

Problem of Political Authority - Talk Outline

- I. Intro - Compare “God exists” to “Authority exists.”
 - A. Burden of proof
 - B. Standard alleged proofs
 - C. Book’s approach: appealing to intuition as opposed to principles or systems
- II. The Problem
 - A. Political parable - vigilante scenario
 - 1. They probably won’t feel a duty to pay
 - 2. They will likely consider your actions “outrageous” and “naked extortion.”
 - 3. On the face of it, your activities are of the same kind as those of a government.
 - B. “Governments are considered ethically permitted to do things that no nongovernmental person or organization may do. At the same time, individuals are thought to have obligations to their governments that they would owe toward no nongovernmental person or organization ...”
 - 1. Political legitimacy: the right to rule.
 - 2. Political obligation: the obligation on the part of citizens to obey their government
 - 3. Note that political authority does not mean merely that one must do things the government commands (“don’t murder people”) but because the government said so
 - C. Actions vs agents - we can add procedural niceties to our vigilante example. It is the who which matters, i.e. the political authority. Even a democratic election justification appeals to authority and concedes that it is about the agent.
- III. Traditional Social Contract Theory
 - A. Most common account for last 400 years
 - B. Political obligation is a species of contractual obligation: citizens must obey the law because they have agreed to do so.
 - C. Explicit social contract theory - Locke
 - 1. At one time, there was explicit agreement
 - 2. People born later were locked into a perpetual restrictive covenant on the land
 - 3. David Hume observed nearly all governments are founded on usurpation/conquest.
 - D. Implicit social contract theory - indicated by conduct
 - 1. Passive consent - board meeting chairman asks “any objections?”
 - 2. consent by acceptance of benefits - restaurant scenario, ordering a meal
 - 3. by presence - party scenario, “anyone who wants to stay must agree to help clean up”
 - 4. through participation - lottery
 - E. Conditions for valid agreements (quoted)
 - 1. Valid consent requires a reasonable way of opting out. All parties to any agreement must have the option to reject the agreement without sacrificing anything to which they have a right. [Boardroom, cut off your left arm if you disagree.]
 - 2. Explicit dissent trumps alleged implicit consent. A valid implicit agreement does not exist if one explicitly states that one does not agree. [Restaurant, I will not pay if you serve me.]

3. An action can be taken as indicating agreement to some scheme, only if one can be assumed to believe that, if one did not take that action, the scheme would not be imposed upon one. [Boardroom, chairman says, "What you say won't matter."]
 4. Contractual obligation is mutual and conditional. A contract normally places both parties under an obligation to each other, and one party's rejection of his contractual obligation releases the other party from her obligation. [Restaurant, if they don't bring you food, you don't have to pay. Conversely, if you announce you will not pay, they don't have to bring you food.]
- F. Is the implicit social contract valid?
1. Difficulty of opting out (permission from other states, lack of money, attachments to friends, family, and home)
 - a) Claiming the State owns all the land is *petito principii*.
 - b) Historically States acquire land through conquest, not legitimate means.
 2. The failure to recognize explicit dissent
 3. Unconditional imposition - rules out nearly all of the ways in which citizens are said to implicitly accept the social contract. States impose laws and taxes regardless of whether you agree.
 4. The absence of mutual obligation - e.g. failure to protect against crime; court judgements explicitly say govt has no obligation to protect

IV. Hypothetical Contract Theory

- A. Why would hypothetical consent be compelling? Unconscious patient needs lifesaving treatment scenario.
- B. Two conditions
 1. obtaining actual consent impossible or infeasible
 2. hypo consent must be consistent with their actual values, e.g. religious objections to surgery. (Paternalism might be justified, but not by hypo consent.)
- C. Hypothetical consent as evidence of reasonableness - Rawls
 1. Could agreement be reached?
 2. Is hypo consent valid? How does it establish political authority?
 3. Employer scenario: Even if he makes a wonderful and reasonable offer, he may not force someone to work for him. Also: Surgeon, or vendor
 4. Shipwrecked stranded on an island with limited game. Restrict unsustainable hunting. Is this an example of hypo consent? No; the worker has a right to his labor, but the shipwrecked hunter does not have a right to the game.
- D. Validity of Hypothetical Consent
 1. Appeal to fair outcomes. Counterex: Car buying scenario. If A makes B a good and fair offer, is A justified in forcing B to sell?
 2. There is no compelling reason to think that the only true moral principles are those that are derived from the hypothetical contract
 3. procedural acceptability vs substantive correctness

V. The Authority of Democracy

- A. naïve majoritarianism - the Bar Tab scenario
- B. Deliberative democracy and legitimacy - can procedure make something right?
 1. DD is fiction. In real life, politics is pretty much the opposite of "reasoned."

