

A COMMENT ON COLIN WILLIAMS'S ARGUMENTS AGAINST SPOONER

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COLIN WILLIAMS,¹ "CONTRA SPOONER," argues that Lysander Spooner is wrong about the state's being the "instrument of robbery, slavery, and murder." He begins by observing, accurately enough, that Spooner's arguments are constructed of "pure philosophy" and thus require a reply in kind. It is puzzling, then, that Williams thinks to show Spooner wrong by a "survey of the culture of the ancient Mediterranean." This survey produces the result that the ancient Greeks thought nothing of plunder and murdering people as long as they were in some other city. I do not find this defense of plunder and murder particularly compelling.

Further, he argues in reference to the famous argument for government by Hobbes—the paradigm and fountainhead, in a way, of all modern arguments for government. Much can be said about that, but certainly the main thing to say is that it doesn't work. Neither, I think, do any of the numerous arguments concocted by ingenious writers following in Hobbes's footsteps. However, that is beside the present point, for Spooner doesn't really address Hobbes. He much more nearly addresses Locke, arguing that the called-for "consent" on which, according to Locke, government is founded, is not only not forthcoming in the case of America, but essentially impossible in all cases of any significance. On this matter, Spooner is trenchant and extremely incisive. Does Williams have anything substantial to offer against that onslaught?

Williams appeals to the cultural beliefs of the ancient Jews, who thought we made "covenants" with God, of all things—something Hobbes very reasonably argues cannot be meaningfully done. The

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¹Colin Williams, "Contra Spooner," *Journal of Libertarian Studies* 18, no. 3 (Summer 2004): 1–9.

ancient Jews apparently thought that these covenants were “binding”; to which, surely, any modern writer would reply that it appears that the Jews needed to read Spooner (and, I would add, Hobbes). Again, we should not be impressed.

Williams also cites Aristotle on behalf of the “noncompelling” nature of moral philosophy. We should be slightly more impressed at that, indeed. It would, as Aristotle famously observes, be foolish to expect the same precision in ethics as from geometry. True: but does that militate against having a basic principle that is right? That the principle in question will be “rough,” as Aristotle puts it, is one thing. But it’s quite another to think it wrong. Aristotle himself held that there was a definition of virtue holding for all cases: observation of a mean with respect to the passions. The mean might be hard to find and imprecise, but that it is the thing to look for and try to go by was, he apparently thought, a philosophical truth—always true. It could likewise be philosophically true that the right rule for people is to respect each other’s liberty—even if sometimes it is not entirely easy to say just which actions do so. Thus we are very far from refuting Spooner on this level either.

Williams ends up arguing that obeying the law is one of the “habits of excellence.” And why does he say this? One would have hoped that the answer would have consisted in showing the one thing that is absolutely necessary to refute Spooner: namely, that what the government tells us to do is something we really ought to do, something worth doing, and hence something the doing of which, by habit, would constitute a habit of excellence. But Spooner argues that instead the government—any government—is a pack of scoundrels and thieves. Doing what such people tell us to do, just because they tell us to do it, can hardly be a “habit of excellence.” So the question is: who is right? Now at this point, I want to suggest that we can divide government rulings into three classes: (a) rulings that work ill on some people in order, perhaps, to do good to some or a lot of others; (b) rulings requiring us to do what we ought to do anyway; (c) rulings that essentially solve Coordination problems, in the sense that they call upon us to do actions such that we need to do one or another of that kind of action, it doesn’t matter which we do, but it does matter that we all do the same. Under these circumstances, class (c) would really be virtually a subset of class (b).

I have no doubt whatever that Spooner habitually refrained from murder, cheating, stealing, lying, and in general, inflicting evils on those of his fellow men who inflicted no such evils on others. Such habitual refrainings are indeed habits of excellence. But also, the fact that somebody with a policeman’s uniform tells us to do them is entirely beside the point: we ought to do them anyway.

On the other hand, enormous numbers of government rulings are of type (a). Habitually obeying those is arguably not a habit of excellence. But if you're going to go around telling people to Obey the Law, you aren't distinguishing among these classes—important though that distinction is. This being so, the "Aristotelian" appeal as Williams spells it out is either simply question-begging—or, where it isn't, it's just plain wrong. Of course we ought to attend to that distinction, and if we can do so without serious danger to ourselves (and in some cases even then), to refuse to succumb to the imperatives of The Law. It *does* matter.

We should, then, still listen to Spooner.