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Gary Chartier

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Introduction

Embodying Freedom

People cooperate peacefully and voluntarily when they interact without aggression.¹ A just society, a society rooted in peaceful, voluntary cooperation, is both possible and desirable.² Because the state precludes and preempts this kind of cooperation, aggressing or threatening to engage in aggression against those who disobey it, a peaceful, voluntary society must be a stateless society—an anarchist society.³ The

- ¹ By “aggression,” I mean, roughly, nondefensive, non-remedial harm to people’s bodies and nondefensive, nonremedial interference with their just possessory interests; see Chapter 2, *infra*. “Peace” as nonaggression is a necessary condition for peace in other, more elaborate senses, and it can reasonably be expected to promote peace in these senses.
- ² Events and states of affairs are not proper subjects for moral evaluation, which is concerned with *choice*. Moral choices are made by particular people, even if in concert and cooperation with others. Thus, while it is possible to talk about a “just legal system” or even a “just society,” this kind of language is shorthand. A just *institution* is one that characteristically functions in accordance with reasonable choices by particular people. Similarly, to call a legal *rule* just is simply to say that someone can enforce the rule consistently without doing anything unjust.
- ³ I take a state to be, in roughly Weberian terms, an entity that claims, and exercises something reasonably like, a monopoly over the determination, adjudication, and enforcement of legal rights in a given geographic area. Thanks to Charles Johnson for emphasizing the importance of referring to legal rights here and to Heather Ferguson for stressing the need to clarify the meaning of “state” as I use it in this book. In the interests of convenience, I refer at various points to states as doing things; in reality, of course, states as such don’t do things—rather, particular people, engaged in certain kinds of cooperative activities and proceeding with the benefit of certain kinds of legitimation, do things in their roles as state actors, and it should be clear throughout I have the actions of such people in mind when I talk about state action.

By “anarchy,” I do not, of course, mean *chaotic violence* but rather *social order rooted in peaceful, voluntary cooperation, and so without the state*. Cf. Patricia Crone, *Ninth-Century Muslim Anarchists*, 167 PAST & PRESENT 3, 3 (2000) (referring to “anarchists in the simple sense of believers in anarchy, ‘no government’.”). While my primary focus here is on opposition to social order created and maintained by aggressive force, support for anarchy is naturally and intimately associated with opposition to social hierarchies maintained by nonaggressive means (see Charles W. Johnson, *Liberty, Equality, Solidarity: Toward a Dialectical Anarchism*, in ANARCHISM/MINARCHISM: IS A GOVERNMENT PART OF A FREE COUNTRY? 155, 179–83 [Roderick T. Long and Tibor Machan eds., 2008]); as I argue in Chapter 6, ending institutionalized aggression and various complementary varieties of nonaggressive

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general character of the kind of legal and political order compatible with anarchy can be specified and justified in light of a plausible conception of what it means for people to live fulfilled, flourishing lives.

Contemporary natural law theory offers such a conception. It incorporates both a rich and variegated understanding of human well-being and a set of principles that can guide our attempts to foster our own welfare and that of others—the Principle of Fairness, the Principle of Respect, and the Principle of Recognition (Chapter 1). People’s obligations to each other with respect to physical things are both sources of conflict and (while too frequently invoked to legitimize unjust privilege) useful guarantors of autonomy and sources of flourishing; just possessory claims serve to demarcate those interests people can reasonably defend using force from those they can’t—and, properly understood, they help to explain why the state is illegitimate. Rooted both in basic moral principles and in a set of desiderata derived from these principles and from truisms about human existence, these obligations, embodied in what I call the *baseline possessory rules*, can play a crucial instrumental role in fostering people’s welfare. However, while there are good reasons to respect people’s possessory interests in physical things, people often claim that they are entitled to treat other kinds of things as possessions. Though people often claim that other people or other sentients are among their legitimate possessions, arguments that our fellow sentients, human or nonhuman, are raw material we can use at our discretion are unconvincing. And the notion that someone can justifiably control how other people embody abstract ideas in their own legitimate possessions finds little support in a credible account of people’s just possessory claims. The strong *prima facie* presumption in favor of respecting people’s claims to their justly acquired physical possessions—those acquired in accordance with the baseline rules⁴—combined with everyone’s right not to be the object of purposeful, instrumental, or otherwise unreasonable physical attack, can be usefully summarized in the form of a maxim of *nonaggression* (Chapter 2).⁵