2. Even if adequate deliberation occurs, that it not relevant. Bar Tab scenario with deliberation is still unjust.

C. Argument from Equality

1. "best developed contemporary argument" that democracy confers political authority.
2. Thomas Christiano's argument:
 - a) Individuals are obligated to treat other members of their society as equals and not to treat them as inferiors.
 - b) To treat others as equals and not as inferiors, one must obey democratic laws.
 - c) Therefore, individuals are obligated to obey democratic laws.
3. Objection: Equality (literally understood) is impossibly demanding.
4. Respecting other's judgements. By disobeying a law, you disrespect others' judgements, and put yourself above others. Contra: Most agree that it is moral to disobey an unjust law. It is about the law and truth, not status wrt others.
5. Maybe you are, in fact, better than most other people at moral reasoning, or understanding something.
6. Coercion and treating others as inferiors - treating others as morally inferior is fine; there are other worse types of inequality based on coercion.
7. Bar tab. Who is being disrespectful and acting above others, students or prof?
8. Even if the Arg from Equality showed obligation, it does not show legitimacy or justify coercion.

VI. Consequentialism and Fairness - arguments that ascribe moral weight to the goodness or badness of an action's consequences and that appeal directly to that factor in attempting to derive political obligation and legitimacy.

- A. Benefits of government - police, law, military defense
- B. Huemer grants the assumption of benefits in this chapter. Later he shows that these benefits can occur without a State.
- C. Duty to do good (implies you should recognize political auth)
 1. But this duty need not be absolute or unqualified. E.g. Perhaps only when great harm or injustice is threatened.
 2. Child in shallow pond scenario and variations. Alone or many, dangerous or not, etc.
- D. Arg goes: general obedience to the law is necessary for the state to function. But one person disobeying does not significantly affect that. Laws are routinely flouted without the government falling.
- E. Rule consequentialism arg: What if everyone broke the law? But the "if everyone" heuristic is often wrong. "What if everyone became a philosopher?"
- F. Fairness of political obligation. I.e. Disobedience is unfair to other members of society. (It is not unfair to become a philosopher.)
- G. Leaking lifeboat scenario. It seems unfair to let others do all the bailing work.
 1. This does not imply fealty or obligation to obey, i.e. political obligations. (A bailer orders you to make a sandwich for him.)
 2. If obedience to laws is to achieve the benefits above, then any law that does not contribute to benefits may be disobeyed. (Pot laws. Min wage laws. Prostitution.)
- H. Modified leaking lifeboat scenario, more like actual.
 1. All passengers shall start bailing water out of the boat;

2. they shall pray to Poseidon to ask for his mercy;
 3. they shall flagellate themselves with belts to prove their seriousness; and
 4. they shall each pay \$50 to Sally, who helped Bob get elected.
- I. Fair Play doctrine does not obligate dissenters, people who sincerely oppose.
 - J. Normally wrong to threaten or coerce others to force compliance
 - K. Perhaps: If harm is bad enough, you may coerce. (Force people to bail. Steal a car to get someone to the hospital.) Even here, this entitlement is neither comprehensive nor content-independent.
 - L. Huemer divides modern government activities into nine categories, and finds 6 of 9 seem not to be justified on consequentialist grounds.
 - M. Consequentialism does not seem to support State supremacy, monopoly privilege.

VII. Psychology of Authority

- A. Argumentum ad populum - Hume, Klosko argued this way!
- B. Milgram experiments
- C. Stanford prison “experiment” - 65 percent of subjects complied fully, eventually administering the 450-volt shock three times to a silent and apparently lifeless victim.
- D. Dangers of obedience - disposition to obey is strong
- E. Cognitive dissonance - oppression (hazing in one experiment) made people *more* positive about authority! CD generates a pro-authority bias.
- F. Status quo bias and “social proof” Line comparison experiment.
- G. Power of political aesthetics. Symbols, rituals, authoritative language
- H. Stockholm Syndrome and charisma of power
- I. Case studies like My Lai
- J. Stanford Prison Experiment

VIII. What if there is no authority?

- A. philosophical anarchism vs political anarchism
- B. policy implications
 1. prostitution and legal moralism
 2. drugs and paternalism
 3. rent seeking - licensing, SS, college loans, prescription drug laws
 4. immigration
 5. however, protection of individual rights is unobjectionable
- C. Taxation - government finance - alts: user fees, discriminatory pricing for poor, competing services should be allowed
- D. Aid to the poor
 1. Drowning child scenario but you are unable, so force another to save the kid. It appears permissible to force others sometimes.
 2. Incompetent Bystander scenario. Like above, but bystander may not save the child, and may die himself, and may knock some other children into the pond. Then probably wrong to coerce the bystander.
 3. Many government programs are more like the Incompetent bystander scenario.
 4. Targeting problems. You force someone to give a coat to a cold child, but meanwhile another child is drowning.

