

## **Libertarianism: The Underlying Government of Anarchy**

Isaac Griffith  
Computer Science  
Montana State University – Bozeman  
PO Box 173880  
Bozeman, MT 59717-3880

Faculty Advisor: Rafal Angryk, Ph.D

### **Abstract**

Can an anarchist ever accept the underlying government existing within their empty "government-less" framework? Where anarchy basically is the belief that no government can possibly be legitimate, yet found within the anarchist's arguments against government is a path to legitimacy. The path begins when the anarchist leaves open freewill, and ensures people the right to choose to partake in organized voluntary social activities, as long as no coercion exists. If we take a deeper look at the anarchist's goals and arguments against so called legitimate governments, it seems apparent that there is no hope, for the anarchist, and we should simply shrug off their notions as an aberration of society. When one takes a look at available frameworks and theories of government a single glimmer of light pervades the darkness of anarchy. We must first understand how anarchy leads us into libertarianism, as Nozick shows, and the road between them provides the path to legitimacy. It is through the free market economy, freedom and rights of the people, and the need for social connection and security that leads to the formation of independent protection agencies and contracts. It is these three concepts that are built into the anarchist's beliefs and framework that provide an underlying and inherent libertarian governmental structure. With this underlying governmental structure existing inside of the anarchist's framework providing the people with all of their needs defined by the anarchist ideal. It is my conclusion that this underlying governmental structure meets the necessary requirements of both libertarian views and anarchist views and thus must be accepted as a legitimate government by both.

**Keywords: Anarchy, Libertarianism, Legitimacy**

### **1. Introduction**

The anarchists maintain a position that there is no such thing as a legitimate governing body. Furthermore, anarchists deny that anarchism itself is a system of government, but instead is a state where the government does not have a means by which to rule. Unfortunately, this sort of system is still based within the context of such structures as social connections between people and economic systems<sup>2</sup>. This is evident in the implicit need for a completely free market in the anarchist's ideal world<sup>1</sup>.

The question presented by the anarchist is: How can any form of government be legitimate? A better question perhaps is how can any form of government reply to this question? Nozick presents a libertarian ideal as set forth in "Anarchy, State, and Utopia" which may yet present a potential answer to these questions. Yet in review he does not put forth a means to explain the legitimacy of his libertarian concept, which would justify it to the anarchist. Nozick instead attempts to show that libertarianism is the best form of government when compared to the alternatives. So the burden becomes the following: given that libertarianism is the best choice for a governmental system, what in turn makes it a legitimate government?

It seems that for Nozick the final goal of an anarchist society is to create a libertarian like government. Yet, it is from the above that we can see that perhaps the problem that anarchist's have with libertarianism is not the proclaimed coercion, power, and the state, but is instead a misconception within their minds by an improper conception of their own ideals. Thus, the anarchist's claim of illegitimacy is due to the use of two different words to describe the same concept<sup>1</sup>. This is not to show that libertarianism is equal or identical to anarchy, but that their similarities are due to an inherent relationship, whereby one eventually leads to the other, due to the already existing presence of the other.

## 2. Nozick and Libertarianism

It would seem that Nozick attempts to define how a libertarian Minimalist State could occur from, what he calls the state of nature, a state of complete anarchy<sup>4</sup>. There exists a minimal set of constructs, within this state of nature, which includes a group of people holding freedom and rights at the highest of value, the necessity to maintain this freedom by actively not entering into coercive situations, and finally the existence of a completely free market<sup>3</sup>. According to Nozick this state will eventually lead towards the creation, and necessity, of Mutual Protective Associations (MPAs)<sup>4</sup>. The MPAs will be necessary to ensure that violations of rights are prevented, but there will be a cost associated for those who are clients of these agencies. This cost is completely directed by the free market exchange of the society. As these MPAs evolve within the free market a time will come when a Dominant Protective Association (DPA) (evolving from the leading MPA on the market) will eventually monopolize the protection market<sup>4</sup>. This DPA will eventually become powerful enough to assert itself as an Ultraminimalist State, thus usurping the existing anarchist state. It is from this Ultraminimalist state that the libertarian Minimalist State forms, which while maintaining all the benefits of the Ultraminimalist State<sup>4</sup>. This new Minimalist State will also incorporate, into its protection, those who are not clients of the DPA, now known as the Minimalist State, but are simply citizens residing within its territory (as gained through the assertion of power)<sup>4</sup>. This is the path towards a libertarian government that Nozick envisioned<sup>3</sup>. Yet, it is this assertion of power that forms the base of the anarchist's claim to illegitimacy of government.

