The Problem of Political Authority

An Examination of the Right to Coerce and the Duty to Obey



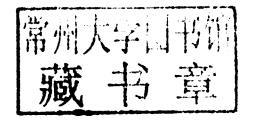
Michael Huemer



The Problem of Political Authority

An Examination of the Right to Coerce and the Duty to Obey

Michael Huemer University of Colorado at Boulder, USA







© Michael Huemer 2013

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The author has asserted his right to be identified as the author of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2013 by PALGRAVE MACMILLAN.

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN: 978-1-137-28164-7 hardback ISBN: 978-1-137-28165-4 paperback

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1 22 21 20 19 18 17 16 15 14 13

Printed and bound in Great Britain by CPI Antony Rowe, Chippenham and Eastbourne

The Problem of Political Authority

Also by Michael Huemer

ETHICAL INTUITIONISM
SKEPTICISM AND THE VEIL OF PERCEPTION

此为试读,需要完整PDF请访问: www.ertongbook.com

Preface

This book addresses the foundational problem of political philosophy: the problem of accounting for the authority of government. This authority has always struck me as puzzling and problematic. Why should 535 people in Washington be entitled to issue commands to 300 million others? And why should the others obey? These questions, as I argue in the following pages, have no satisfactory answers.

Why is this important? Nearly all political discourse centers on what sort of policies the government should make, and nearly all of it – whether in political philosophy or in popular forums – presupposes that the government has a special kind of authority to issue commands to the rest of society. When we argue about what the government's immigration policy ought to be, for example, we normally presuppose that the state has the right to control movement into and out of the country. When we argue about the best tax policy, we presuppose that the state has the right to take wealth from individuals. When we argue about health care reform, we presuppose that the state has the right to decide how health care should be provided and paid for. If, as I hope to convince you, these presuppositions are mistaken, then nearly all of our current political discourse is misguided and must be fundamentally rethought.

Who should read this book? The questions addressed herein are relevant to anyone interested in politics and government. I hope my fellow philosophers will profit from it, but I also hope it will reach beyond that small group. I have therefore tried to minimize academic jargon and to keep the writing as clear and straightforward as possible. I do not presuppose any specialized knowledge.

Is this a book of extremist ideology? Yes and no. I defend some radical conclusions in the following pages. But although I am an extremist, I have always striven to be a reasonable one. I reason on the basis of what seem to me common sense ethical judgments. I do not assume a controversial, grand philosophical theory, an absolutist interpretation of some particular value, or a set of dubious empirical claims. This is to say that although my *conclusions* are highly controversial, my *premises* are not. Furthermore, I have striven to address alternative viewpoints fairly and reasonably. I consider in detail the most interesting and initially

plausible attempts to justify governmental authority. When it comes to my own political view, I address all the important objections found in the literature and the oral tradition. Politics being as it is, I cannot expect to persuade committed partisans of other ideologies. My aim, however, is to persuade those who have kept an open mind regarding the problem of political authority.

What is in this book? Chapters 2–5 discuss philosophical theories about the basis of state authority. Chapter 6 discusses psychological and historical evidence regarding our attitudes about authority. Chapter 7 asks the question, if there is no authority, how ought citizens and government employees to behave? It is here that the most immediately practical recommendations appear. Part II of the book proposes an alternative social structure not based on authority. Chapters 10–12 address the most obvious practical problems for such a society. The last chapter discusses whether and how the changes I recommend might come about.

I wish to acknowledge some friends and colleagues who helped me with this book. Bryan Caplan, David Boonin, Jason Brennan, Gary Chartier, Kevin Vallier, Matt Skene, David Gordon, and Eric Chwang provided invaluable comments that helped eliminate mistakes and improve the text in numerous places. I am grateful for their generosity. If any mistakes remain, the reader may look these professors up and ask them why they did not correct them. The work was completed with the assistance of a fellowship from the Center for the Humanities and the Arts at the University of Colorado in the 2011–12 academic year, for which assistance I am also grateful.