protest can reasonably be expected to lead to significant reductions in the frequency and influence of such hierarchies.

⁴ On just acquisition, see Chapter 2.IV, *infra*. To anticipate: just acquisition is acquisition in accordance with the baseline rules. Someone justly acquires a physical object if she takes effective possession of it when it is not justly claimed by anyone else, or when she receives it through voluntary transfer from another just possessor.

⁵ The natural-law approach to moral theory I take here combines something resembling an Aristotelian account of personal flourishing, a Kantian account of duties with respect to basic aspects of others’ well-being, and a Humean account of obligations with respect to others’ possessory claims. The understanding of the prohibition on violence against basic aspects of flourishing which the natural-law approach grounds is thus straightforwardly deontological, similar to that enshrined in the Formula of the End-in-Itself. By contrast, the account of possessory rules I defend has (as applied to institutional actors) obvious affinities with a sort of practice-consequentialism; while I do not believe that global or aggregating consequentialism is defensible, persons reasoning in accordance with the Principle of

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Introduction

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To reject aggression is to embrace a model of social interaction rooted in peaceful, voluntary cooperation. This kind of cooperation can occur without the state; it can be fostered effectively by a variety of nonaggressive social institutions, including, in particular, institutions upholding consensual legal rules, resolving disputes, and providing protection against aggression, which I'll refer to as *legal regimes*.⁶ Unlike these institutions, the state is premised on the denial of human moral equality and is inimical to peaceful, voluntary cooperation (and the flourishing such cooperation facilitates) because of the state's nonconsensual character and its inefficiency, destructiveness, rapacity, and penchant for aggression—especially in the service of elite groups (Chapter 3).

The state is unjustified, illegitimate, and dangerous. But life without the state need not be thought of as organized purely on the basis of ad hoc cooperation or persistent social norms. There would be good reason for people in a stateless society to maintain just legal regimes. Such regimes (which might serve geographically localized or virtual and widely distributed networks of people) would of necessity be rooted in actual rather than implied or hypothetical consent; and even when they employed force against outlaws, they would be morally distinguishable from states in important ways (Chapter 4).

Though different actual legal regimes in a stateless society would doubtless adopt different rules, the maxim of nonaggression and the prohibitions on violating people's bodies and on interference with their possessory claims that underlie it provide a clear and intelligible framework for the legal rules it would be reasonable for just institutions in a stateless society to implement. A central role in maintaining justice and preventing aggression should be played by simple tort-law rules precluding attacks on bodies and possessions and requiring compensation for injuries when such attacks occur. Such rules would leave no room for attempts to foster virtue using the force of law or to employ the law to prevent or end nonaggressive injuries—often important, but appropriately addressed by non-forcible means. Just legal rules enforced in a stateless society would not feature the separate category of *crime*, which is essentially statist. A stateless society could deal effectively not only with direct interpersonal injuries but also with environmentally mediated injuries to

Fairness would surely take expected consequences into account when determining what it was and was not reasonable for them to do, and the general tendency of the baseline rules to foster certain kinds of consequences would (I believe) tend to make it reasonable for people to endorse them and to render it unreasonable for people to decline to so. Given the importance of simplicity and reliability, among other values, legal regimes would have every reason to treat the baseline rules as if they were deontological requirements, and ordinary moral actors would have good reason to treat them as generally exceptionless.