### 2.1. coercion, power, and the state

Unfortunate for Nozick, is that even though the path to libertarianism seems to be a natural progression, it leaves open the basic question from the anarchist: Why is libertarianism a legitimate government? To which Nozick provides no answer beyond maintaining that the benefits of anarchy exist with an added benefit of protection. Yet, it is this added service of maintaining the rights of the people, including those who do not pay, which seems to be the root of coercion. This simple benefit which on the surface may be for the benefit of society is coercive in that it requires the collection of a fee or taxes from the citizens without their ability to refuse<sup>2</sup>. In light of this coercive nature a few questions can be raised: Is the evolution that Nozick provides, the necessary evolution of anarchy? Does a governmental system necessarily need to exist? Does the Minimalist State necessarily need to use coercive methods in order to ensure that it maintains its power and protects the rights of its people? Of all these questions the last seems to be most pertinent to the topic.

It seems that the anarchist when viewing the argument Nozick makes, appears to be hung up on the evolution of the Minimalist State and its necessary functions. In that, if the Minimalist State does not have a need to ensure competing governments cannot claim its territory (or its ability to protect its citizens), then they posit that it is still

only a MPA<sup>2</sup>. If it maintains this status then it no longer is a government, but instead it is a free market institution. Thus, there is no need to question the legitimacy of the government<sup>2</sup>.

If this argument is to be taken as the starting point to determine if libertarianism can be legitimately called a government, then it has a long way to go. Yet, it seems that the focus is on definitions of ideas, which are common to both sides. The problem then becomes how to achieve the protection of the people and their rights, without using force and coercion, while simultaneously ensuring that competing governmental agencies do not usurp the current power.

## 2.2. territory and property

Another problem that seems to crop up between the libertarian position and anarchist ideals is that of property rights. If a government is in control of a certain section of land, but that land is owned by a group of people (each owning a specific portion), then what happens if a select few choose to leave the control of the government? That is, what happens if they decide to secede from the government's control; do they lose the right to their land or does the land go with them?

The fight over territory and secession for the anarchist tends to reside in one argument, which claims that the government was created by the people and thus can be dissolved by the people<sup>1</sup>. If this is true then the libertarian is left with a need to account for property rights in succession as well as the state's influence upon a constituent's property. Accordingly Nozick's libertarian theory claims that under libertarian ideals those who own property have the liberty to do with that property what they will as long as they are not violating another's protected liberty<sup>4</sup>. It can also be shown that from Nozick's ideal libertarian society, one is a part of the Minimalist State and is protected by it when they have paid their dues, so to speak<sup>5</sup>. Yet, if they choose to leave the state, the question becomes will the state attempt to force them to continue to pay for that protection? That is, will the state attempt forceful and coercive methods in order to force the person(s) back into its protective blanket, or not?

## 3. Anarchism's Rejection of Government

The anarchists claim that a government has two necessary requirements. The first requirement is taxation which, as defined by anarchists, is the coercive requirement of payment for services<sup>1</sup>. The second requirement is that a government must forcibly ensure its control over its own territory<sup>1</sup>. These two requirements can be distilled into one statement: No government is legitimate due to its coercive means of protection (both its own interests and the people's interests).

Coercion also comes into play with power relationships. The anarchists maintain that no one can legitimately control by a coercive means, nor must anyone obey due to a coercive means<sup>1</sup>. This does not preclude voluntary actions or voluntary commerce<sup>1</sup>. This then allows such things as protection agencies (which exist within the free market), which can be hired by a client to ensure that the client remains safe<sup>1</sup>. The anarchist believes that from this rejection of government one can achieve a greater natural liberty, greater autonomy leading to greater responsibility, greater sociability, and a greater nature of creativity<sup>1</sup>. This, in turn, puts the burden of proof upon those who believe that a governmental system can be legitimate, while maintaining these ideals. Yet, it is this burden that has produced various formulations of what anarchism actually is.

### 3.1. coercion, power, and the state

If the anarchist believes that no governmental system can be legitimate, that is, no one can have control over another unless that person volunteered their will, but volunteering to have someone control you is not an option either, then how does an anarchist explain the implicit governing system built into its own internal workings?<sup>1</sup> These internal workings are those which would ensure that violence, crimes against humanity, etc. do not happen. This system is the means by which one person doesn't murder another for their own personal gain, and this system ensures that

because of the implicit need for a social network that will ensure each person's safety. Yet, it is through these intangible, yet ever-present, bonds that we are controlling each other at all times. So, apparently, the anarchist is only concerned with the conscious and active control of others, rather than the perhaps subconscious and passive control that their system implies.