Contents

And	alytical Contents	Vi
List	of Figures	xxvi
Pre	face	xxvii
	Part I The Illusion of Authority	
1	The Problem of Political Authority	3
2	The Traditional Social Contract Theory	20
3	The Hypothetical Social Contract Theory	36
4	The Authority of Democracy	59
5	Consequentialism and Fairness	81
6	The Psychology of Authority	101
7	What if There Is No Authority?	137
	Part II Society without Authority	
8	Evaluating Social Theories	183
9	The Logic of Predation	198
10	Individual Security in a Stateless Society	230
11	Criminal Justice and Dispute Resolution	265
12	War and Societal Defense	288
13	From Democracy to Anarchy	321
Refe	rences	339
nde	ex cast theorem we have been still as t	357

Analytical Contents

Part I The Illusion of Authority

1	The	Problem of Political Authority	
	1.1	A political parable A private party who performed acts analogous to those of the state would be strongly condemned. The state is not condemned because it is thought to possess 'authority'.	
	1.2	The concept of authority: a first pass Political authority involves both political obligation and political legitimacy.	
	1.3	Actions versus agents: the need for authority The difference between our attitudes toward the government and our attitudes toward vigilantes is due not to a difference in their actions but to a perceived difference in the agents.	
	1.4	The significance of coercion and the reach of authority An account of authority is needed due to the ethical import of coercion. Many government policies depend on belief in authority.	8
	1.5	The concept of authority: a second pass The usual conception of authority includes five conditions: generality, particularity, content-independence, comprehensiveness, and supremacy.	12
	1.6	A comment on methodology The best approach to political philosophy involves reasoning from common-sense moral judgments.	14
	1.7	Plan of the book Part I explains why the state lacks authority. Part II explains how a society can function without authority. Readers should not dismiss the book merely because of its radical thesis.	17
2		,	2 (2)

2.2	The explicit social contract theory It is not plausible that such a contract was ever explicitly accepted.	21
2.3	The implicit social contract theory Some argue that we accept the social contract implicitly, through our actions.	22
2.4	Conditions for valid agreements Valid contracts satisfy four principles: (1) valid consent requires a reasonable way of opting out; (2) explicit dissent trumps alleged implicit consent; (3) an action can be taken as communicating agreement only if the agent believed that if he did not take the action, the agreement would not have been imposed on him; (4) contractual obligation is mutual and conditional.	
2.5	Is the social contract valid? 2.5.1 The difficulty of opting out There is no way of opting out of the social contract without giving up things one has a right to.	27 27
	2.5.2 The failure to recognize explicit dissent The state does not recognize explicit rejections of the social contract.	30
	2.5.3 Unconditional imposition The alleged social contract is imposed on citizens almost regardless of what they do.	30
	2.5.4 The absence of mutual obligation The state officially renounces any obligations toward individuals.	31
2.6	Conclusion The traditional social contract theory fails.	35
The 3.1	[2] [1] [2] [2] [2] [2] [2] [2] [2] [3] [3] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	36 36

3.2	Hy is t	thetical consent in ordinary ethics pothetical consent is valid only when actual consent inavailable, and the hypothetical consent is consistent th the parties' actual philosophical beliefs and values.	
3.3	3.3.1 Son	thetical consent and reasonableness Hypothetical agreement as evidence of reasonableness ne argue that hypothetical consent shows that a itical arrangement is reasonable.	39
	The	Could agreement be reached? ere is no reason to think that all reasonable persons ald agree on a social contract.	40
	The	The validity of hypothetical consent ereasonableness of a contract does not make it igatory for parties to accept it nor render it permissible force parties to do so.	
3.4	3.4.1 Joh	thetical consent and ethical constraints Rawls's contract theory as an account of authority Rawls, the most influential political philosopher, vances a hypothetical social contract theory.	46
	The	Could agreement be reached? ere is no reason to think agreement could be reached Rawls's hypothetical scenario.	48
	par	The validity of hypothetical consent, part 1: the appeal to fair outcomes e fairness of a contract does not make it obligatory for ties to accept it nor make it permissible to force parties do so.	
	not	The validity of hypothetical consent, part 2: sufficient conditions for reliable moral reasoning vis's scenario embodies some necessary conditions, sufficient conditions, for reliable moral reasoning. ficient conditions would require complete and correctues.	
	3.4.5	The validity of hypothetical consent, part 3:	55