⁶ I'll refer throughout to those who voluntarily agree to accept the authority of a legal regime as *participants* in the regime. For a model of how legal regimes in a stateless society might be structured, see Peter T. Leeson, *Government, Clubs, and Constitutions*, 80 J. ECON. BEHAV. & ORG. 301 (2011).

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bodies and to possessions and with harms to human persons with limited capacities as well as to sentient nonhuman animals (Chapter 5).⁷

The maxim of nonaggression rules out purposeful, instrumental, or unfair injuries to bodies and interference with just possessory interests even in pursuit of desirable objectives,⁸ requiring compensation for both intentional and unintentional injuries. But legal rules and institutions precluding aggression could make possible a range of effective responses to the problems of dispossession, deprivation, subordination, and exclusion. Just institutions in a stateless society could engage in and foster multiple forms of wealth redistribution, for instance, employing both legal mechanisms and various nonaggressive means not dependent on the force of law. And a combination of structural change and nonaggressive direct action could help to humanize workplaces, to liberate people from stultifying social pressure, and to create opportunities for the embodiment of diverse forms of human flourishing in ways that would help to nourish a culture of freedom (Chapter 6).⁹

⁷ I think it may plausibly be maintained that some nonhuman animals, even on our own planet, qualify as genuinely *personal* creatures (the obvious candidates would be cetaceans, primates, and elephants). But I seek to argue at more than one point that sentient creatures that are not fully personal may still deserve moral standing and legal protection. See GARY VARNER, *PERSONHOOD, ETHICS, AND ANIMAL COGNITION: SITUATING ANIMALS IN HARE'S TWO LEVEL UTILITARIANISM* (2012).

⁸ I interfere unreasonably with your just possessory interests when I damage your justly acquired possessions or limit your control over those possessions, except when doing so is (in light of the various interpersonal and systemic considerations noted in Chapter 2) consistent with the Principle of Fairness (since the Principle determines in what sense possessory interests are just).

⁹ *Freedom* is, of course, a complex and open-textured concept, even when the vexed (though profoundly important) question of free will in the metaphysical sense is bracketed. In general, freedom in the sense(s) in which I am concerned with it here is the ability to do what one wants. (Metaphysical freedom builds on a similar sense of subjection to another, with the difference that the other is God or Nature.)

More specifically, (i) I take someone to enjoy what I will call *freedom from aggression* when she is not prevented from doing what she wants to do by someone else's actual or threatened aggression. (At least under ordinary circumstance, the bandit who points a gun at you and demands, "Your money or your life!" is violating your freedom in this sense.) (This sort of freedom is often called *political freedom*, but I avoid labeling it that way here because the realm of the political as I refer to it in this book has to do with more than just the use of force—it's also concerned with voluntary collective action, and efforts designed to shape and influence the behavior of institutions.)

(ii) Someone enjoys *social freedom* when she is not only free from aggression but also not (a) presented with an attempt to motivate her that focuses primarily on an appeal to the would-be motivator's position or status rather than to the inherent value of the action in which she is being urged to engage or (b) faced with a dilemma of the following sort: if she does what she wants, someone else will do something nonaggressive but inconsistent with the principles of practical reasonableness as I elaborate them in Chapter 1. (The boss who threatens to fire you if you fail to adhere to an arbitrary, humiliating work rule by which she would be unwilling to live herself is violating your social freedom.)

Freedom from aggression and social freedom both involve the absence of constraints imposed on one's choices by other people's choices—of subjection to other people's *wills*. We might also consider broader senses of freedom that involve the absence of limits on one's ability to do what one likes posed by (iii) *resources* (I am not currently free to buy an island), (iv) *culture* (someone in a traditional society

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Introduction

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The project of building a society free from the privileges secured by the state may initially seem difficult to classify. It embraces freedom and challenges the hierarchical management of the economy, while also rejecting capitalism. It exhibits obvious affinities with classical liberal and libertarian thought, but unequivocally repudiates the affirmation of corporate power and statist privilege too many classical liberals and libertarians seem inclined to offer. It shares modern liberalism's challenge to non-statist forms of subordination and exclusion while declining the modern liberal's Mephistophelean invitation to use the state to provide remedies for them. It is a leftist, anticapitalist project appropriately seen as an expression of the strand of the socialist tradition developed by a range of nineteenth-century American radicals (Chapter 7).

