Chapter 8: Social Contract Theory, Political Philosophy, and Immigration

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# Social Contracts and Rights: Hobbes, Locke, and Rawls

**Social contract theory** is based on the idea that moral and legal rules can be thought of as the outcome of some sort of “agreement.” So, for example, if we want to know “Why is it wrong to murder Jones, who I really dislike?” perhaps the answer is “You don’t want Jones to murder you, and society would fall apart if everyone started murdering each other. For this reason, murder is wrong for *everyone,* including you.” While social contract theory relies on the idea that moral norms are defined by what people “agree on”, it shouldn’t confused with cultural relativism. Cultural relativists look to a culture’s current beliefs, practices, and laws to figure out what that culture’s moral norms are; by contrast, social contract theorists want to know what these laws/morals *would be* if everyone in that society were given the chance to freely and rationally negotiate about them. In this sense, social contract theory is much closer to moral objectivism (and is often identified as a “type” of objectivism).

The basic idea behind social contract theory is very old (Plato’s *Republic* describes something like it, though the main character Socrates ends up arguing against it), but it didn’t really get started serious until the 1500s and 1600s, when people like Thomas Hobbes and John Locke started thinking about the nature of government, and what it meant to have a good/justified government. Their ideas played a major role in both the establishment of democratic governments in places like the US, France, and the UK, and in spreading the idea that people had moral and legal **rights** that their governments had to respect.

## Hobbes: From selfish human nature to authoritarian government

“To this war [in the state of nature] of every man against every man, this also in consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law, where no law, no injustice. Force, and fraud, are in war the cardinal virtues.” (Hobbes)

**Thomas Hobbes (1588-1679)** was an influential moral and political philosopher. While Hobbes was writing, Britain was engaged in long, violent series of civil wars. Hobbes saw the bad effects of these wars on the ordinary people, who were forced to serve as soldiers, taxed heavily, killed in raids, and were generally forced to live in a highly uncertain, unpredictable environment that made planning for the future very difficult. Hobbes’ basic idea was this: given how undesirable this sort of situation was, rational people *ought* to welcome a strong ruler, even if they didn’t like or agree with all of the rulers’ policies or actions. For Hobbes, this explains both the *origin* of morality and law, and an *explanation* of why people ought to obey moral and legal rules.

Hobbes spelled this out in more general terms:

* **The Nature of Humans: Rational and Selfish.** Hobbes is a **psychological egoist**, who believes that humans are everywhere and always motivated by *self-interest.* However, humans are also highly risk-averse. So, while humans would (in the right circumstances) enjoy stealing other people’s money, and doing various horrible things to each other, these relatively weak desires are outweighed by the *fear* of having these things done to them. This sort of risk aversion plays an important role in Hobbes’ explanation of the nature of the social contract.
* **In the beginning: “The State of Nature.”** Hobbes begins by imagining/describing how humans would have lived in the days before there were governments, police, religious, or any other sort of rule dictating how people should treat each other. In this **state of nature,** Hobbes famously says that life was “nasty, brutish, and short.” Basically, people live in small family units trying to take stuff from other people and to defend their own stuff/lives from others. Since people are (roughly) the same size and strength, it’s very difficult for any single person to maintain a long-term advantage over others. Life is insecure and violent, even for those who are best off.
* **The Social Contract.** Since life in the state of nature is so bad, humans would find almost anything else to be better, so long as it gave them some security over their lives and property. Hobbes posits it is at this point humans get together, and agree to give authority to an all-powerful **monarch,** to whom they sacrifice many powers they used to have (in particular, their freedom to use violence against one another). This monarch is clearly the one who benefits the *most* from this contract, but Hobbes argues that everyone benefits from there being a clear, unified “authority” that is responsible to maintain order (and, not coincidentally, can be blamed if anything goes wrong).
* **The Leviathan and the Right to Revolution.** In his book, the *Leviathan,* Hobbes argues that the *best* government is a strong, unified, authoritarian one (the **“Leviathan”**). This is what the social contract would agree to. Why? Because he thought any division among the government would lead to conflict among its parts (e.g., various democratic politicians and parties fighting one another, and not serving their citizens). In the event that a Hobbesian authoritarian government overstepped its bounds *too far* (by doing things like violating citizens lives and property rights), Hobbes thinks that rational citizens could/should revolt against it.