59

59

4.2	Deliberative democracy and legitimacy 4.2.1 The idea of deliberative democracy Joshua Cohen articulates conditions for ideal deliberation in a democratic society.	60 60
	4.2.2 Deliberative democracy as fantasy No actual society satisfies any of Cohen's conditions.	61
	4.2.3 The irrelevance of deliberation Even if Cohen's conditions were satisfied, they could not ground authority. No deliberative process suffices to erase individuals' rights against coercion.	
4.3	Equality and authority 4.3.1 The argument from equality Thomas Christiano derives political obligation from an obligation of justice to support equality and respect others' judgment.	
	4.3.2 An absurdly demanding theory of justice? Christiano's conception of justice must be either absurdly demanding or too weak to generate political obligations.	
	4.3.3 Supporting democracy through obedience Obedience to the law is not a meaningful way of supporting democracy.	70
	4.3.4 Is democratic equality uniquely public? The democratic interpretation of the value of equality is not uniquely publicly realizable. Either many interpretations of equality can be publicly realized, or none can.	

Rawls cannot show that no competing theory satisfies his necessary conditions for acceptable moral reasoning.

Hypothetical consent cannot save the social contract

In common-sense morality, majority will does not generate obligations to comply or entitlements to coerce.

3.5 Conclusion

theory.

The Authority of Democracy

4.1 Naive majoritarianism

obey its will.

4.3.5 Respecting others' judgments

4.3.7 From obligation to legitimacy?

that their judgment is in fact defective.
4.3.6 Coercion and treating others as inferiors

There is no duty to respect others' judgment if you know

The state treats citizens as inferiors by forcing citizens to

73

75

		The obligations to support equality and to respect others' judgments are not the sort of obligations that it is appropriate to enforce coercively.	
	4.4	Conclusion The democratic process does not confer authority on its outcomes.	79
5	Con	sequentialism and Fairness	81
	5.1	Consequentialist arguments for political obligation	81
		5.1.1 The structure of consequentialist arguments for political obligationSome argue that we have a duty to promote certain large goods that can only be promoted through obedience to the state.	
		5.1.2 The benefits of government Government protects us from criminals and foreign governments and provides consistent rules for social coordination.	
		5.1.3 The duty to do good When one can prevent something very bad with minimal cost, one ought to do so.	83
		5.1.4 The problem of individual redundancy An individual's obedience has no impact on the state's ability to provide key social benefits.	84
	5.2	Rule consequentialism It is not wrong to do something merely because it would be bad if everyone did it.	85
	5.3	Fairness	86
		5.3.1 The fairness theory of political obligation Some argue that one must obey the law because disobedience is unfair to other citizens.	86

	For stat	Obedience as the cost of political goods many laws, obedience has no connection with the e's ability to provide the crucial benefits that are posed to justify its existence.	
	Tho	Political obligation for dissenters ose who disagree with a policy do not act unfairly in a sing to cooperate with it.	91 1
	The	Particularity and the question of alternative goods ere is no need to obey the law if one can do something re socially beneficial instead.	93 g
5.4	5.4.1 Son	roblem of legitimacy A consequentialist account of legitimacy ne argue that the state may coerce individuals because ng so is necessary to achieve great goods.	93 93 e
	Cor	Comprehensiveness and content-independence assequentialist arguments can only justify imposition narrow range of correct policies.	94 1
	acto	nsequentialist arguments cannot explain why nonstate ors should not be entitled to do the same things as state, nor why they may not use coercion against the	S
5.5		usion nsequentialist and fairness-based arguments do no ablish political authority.	100 t
The	Psycho	ology of Authority	101
6.1	The re	levance of psychology	101
	Son	Is this book dangerous? ne believe that it is dangerous to undermine belief in hority.	101 1
	Son far	The appeal to popular opinion ne believe that the rejection of authority is too from common-sense political beliefs to be taken ously.	
6.2	The M 6.2.1	o i	105 105

others.