There is nothing inherently contradictory about the idea of using law to structure a stateless society. Rooted in the requirements of practical reasonableness, just legal rules enforced by a network of overlapping, consensual legal regimes could foster peaceful, voluntary cooperation by restraining aggression, rectifying injury, and coordinating people's actions where necessary, even while allowing considerable room for variety in lifestyles and patterns of interaction. They could deal effectively with the problems of exclusion, deprivation, subordination, and dispossession, and in this way lay the groundwork for the emergence of a culture of freedom (Conclusion).

In one sense, the shape of freedom—of peaceful, voluntary cooperation—will be given by the basic rules and norms that structure interaction in a stateless society. But the shape of freedom *as lived* is not, cannot be, determined by a mandate issued by statist bureaucrats or revolutionary ideologues. The contours of life in a stateless society will be the product of innumerable free choices by people engaged in peaceful, voluntary cooperation. Such a society need not and will not be a society of isolated atoms: people do not need the state to equip them to form thriving networks of mutual support and interdependence. Absent the state's threat of aggressive force,

might confront inhibitions that prevent her from marrying outside her social class, ethnic group, or religious community), (v) *emotions* (a victim of childhood violence may in a practical sense lack the freedom to trust, even though she very much wants to do so), or (vi) the laws of *nature* (I am not free to fly without mechanical assistance or to vary my height at will). (vii) Finally, one might say that someone enjoys *moral freedom* in a case in which there is no conflict between her preferences and the requirements of practical reasonableness.

A society rooted in peaceful, voluntary cooperation is one in which people consistently and predictably enjoy freedom from aggression. Its institutions could reasonably be expected (*see* Chapter 6, *infra*) to facilitate the achievement of social freedom as well as, in varying degrees, resource freedom, freedom from cultural constraints, and emotional freedom. I leave it to transhumanists to consider the degree to which it might foster freedom from the laws of nature. Moral freedom is not, per se, a matter for decision or influence, given that moral requirements are not products of our wills and that our preferences are not legitimately subject to authoritarian meddling.

On the varieties of freedom, *see, e.g.*, MORTIMER J. ADLER, *THE IDEA OF FREEDOM* (2 vols., 1958–61); DAVID SCHMIDTZ & JASON BRENNAN, *A BRIEF HISTORY OF LIBERTY* (2010).

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people will be free to be, not atomic, but (as Sheldon Richman suggests we say) *molecular*,¹⁰ linked with each other in innumerable arrays of fruitful relationships. Together, on an ongoing basis, they will form and *reform* their own lives and *inform* the choices of others through their voluntary interactions. Together, they will determine the shape of freedom.

¹⁰ For this phrase, see Sheldon Richman, *Molecular Individualism*, THE FREEMAN: IDEAS ON LIBERTY, March 1, 1998, <http://www.thefreemanonline.org/columns/perspective/perspective-molecular-individualism/>. Since Richman refers specifically to molecular *individualism*, it is worth emphasizing that individualism comes in multiple varieties: political, methodological, moral, and metaphysical, among others. *Political individualism* is the thesis that force should not be used to prevent, end, or sanction nonaggressive conduct. *Methodological individualism* is the thesis that ultimate explanations of human events refer to the characteristics and actions of particular persons. *Moral individualism* is the thesis that only particular creatures have moral worth. *Metaphysical individualism* is the thesis that persons (and other creatures) are importantly distinguishable from each other and from their relationships with each other. It is important to emphasize that in *none* of these senses is individualism incompatible with the recognition that (i) we have robust moral responsibilities, *positive* as well as negative, to others; (ii) relationships help to determine who we are; (iii) relationships both constitute and contribute to our flourishing; and (iv) institutions significantly affect our self-understandings, our perceptions, our choices, and the possibilities we confront. Cf. MURRAY N. ROTHBARD, MAN, ECONOMY, AND STATE WITH POWER AND MARKET 3 n.6 (2d scholar's ed., 2009) (acknowledging “that [agents] are influenced in their desires and actions by the acts of other individuals” and refusing to make the assumption that they “are ‘atoms’ isolated from one another”).

