and naturalists over the existence of non-spatiotemporal abstract entities. Grossmann centres this debate around the realist versus nominalist controversy regarding the ontological status of properties. Siding with the realists, Grossmann moves into section two (chapter three) and develops his understanding of the categorial structure of the world. Finally, section three (chapters four and five) considers two features of the world that transcend the categories: existence and negation.

Section one is where Grossmann must justify his position, for unless abstract entities exist, one cannot offer a categorial analysis of their classification. Chapter one contains an excellent introduction to the problematic of the book. According to Grossmann, ontology tries to discover the categories of the world and the laws that govern them. The first datum that presents itself to the ontologist is the distinction between individuals and their properties and this distinction is rooted in the fact that the former change and the latter do not. Examples of individuals are, superficially, a billiard ball or apple (pp. 5-6), but more precisely, simples without spatial or temporal parts, e.g. a momentary thought or a square drawn on a blackboard at a moment (p. 47-8). The former are complex individuals, the latter are true individuals since they are simples. In general, all individual things are temporal.

Regarding properties, Grossmann claims that the most crucial question is this: Are properties located in space and time or are they timeless and spaceless? More generally, if abstract entities are non-spatiotemporal, we must ask: are there abstract things? The physical universe is one spatiotemporal totality of matter and energy. The world includes every existent whatever, including abstract entities. Naturalists, says Grossmann, deny the world and only believe in the universe. Ontologists like Grossmann accept the world, and these two camps have been at war over this issue since the time of Socrates.