

False Burdens of Voluntarism: The Utilitarian Presumption



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"The Self Owner" is an original column appearing every Wednesday at Everything-Voluntary.com, by Spencer W. Morgan. Spencer is a husband and father, and has studied History and Philosophy at the University of Utah. Archived columns can be found [here](#). OVP-only RSS feed available [here](#).

Now that we've systematically come all the way from self-ownership, its underlying philosophy, and arrived at its inevitable conclusion in the non-legitimacy of the state, I'd like to address one of the more prevalent reactionary arguments lofted at the proponents of fully-applied non-aggression (anarchism).

This argument often takes the form of many different questions or assertions such as;

"How are people's rights protected in a voluntarist society?"

Or

"This is just too utopian of an idea... people will never be perfect enough to live without some basic amount of government control on their actions!"

Whatever form of consequentialism in which it is packaged as a hypothetical, these arguments begin with a false premise surrounding the idea of "protection." The unstated premises contained in both of these questions above are as follows:

1. The "protection" being sought and referred to is, in fact, accomplished by the existence of the state, thus creating a void of a desirable result to be filled by some alternative in its absence.
2. The determination of whether to accept a method of social organization based on something *other* than institutionalized aggression (a.k.a. the state) is to be made on which approach accomplishes such "protection" more effectively in a consequentialist

analysis. In other words, there is a presumption of utilitarianism involved.

Proponents of voluntaryism or market anarchism (for purposes of this discussion I see these as synonymous) often proceed forward in discussions accepting these unchecked premises, and by so doing doom themselves to hours of frustrating discussion or paragraphs of Facebook posts. They find and relate the litany of historical manifestations in which such protections have (and thus can) be provided by means other than government. They do this, all the while having accepted the burden of demonstrating, based on future hypotheticals, the superiority of statelessness in a utilitarian analysis based on an unchecked and contradictory notion of “protection.”

I have partially addressed premise 1 in a prior column, which explained that if the very means of a group of people’s capability to protect you depends on an act that is by definition the opposite of your protection (theft, taxation and threats of aggression), then it is impossible to accurately characterize that ongoing condition as one of being “protected.” The other refutation in this presumption is to examine the literal reality of what the state is, and what it does, and ask whether the overall net “benefit” of order that is always assumed is a reality, or merely presumption filling a psychological need. A society-wide “placebo effect,” if you will (more on this in later columns).

Is the state *really* the particular variable in the equation which accomplishes the degree of protection from harm by others which we currently enjoy?

A careful analysis of the *real* reasons that cause the average person to refrain from a criminal act (and by “criminal” I mean harmful to legitimate rights, not simply illegal) is what is needed here. Ask yourself why *you* refrain from a criminal act? It doesn’t take much introspection or research into criminal psychology to reach the conclusion that on the whole, people don’t refrain from a harmful act to another because of their immediate awareness of the existence of a statute against it, or as a corollary, that they don’t commit it because they were unaware of a statute against it. The vast majority of us refrain because we have adopted a rule for interaction with others that would preclude such an act. The Greek term for foundational societal rules is “*nomos*.” It is a notion of law which transcends and is independent of legislative edicts, often even contradicting them. For a more systematic view of such a concept of “law,” I would refer the reader to Hayek’s writings on the subject. So yes, it *may* be correct to attribute pervasive societal co-existence to rules for behavior, but it is *wrong* to view these operative rules as synonymous with statutes and edicts.

The reason I focus here on the awareness of a statutory edict itself as determinative, is because this is the *only* aspect which government adds to the equation. Government is *not unique in it’s capability* to resist aggression with defensive force in any specific instance. Such could be accomplished by any individual or individuals equipped, motivated and

disposed to assist another with protection. Many instances could be cited to show a *lack* of motivation on the part of government operatives, in fact. So it would be a fallacy to say that those sociopathic few of us who would only refrain from a crime for fear of protective reprisals, would be free to “run wild” in a condition of statelessness. Such reprisals would still be operative in the absence of the state... and possibly more operative given that there would not be an institutional monopoly claiming the sole prerogative of exercising such defensive or restitutionary force and thereby restraining the actions of victims themselves and their would-be assisters.

The question then becomes whether, despite all of the weight of habit and tradition behind an answer we are already presuming, do we ever really get out of anarchy? In answer to this, Alfred Cuzan wrote what was probably the single most influential essay in taking myself (and many others I’ve encountered) from a minarchist to a voluntaryist position.

In next week’s column I will address the criticism that anarchism implies or requires a utopian or overly optimistic view of man’s nature and tendencies.