These intangible bonds are those by which governments are formed, thus providing a means by which the intangible becomes tangible. Perhaps, instead of control the anarchist seems to question the means by which this transition occurs. That is, the system of anarchy appears and feels free, whereas the alternatives by comparison do not. So, if we are to follow with the concept that these intangible bonds do exist within an anarchist society, then we must understand that a sort of protection scheme must also exist<sup>1</sup>. Now as the society grows, and we are assuming that there is free trade, then eventually someone will learn to exploit the protection facet of this intangible bond. As the market goes, eventually people will jump on the bandwagon and open up competing protection agencies. Yet, still on the personal level these bonds have not dissolved, but for those who can afford it their protection can be assured. Now the anarchists seem to want to argue against the monopoly of the protection racket by the government<sup>1</sup>. Yet, within an anarchist society there seems to be the same thing going on, but on a smaller scale. Instead of governments there are protection agencies, and instead of countries with citizens, there are clients who own property, and as for those not under any protection agency they are just the outsiders.

Now we must look at how these bonds that prevent interpersonal violence can be applied to the concept of the protection agency. Since there are multiple protection agencies, some better than other, and some not so much. We must assume that if any one decided to attack another to gain territory, the others would come together and prevent that, or allow it to happen to ensure a better market share for all. This process and process by which the free market tends to flush out the worst providers of a service will ensure the mutual benefit of all. Yet, it seems that the intangible bonds that ensure an anarchist society's survival must be able to encompass all of the society's activities.

From this point it is hard to see where the anarchist differs from the libertarian in the means by which their respective governments (or lack of governments) act, besides the difference in active or passive control of the population. It appears that the problem arises again in the means by which the government assumes authority in all alternative governments, and those who live under its rule are not their by voluntary choice. Yet, if the problem is the means by which a government assumes control, then this is itself a problem with the anarchist society as well. Since governmental control is the coercion of one group of people by another group<sup>1</sup>, and this control need not be actively stated, then any form of control is itself coercive. If governmental control is coercive, then government is a coercive institution. Since anarchy contains a group of people and implicitly contains control structures between subgroups of the anarchist society, it itself contains a governmental institution. This inherent institution by nature of its (passive – hidden) control structure is itself coercive. Therefore anarchy is inherently a governing system for a society and is thus a coercive system.

### 3.2. territory and property

Moving on, we must address the issue of property rights. It seems that the anarchist's are afraid not that the government will own the property, but that if one chooses to not acknowledge the government and to not be held within its jurisdiction, then they would need to leave. Thus, this act of leaving ensures that they would not be able to take the land, nor certain properties gained by residing where they choose to<sup>1</sup>. Yet, it seems that this is more of a logistics problem than one of a government. In that, if someone chooses not to partake in an anarchist society and wants more apparent stability offered by another government, they cannot choose to have that government include only their land, which is surrounded by the anarchist's. Thus, they would also need to move, leaving the property behind as well. Perhaps, though, this is not necessarily what is meant by property rights, perhaps the anarchists are worried about paying taxes or, better yet, being forced to pay taxes for the property that is theirs. This it seems would be a case of what happens when a government is formed and during its time in power. That is, it is something that is controlled through government processes and is not something that is required, but one could argue that it is

the price of ensuring safety. Yet, since we are talking about a libertarian society then the taxes would be minimal to the point of maintaining the armed service and the minimal court system.

The question is: Is this any different than it would be in the anarchist state. Assuming that there are some form of judicial mediator's on the free market that can help to dispute differences between the people, and we have also discussed the need for protection agencies. Both of these are voluntary participation groups, where one volunteers to become a client, and then over time they would pay the fees as long as they remained clients. So it seems that even the anarchist community has these things.

### 3.3. the problem for the anarchists

So now that we understand that within both anarchist and libertarian societies the same things exist, one might wonder where the illegitimacy of libertarianism truly stems from. This will bring us back to the beginning, where the concept of passive or active control was the issue. In the anarchist society control, coercion, and power all exist, but they only exist as passive intangible concepts. On the other hand, in a libertarian society, as well as all others (according to anarchists), these concepts move into a more active role and form tangible constructs such as police forces, taxes, etc. It is these tangible constructs that have the anarchists in a bind.