5. Drowning children vs. charity muggings (Funding a good charity by mugging people.) Which is a closer analogy to government anti-poverty programs?
 6. Emergency vs chronic conditions
- E. No authority
1. Implications for agents of the state - police should refuse to enforce unjust laws, and soldiers should refuse to fight unjust wars
 2. Implications for private citizens
 - a) disobedience is justified far more often than is generally recognized
 - b) there is no reason to accept punishment (contra civil disobedience doctrine) - homophobic gang vs heroic gay activist scenario
 3. Violent resistance - Huemer gives some general principles governing the defensive use of force
 - a) necessary to prevent serious wrong
 - b) reasonable chance of preventing the wrong
 - c) expected harm not out of proportion to expected harm averted
 - d) usually not permissible to harm innocent third parties
 4. In modern States, armed revolution likely to be unjustified because
 - a) there are peaceful alternatives
 - b) probability of successful revolution is close to zero
 - c) harm to innocents likely to be great
 5. Jury nullification
- F. Objections in support of rule-worship - e.g. May everyone do what they wish?
- G. Foundations of libertarianism
1. A nonaggression principle in interpersonal ethics.
 2. A recognition of the coercive nature of government.
 3. A skepticism of political authority.
- IX. Evaluating Social Theories
- A. Rational evaluation is:
1. comparative
 2. comprehensive - MADD, gun nuts, equality nuts, CAGWARTs
 3. varieties of government and anarchy (Nazi Germany and Somalia)
 4. beware of status quo bias
- B. Simplified conception of human nature. Humans are:
1. approximately rational
 2. aware of their environment (sim to principle of charity) Girl climbing tree with cat.
 3. selfish but not sociopathic
- C. Utopianism and realism
1. utopian socialism (everyone should be paid equally, regardless of productivity, we merely need to all agree to behave selflessly) may be rejected by SHN model as unrealistic.
 2. Avoiding utopianism
 - a) We may not assume unrealistic levels of altruistic motivation.
 - b) We may not assume perfect rationality or knowledge.
 - c) We may not assume psychological uniformity.

- d) We may not simply assume persistence of the system over time.
- e) We may not assume simultaneous, worldwide adoption of the system
- 3. Things that do NOT render a social theory utopian:
 - a) a theory 'cannot' be implemented simply in the sense that people cannot be convinced to implement it. (Someone suggests I give \$200 to charity, and I say, "That is not realistic, because I refuse to do it." Not a valid objection.)
 - b) To be sufficiently realistic, a model for society need not be feasible or desirable under all social conditions. (Only what is likely to be.)
- 4. Against utopian statism
 - a) liberal democracy if it calls for less influence by special interest groups
 - b) confusing how institutions are supposed to behave, as opposed to how they really behave.

X. The Logic of Predation

- A. Hobbes argument for govt
- B. Game theoretic considerations
- C. Social values affecting prevalence of violence
- D. Interstate violence
- E. Predation in a totalitarian State
- F. Predation under democracy
 - 1. tyranny of the majority
 - 2. fate of nonvoters
 - 3. voter ignorance and irrationality - rational ignorance Brian Caplan
 - 4. against these, activism is utopian
 - 5. news media is "sleeping watchdog"
 - 6. miracle of aggregation - false assumption that ignorant voters cancel each other
 - 7. rewards of failure in government (e.g. 911 - intelligence, FBI, etc. got more money, Bush got instant approval after this govt failure.)
 - 8. constitutional limitations have failed in practice
 - 9. check, balances and separation of power - but what incentive do the branches have to limit other branches? Log rolling rather than competition seems to prevail. A pres appointing judges could aim to ensure integrity, or aim to ensure lack of integrity.

XI. Individual security in a stateless society

- A. Non-state system
 - 1. protection agencies
 - 2. arbitration firms
 - 3. Is it anarchy? Semantic issue, but two clear differences with States
 - a) voluntariness versus coerciveness
 - b) competition versus monopoly
- B. Conflicts between protectors
 - 1. costs of violence
 - 2. opposition to murder
 - a) widespread desertion of employees
 - b) even militaries have problem of soldiers not shooting
 - 3. conflicts between governments

C. Protection for criminals

1. ancap: such rogue agencies would be outbid in the market
2. govt: slavery, govt enforced segregation (or integration) show that govt may or may not protect criminals
3. It is hard to see why govts would be less prone to protecting criminals than PDAs

D. Justice for sale objection. To avoid begging the question, it needs reasons such as

1. Preexisting entitlement - everyone is entitled to justice without paying. Answer: If so, that is a flaw in human nature, not an objection to ancap. Security does in fact have a cost.
2. Basing law on justice. Again, no objection to anarcho-capitalism, which simply recognizes selfishness is a part of human nature.
3. At any rate, the preceding arguments apply equally to government.

E. Security for the poor.

1. Businesses do serve the poor.
2. Government protects the poor very badly.