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Laying Foundations

I. A REASONABLE CONCEPTION OF THE GOOD LIFE WILL INVOLVE AN UNDERSTANDING OF BOTH WELFARE AND RIGHT ACTION

A credible account of human flourishing and reasonable human action can ground the law and politics of a society rooted in peaceful, voluntary cooperation. The elaboration and justification of such an account is not the purpose of this book; what I offer here is a brief overview rather than the extensive argument that would be required in a study focused on the explication of the normative approach I adopt.¹ In brief: a satisfactory understanding of the good life will, I maintain, feature a

¹ The general approach to moral reasoning I defend here is outlined and applied in GARY CHARTIER, *ECONOMIC JUSTICE AND NATURAL LAW* (2009), though I have refined and in some ways altered here the position elaborated in that book. In both books, I draw freely on, and with equal freedom depart from, the stimulating and helpful work of the “new classical natural law” theorists and other contemporary exponents of natural law ethics; see, e.g., JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* (1980) [*hereinafter* FINNIS, *LAW*]; JOHN FINNIS, *FUNDAMENTALS OF ETHICS* (1983) [*hereinafter* FINNIS, *ETHICS*]; John Finnis, *Commensuration and Practical Reason*, in *INCOMMENSURABILITY, INCOMPARABILITY, AND PRACTICAL REASON* 215, 225–28 (Ruth Chang ed., 1997) [*hereinafter* Finnis, *Commensuration*]; 1 GERMAIN GRIEZ, *THE WAY OF THE LORD JESUS: CHRISTIAN MORAL PRINCIPLES* (1983) [*hereinafter* GRIEZ, *PRINCIPLES*]; GERMAIN GRIEZ & RUSSELL SHAW, *BEYOND THE NEW MORALITY: THE RESPONSIBILITIES OF FREEDOM* (3rd ed., 1988); JOHN M. FINNIS, JOSEPH M. BOYLE, JR. & GERMAIN G. GRIEZ, *NUCLEAR DETERRENCE, MORALITY, AND REALISM* (1987) [*hereinafter* FINNIS ET AL., *DETERRENCE*]; 2 GERMAIN G. GRIEZ, *THE WAY OF THE LORD JESUS: LIVING A CHRISTIAN LIFE* (1994); JOHN FINNIS, *AQUINAS: MORAL, POLITICAL, AND LEGAL THEORY* (1998) [*hereinafter* FINNIS, *AQUINAS*]; GERMAIN GRIEZ & JOSEPH M. BOYLE, JR., *LIFE AND DEATH WITH LIBERTY AND JUSTICE: A CONTRIBUTION TO THE EUTHANASIA DEBATE* (1979); ROBERT P. GEORGE, *IN DEFENSE OF NATURAL LAW* (2001); Germain Grisez, Joseph M. Boyle & John Finnis, *Practical Principles, Moral Truth, and Ultimate Ends*, 32 *AM. J. JURIS* 99 (1987); John M. Finnis, Germain G. Grisez & Joseph M. Boyle, “Direct’ and ‘Indirect’: A Reply to Critics of Our Action Theory, 65 *THOMIST* 1 (2001); MARK C. MURPHY, *NATURAL LAW AND PRACTICAL RATIONALITY* (2001) [*hereinafter* MURPHY, *RATIONALITY*]; MARK C. MURPHY, *NATURAL LAW IN JURISPRUDENCE AND POLITICS* (2006); TIMOTHY CHAPPELL, *UNDERSTANDING HUMAN GOODS: A THEORY OF ETHICS* (1995). While my work, like the work of these theorists, clearly lies within the broader natural law tradition, it should be clear that it differs from that of other natural law theorists in a variety of ways.