Yet, the above shows how these same constructs can exist even within the passively controlled society of anarchy. That is anarchy, while maintaining an ideal that a member of the society cannot enter into coercive contracts willingly but can enter into social groups willfully (as long as they can just as easily leave), there must be some form of underwritten contractual and social goal built into the anarchists ideal. This perhaps stems from the tendency of humans to create social networks and seek out other human contact. These tendencies are illustrated above in the formation of MPAs, the formation of the free market, and even in the formation of a system of common ideals called anarchy. The fact that both anarchy and libertarianism have similar ideals (if not the same) is no coincidence. That is Nozick was on the right track in believing that anarchy perhaps would eventually lead to libertarianism of some form. Yet, there is something unstated about the actual connection.

### 3.4. legitimacy of the libertarian system: dynamic libertarianism

The anarchist when proposed that the system they follow is underlined by an apparent illegitimate system of government will initially be enraged. The anarchist will be unable to assert that such a system is legitimate, and can still be called anarchy. It is the fact that a system exists with coercion inherent within it that they will deny is anarchism. Yet, if they are placed in a position which allows them to critically review the underlying power relationships they must realize that the fluid libertarianism is the system upon which anarchy rides. It is due to this fluid nature that the anarchist must accept the legitimacy of their own system. If the anarchists so choose to change their system, they cannot change the core beliefs which it is designed to ensure. If they change these then they no longer have a need for anarchy in the first place. Yet, the anarchist may believe that they can escape this problem, by choosing to change the structure of the system, yet this does not necessarily change the core beliefs, but instead the means by which to ensure them, thus maintaining the fluid libertarian construct. Thus, the anarchist need not accept Nozick's ideal of libertarianism as legitimate, but that anarchy itself contains a form of passive coercion and passive power which is used to ensure the ideals maintain. It is these passive properties of anarchy which form the fluid libertarianism. The fluid libertarianism is itself only fluid in structure and thus, can always escape the legitimacy issues that ensnare the rigid notion put forth by Nozick. It is this reason, as well, that the anarchist need not question their own system.

## 4. Conclusion

The connection between anarchy and libertarianism is that the minimal set of libertarian constructs form the underlying system of anarchy, and it is this system that allows anarchists to function as a group. The difference is the way the two systems evolve over a period of time. Once the libertarian government is established it sets the mindset of the people into place and establishes the coercive relationship between the people in power and the constituents of the government. This acts as an evolutionary lock ensuring the continued operation within a specified, and rigid, set of libertarian beliefs acting as the doctrine of the government. In the anarchist society, the libertarian beliefs act as a governing guide within the people and as the society evolves the set of ideals evolve with it (acting in a fluid nature), thus preventing the society from entering a locked (and rigid) coercive state, while simultaneously ensuring that that minimal (night watchman state) set of libertarian beliefs maintain in play while the structure of the society changes. This, in turn, allows the society to grow or shrink (in both population and physical size) but the construct underlining the society as a whole maintains, without utilizing active coercive methods.

It seems that the anarchists maintain that the other party (libertarians, socialists, etc.) must explain their right to rule. Yet, it would seem in this case, that the right to rule is one based upon the market trend and basic necessity. Thus, it would be the people of the anarchist society through social processes have implicitly placed people into power positions. This stems from both the free market, and the inherent social bonds that create dynamic social necessities, which will provide the emergence of the underlying libertarian minimalist state. This emergence will be formed from the inherent power and coercive control that is passively encapsulated within the anarchist society in the first place. Therefore the legitimacy of a fluid libertarian government is the same legitimacy as the society within which it is born, the anarchist society.

Thus, to conclude, we begin by acknowledging the inherent power/control and /economical structures that exist within all societies, and therefore within an anarchist society. Though, these structures exist they are only passive social structures within the anarchist society. As these structures begin they are merely conceptual and in the minds and bonds of the people of the society, but as they begin to work together or against each other, the structures tend to become tangible even more tangible. This underlying libertarianism will not be the complete minimalist state as describe by Nozick. Instead it is a fluid/dynamic form of libertarianism, whereby the market still is controlled by the consumer and thus, controls which structures hold the power. Yet, it is the exact relationship that provides the legitimacy of the government. Since, the people control the market and define the government, then each new generation continues to control who is in power. Therefore, dynamic libertarianism, an inherent underlying structure of anarchy, is a legitimate form of government. Though, it seems that the legitimacy of the rigid form of libertarianism is still within question there is perhaps a means to escape and maintain legitimacy. There must exist a means by which the rigid form and maintain a semblance of fluidity to ensure that as the societies belief structure changes the governmental control maintains follows with it, thus maintaining the protection of the rights that the society deems necessary, while simultaneously removing from the governmental purview that which is not deemed necessary. Without this fluid aspect of the government, no government can maintain legitimacy.

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