While Hobbes is famous for his pessimistic view of human nature (we are all selfish and afraid), and for his defense of monarchy, his view represents a major step toward modern views of government. Among other things, Hobbes emphasizes that monarchs derive their power from their citizens (and not from God!), and that citizens have the right to defend themselves if the monarch’s actions endanger them.

## Locke: From natural law to representative democracy

[Civic power] can have no right except as this is derived from the individual right of each man to protect himself and his property. The legislative and executive power used by government to protect property is nothing except the natural power of each man resigned into the hands of the community…and it is justified merely because it is a better way of protecting natural right than the self-help to which each man is naturally entitled.” (John Locke)

Hobbes sees the origins of morality and law as springing directly from humanity’s selfish, fearful nature, and he thought the ideal society was an authoritarian one, albeit one that guaranteed its citizens some sort of minimal safety and peace of mind. By contrast, **John Locke (1632-1704)** offered a *morally-based contract theory* which purported to show how people who *already had moral obligations to another* could come together to form a state. (People have variously argued that Locke starts from something like natural-law theory, a deontology, or rule utilitarianism; in any case, he does NOT assume that people are/should be purely self-interested in the way that Hobbes does). Locke argued that these people would come together to form sort of representative democracy. Here are Locke’s basic ideas:

* **Natural Rights:** Unlike Hobbes, Locke was NOT a psychological egoist. Instead, he thought that humans had natural rights to things to “**life, liberty, and property”** (the U.S . found founding fathers would change this to “life, liberty, and pursuit of happiness”) as well as a variety of subsidiary rights (such the right to self-defense). So long as there is plenty of land and stuff, humans could live just fine (and could manage to treat each other well), even absent a government. However, these natural rights need to be supplemented/altered once humans begin to encounter large-scale social problems. In particular, once we started to have debates about who owned what stuff, we need some sort of government to sort these out.
* **Democracy:** Unlike Hobbes, who though the people would agree to an absolute monarch, Locke things they would agree to some sort of representative democracy where “rational” people could vote (Locke notably excludes African slaves, Catholics, and women, among others).
* **Debates About the “Right to Property.”** Locke’s idea that there is a natural right to property has been a contentious one, and was famously replaced in the U.S. Declaration of Independence with “happiness.” Modern **libertarians** (who emphasize the importance of property rights)generally look to Locke as a founding father, and think that there are certain property rights the government CANNOT violate. By contrast, **utilitarians** have disagreed with Locke’s claims that property is a natural right. Instead, they tend to think the property is a legal right that comes into existence only as a result of the social contract, and has a fair amount of flexibility built into it. The property laws of nations like the U.S., Canada, and the UK draw on both traditions.)
  + Pure libertarians about property rights tend to think that the *only* reasons that the government can tax for are: (1) to provide for the common defense (police and army), (2) to enforce contracts, break up monopolies, and ensure people are paid **reparations** for past wrongs, and (3) to give each person a “fair chance” to acquire property in our market-driven society. This last condition (the **Lockean Proviso,** which requires we leave “as much as and as good for others”**)** explains why libertarians are (generally) OK with spending money on children’s education or health care, and (perhaps) in giving recent immigrants some support to get started.
* **The Social Contract and “The Consent of the Governed.”** Locke thought that, at some point, even his well-meaning humans would find that there were problems they couldn’t solve, regarding things like property disputes, management of common resources, punishment of criminals. It was at this point they would agree to form a government. This government (which would be at least partially democratic) would limit some of the rights they had previously had (they have to pay taxes, and could no longer enforce their own law). However, they would recognize and consent to this, given the overall benefits. Importantly, however, this government would have much more limited power over its citizens, when compared to the Hobbesian version, since it couldn’t violate people’s “natural rights.”

Locke’s theory provides a valuable contrast with that of Hobbes. Where Hobbes sees people consenting to government only out of selfish fear, Locke sees people *wanting* to create a government, since they recognize this government will allow them to better manage their lives and stuff.