6.2.2 Predictions

the experimenter.

	6.2.3 Results	.08
	Two-thirds of subjects obey fully, even to the point of administering apparently lethal shocks.	
	6.2.4 The dangers of obedience The experiment shows that belief in authority is very dangerous.	.08
	6.2.5 The unreliability of opinions about authority The experiment also shows that people have a strong pro-authority bias.	.09
6.3	Cognitive dissonance People may seek to rationalize their own obedience to the state by devising theories of authority.	11
6.4	Social proof and status quo bias People are biased toward commonly held beliefs and the practices of their own society.	14
6.5	The power of political aesthetics	16
		16
	The state employs symbols to create an emotional and aesthetic sense of its own power and authority.	
	6.5.2 Rituals Rituals serve a similar function.	18
	6.5.3 Authoritative language 1 Legal language and the language of some political philosophers serve to encourage feelings of respect for authority.	20
6.6	Stockholm Syndrome and the charisma of power 1	23
	그 그 그 그렇게 다른 경치는 그렇게 화하지만하다. 그렇게 그리지나 그리지만 그리고 하는 그리고 한다.	23
	Kidnapping victims sometimes emotionally bond with their captors, as in the case of the Stockholm bank robbery.	
	6.6.2 Why does Stockholm Syndrome occur? 1 The syndrome may be a defensive mechanism.	25

Milgram devised an experiment in which subjects would be ordered to administer electric shocks to helpless

Most people expect that subjects will defy the orders of

	out	side world.		in the			
6.7	Sub- dev son Case s 6.7.1 In	Are ordinary city Syndrome? Opects of a governorelopment of Structudies in the about My Lai revisited the My Lai maters. One soldier a traitor.	nmentockhons. use of passacre	t satisfy t lm Synds power , soldiers	he condit rome and were jus	tions for t l also sh	129 129 ng
	Vol The	The Stanford Pr unteers particip e guards becam soners.	ated i	n a simu	lation of		
	oth	Lessons of the S wer leads people ers. Those who a se who are.	to in				
6.8	The	usion: anatomy of e common belief nal biases. Belief	in aut	hority is			134 ra-
Wh 7.1	Some j 7.1.1 If the	nere Is No Author policy implication Prostitution and here is no author s against prostitu	ns legal city, le	gal moral	ism, as in	the case	137 138 138 of
	Leg	Drugs and pater al paternalism, ustified.			se of dr	ug laws,	139 is
	Law	Rent-seeking s motivated ustified.	by	rent-seeki	ng are	obvious	141 sly

6.6.3 When does Stockholm Syndrome occur?

The syndrome is most likely to develop when one is under the power of another who poses a serious threat, one cannot escape or overpower one's captor, the captor shows some signs of mercy, and one is isolated from the 7.1.4 Immigration

Immigration restrictions are unjustified.

	7.1.5 The Protection of individual rights Laws that protect individual rights are justified.	143
	7.1.6 Taxation and government finance Taxation is justified if and only if voluntary methods of government finance prove unworkable.	145
7.2	7.2.1 Welfare and drowning children It is sometimes permissible to force someone to help a third party in an emergency. This principle might be used to justify government social welfare programs.	149
	7.2.3 Are poverty programs properly targeted? Government antipoverty programs ignore the interests of extremely needy people in other countries to focus on slightly needy people in one's own country.	
	7.2.4 A clash of analogies: drowning children and charity muggings Government social programs bear more similarity to a practice of mugging people to collect money for charity than to a case of forcing a stranger to save a drowning child.	
	7.2.5 In case the foregoing is wrong Even if the foregoing arguments are wrong, the case of aid to the poor does not support political authority, since the state would still have no greater rights than a private citizen.	
7.3	Implications for agents of the state Government employees should refuse to implement unjust laws.	161
7.4		.63 .63