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substantive and *pluriform* conception of well-being (Part II) and a set of constraints governing the flourishing of moral agents and moral patients (Part III).² A credible conception of welfare—featuring a diverse array of basic aspects of well-being—and of what reason requires with respect to our own flourishing and our attempts to help others flourish (including acknowledging the reality of the varied dimensions of welfare, acting fairly, and declining to cause harm purposefully or instrumentally) can ground a rich and attractive conception of the good life (Part IV).³

II. WELFARE IS MULTIDIMENSIONAL

A. Well-Being Is Diverse and Lacks a Substantive Essence

Talk about welfare, well-being, flourishing, or fulfillment (I use the terms synonymously) is generic and abstract.⁴ Saying that something is an aspect of welfare is just a way of saying that one has a reason to experience it or engage in it or embody it, or to help another do so.⁵ In other words, there's no substantive *essence* of what it is for something to be an aspect of welfare other than this.

People often talk as if there were such an essence. Two common approaches to specifying it are unsatisfactory: (i) the notion that something is an instance or aspect of welfare if it counts as the satisfaction of a *preference* (Section B), and (ii) the idea that something is an instance or aspect of welfare if it produces some hedonic psychic state (Section C). Rather, welfare is a multidimensional reality without a substantive essence that can be identified using a range of complementary approaches (Section D). Its aspects are incommensurable and non-fungible (Section E). And well-being *matters* in any particular case precisely because it is the well-being of a

² For present purposes, I count as a moral *agent* if I am capable of making morally responsible choices; I count as a moral *patient* if I am owed moral consideration.

³ See CHARTIER, *supra* note 1, at 6–23 for a further discussion of the approach to moral theory represented here and further references to sources of insight on which I draw here. Though there are not dramatic differences, there are some, and of course the present account, rather than its predecessor, represents the current state of my thinking about the contours of an appealing moral stance.

⁴ Cf. THOMAS M. SCANLON, WHAT WE OWE TO EACH OTHER 95–100 (1998).

⁵ We *participate* or *engage* in friendships; we *experience* aesthetic form and sensory pleasure; we *are* alive; we *acquire* and *embody* practical reasonableness and knowledge. While we can reasonably talk about friendship, aesthetic experience, sensory pleasure knowledge, life, and practical reasonableness, among others, as aspects or dimensions of welfare or well-being, some are activities; some are relationships; some are experiences; some are qualities of our existence. It's awkward to talk about all of them, viewed as a class. In this book, I've decided to avoid talking about *participating* in the various aspects of well-being (except when, as in the case of friendship, participation-language has an obvious and non-confusing meaning), because, while it need not be read as doing so, it too easily suggests that aspects of well-being are preexisting impersonal realities. I use a variety of alternatives (talk about *flourishing* will be especially common) in hopes of emphasizing that particular relationships, experiences, activities, and states of being are worthwhile goals.

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particular moral patient (Section F). In brief, welfare or well-being or flourishing or fulfillment is what it is, independent (at least in general) of our reactions to it,⁶ and it is inescapably diverse (Section G).

B. Welfare Is Not Preference-Satisfaction

The notion of welfare (like the similar notions of well-being, flourishing, and fulfillment) is essentially *normative*.⁷ By contrast, talk about preferences is straightforwardly *descriptive*. To report a preference is simply to note a particular attitude or disposition on someone's part. For any preference, it will always be reasonable to ask whether it ought to be satisfied; the question of what action it is reasonable for me to take in light of the preference always remains open. To the factual report, "I prefer X," it will always make sense to respond, "But is it *reasonable* for you to prefer X?" The only basis on which it would make sense to equate welfare with preference would be a synthetic judgment to the effect that I *ought* (at least presumptively) to prefer what I prefer (not in the sense that I ought to ratify some particular preference, but that I should prefer things simply because I do in fact prefer them). And there are too many instances of things which people do prefer but which we ordinarily suppose that they have good reason *not* to prefer for this to be an attractive option.

