

The Australian

Anarchy is a law unto itself

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IS there a political obligation to obey the law?

EVENTS in England this past week bring to mind that old starting point of political philosophy: the state of nature. This is the hypothetical condition of humanity before the establishment of society.

The anarchy in London and elsewhere in England certainly resembles a place where no all-powerful state is in control. Looters, arsonists and violent mobs have succeeded in taking over the streets. The lawlessness and brazen criminality of rioters have raised serious questions about the state of English society.

Naturally, commentators have been making their diagnoses. Some have blamed the riots on a dysfunctional welfare state that has destroyed self-reliance and solidarity. Others have argued they can be understood only in the context of community tensions with police, high unemployment, and austerity cuts.

The real story no doubt is much messier. It can suit political prejudices to impose a neat ideological narrative on events.

However, social disorder in England does prompt us to reflect on some things we take for granted. Does the fact rioting mobs so suddenly assumed control of city streets demonstrate the perpetual fragility of civilised society? After all, why do members of a society adhere to the rule of law? Might citizens be mistaken in believing that they are under an obligation to obey the law?

The question of political obligation has troubled thinkers for centuries. It is rare to find philosophers who agree on the matter.

Thus, Lockean liberals would emphasise that no individual is obligated to comply with the laws of the state unless they have consented to political authority. John Locke himself believed the mere fact a person resided within a state's territory was enough to count as tacit consent.

By contrast, many modern liberals believe that political obligation exists because of a principle of fairness or justice. John Rawls explained that where a person accepted the benefits of a "just scheme of social co-operation", they were bound by a duty of fair play to do their part. Fairness, if not a natural duty of justice, demanded that one shouldn't take advantage of others.

Then there are philosophical anarchists who deny the legitimacy of the state. It may seem subversive even to give anarchism a hearing, given the week's events. It is important, though, to distinguish between two kinds of anarchism. There is, of course, the political variant, which advocates practical steps to overthrow or eliminate political states. A philosophical version, meanwhile, needn't involve taking up arms against governments. It is enough to count as a

philosophical anarchist if you believe there are no special reasons to obey the laws of a particular state simply because the state is "ours".

According to A. John Simmons, a proponent of philosophical anarchism, the notion of political obligation has no objective moral basis. Where we obey the laws of a state, we should do so because "of careful consideration and weighting of all of the reasons that bear on action in our particular political circumstances". Simmons makes a thoughtful case. Yet his position is difficult to endorse.

An obvious concern would be that philosophical anarchism mightn't translate well outside the university tutorial room (or certain newspaper columns). Embracing anarchism, even of a weak form, may encourage general disobedience. This is one reason a fair play or justice approach makes more sense.

Indeed, a political state can function only if there is a moral presumption in favour of obeying the law, if there is a widespread sentimental attachment to its institutions. When this presumption is removed and when this loyal sentiment goes missing, things may go horribly awry. It is only a short descent, in a manner of speaking, into the state of nature.

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