In any event, the equation of preference with welfare misses the point that, when I do prefer something, I ordinarily prefer it under some description other than the description "preferred by me." My preference typically presupposes the judgment that what I am preferring is actually *worth* preferring—good for me or for another. It might seem that this isn't always the case: sometimes I select one option from among a menu of possibilities simply because I experience some sort of psychic inclination to do so. And there is a sense in which acting on my preference in this case needs no further justification than that I prefer what I prefer. But notice that, even here, not just anything is on the menu of possibilities. The fact that something is treated as reasonably included on the menu suggests that it's already been vetted as reasonable, as worth preferring; it's easy to imagine a case in which I express a preference for myself or another that might seem (or be) unintelligible or undesirable, and so in need of justification. Justifying something *simply* by saying that I prefer it only makes sense in the limit-case in which I'm choosing it from among a set of possibilities any

⁶ Peace of mind, aesthetic experience, and sensory pleasure might all be thought to be exceptions here.

⁷ This is not true, of course, in the specialized discourse of welfare economics, which is concerned precisely with determining how best to satisfy preferences. My goal here is not to correct economists in their use of language; my focus is on welfare in what I take to be the ordinary-language sense. Thanks to Sandy Thatcher for emphasizing the need to make this point.

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of which might merit being selected. Preferring ordinarily presupposes preferability, so preference-satisfaction can't reasonably substitute for preferability.

C. Welfare Is Not a Pleasant Emotional Reaction

1. *It Is a Mistake to Identify Well-Being with a Positive Emotional State*

Well-being isn't the same thing as some sort of positive emotional reaction. For a mental state to qualify as an emotion, it must be associated with a cognition (Subsection 2). Thus, it makes no sense, at least ordinarily, to perform an action *for the purpose of* experiencing a particular emotion (Subsection 3). There is certainly no reason to think of well-being itself as a subjective, emotional state (Subsection 4). Well-being is neither dependent on nor constituted by one's emotional states (Subsection 5).⁸

2. *Emotions Necessarily Involve Cognitions*

It's important to recognize that pleasant psychic states come in (at least) two varieties: sensations and emotions. A *sensation* carries no particular cognitive content; it is what it is, and we characteristically seek (or avoid) sensations just because of their phenomenal qualities—just, that is, because of how they *feel* in a narrow sense. An emotion, by contrast, is a sensation allied with a *cognition*—that is, with a *thought* about value or meaning or appropriate response. When I experience an emotion, I'm experiencing a sensation that serves as a signal either pointing to or prompted by a judgment about what might be an appropriate response to a given situation. Judgments about appropriateness—inherently normative judgments—are inextricable from emotions.

There's a complex relationship between the sensation and the cognition that make up an emotion. The sensation characteristically serves as a *signal* that encapsulates or points to the cognition.⁹ In some cases, a logically prior *judgment* about a situation triggers a conscious sensation. In others, the sensation is triggered unconsciously, without any intervening thought, but then goes on to prompt the relevant sort of thought. In either kind of case, the emotion embodies useful information about the significance of our circumstances. Emotions provide us with compressed insight into those circumstances, insight that may sometimes reflect our awareness of factors we haven't allowed into consciousness. In addition, they tell us about

⁸ For an extended discussion of the relevant issues, see FINNIS, ETHICS, *supra* note 1, at 26–55.

⁹ Cf. ANTONIO DAMASIO, DESCARTES' ERROR: EMOTION, REASON, AND THE HUMAN BRAIN (1994) (discussing the notion of emotions as “somatic markers” efficiently encapsulating relevant information).