## The incompleteness of Rights and contract theory

Thinkers like Hobbes and Locke played a major role in creating the contemporary idea that people have “rights”: to free speech, religion, assembly, private property, self-defense, and so on. They also advanced the idea that the authorityof governments rests in some sense on the agreement/consent of the people they govern, and is not due to the “divine right of kings.” These were both major conceptual revolutions in moral/political philosophy, even if they now seem obvious to most people living in democracies. That being said, numerous critics have pointed out that the “rights” and the (often imaginary) “contracts” on which they are based need to be supplemented with other moral theories (as Locke does, but Hobbes does not). Here are a few worries:

* **What about those left out of the contract?** Both Hobbes and Locke seem to see the social contract as being an agreement among “rational” adult men, and left out of everyone else, *even though these other people would be affected by the contract.* Locke, for example, seemed torn between his theoretical idea that women, Africans, and religious minorities such as Catholics deserved full rights (since they were “rational”), and his practical support (in his non-philosophical life/writings) for slavery and discriminatory laws. While more recent contract theories have addressed this, contract theories still have a problem accounting for our moral obligations toward any being that can’t understand/abide by moral rules. This includes children, animals, many people with cognitive disabilities, etc. Most people would agree that we have moral obligations to these beings, but contract theory can’t easily explain why this is.
* **Not all moral obligations are about rights.** Some of our obligations (“don’t kill people”) are plausibly based on rights (“Respect others’ right to life”). However, many other sorts of things simply don’t seem to be this way. For example, decisions about which people we should spend time with, where to donate money, or how to distribute public funds don’t correspond directly to rights. Instead, they seem to relate to consequentialist considerations (where can I do the most good?), deontological considerations (what relationship do I bear to these various people?) or even virtue ethics/natural law considerations (what kind of person am I? what do I want to be?).
* **The Dangers of “Standing on One’s Rights.”** Moral and legal rights are a valuable tool for explaining what’s wrong with oppressive governments or individuals, and how we can stand up to them. However, there is a danger in the idea that one should always “stand on one’s rights” whenever one is asked to do something for others, or for the community as a whole. In particular, it seems like, if everyone did this, there’s little chance that things like families, friend groups, political parties, or even nations could survive. (Short version: “It’s my right to refuse to help you” doesn’t mean it is *good* or *moral* to refuse to help you).

To close our discussion of contract theory, we’ll consider the best-known modern version of social contract theory. It attempts to solve some of these problems.

## Into the Modern Era: Rawls on Justice as Fairness

**John Rawls** (1921 to 2002) is widely considered one of the most important ethical theorists of the past 200 years. His 1971 book *A Theory of Justice* offered one of the first modern systematic answers to the question “What should a just society look like?” The theory he defends (“justice as fairness”) is sometimes called **liberal egalitarianism.** Rawls’s basic thesis is as follows: *In a just society, goods and services should be distributed to maximize the position of the people who are worst off (such as the poor or sick). However, this must be accomplished without violating anyone’s basic rights to speech, assembly, religion, private property, or political participation, and without discriminating against anyone unfairly.*Where Hobbes is associated with political absolutism, and Locke with libertarianism, Rawls is often associated center-left “liberalism” (roughly, the idea of a capitalist society with strong support for the poor).

Rawls’ theory of “justice as fairness” is a contract theory,according to which the rules of a “just society” are determined by considering what the citizens would *agree* or **consent** to. Of course, contract theories cannot require **actual consent**, because (1) people do not choose where they are born, and cannot easily choose to leave their society and (2) people have reasons to be *biased* in their choices (rich people would choose a theory of justice that let them keep their wealth, while poor people would favor a theory of justice that let them take all of the wealth). To solve this problem, Rawls reasons as follows:

1. We imagine ourselves in a hypothetical situation called the **original position.** In this hypothetical situation, all of the future citizens are behind a **veil of ignorance** that prevents them from knowing their wealth, religion, health, race, sexual orientation, and so on. Each person in the original position is assumed to both rational and self-interested**.** That is, each person is concerned primarily with his or her achieving his or her *own* goals, and not with “making society better as a whole”).
2. People’s judgments in this scenario represent **hypothetical consent** (they *would* consent to these principles on the hypothesis that they were in this position).
3. Since the purely formal and abstract principle of justice means that people shouldn’t be considering things like wealth, religion, race, etc., this hypothetical consent is a good guide to what people *actually* think a just society should look like.
4. We can now use the theory of justice arrived in the original position to evaluate the justice of our *own* society, and make changes as needed. Rawls emphasizes that this is a continuous process of **reflective equilibrium**—we decide on a theory of justice, see whether it conflicts with *other* beliefs we have, and then make adjustments to either the theory or our other beliefs until we have arrived at an “equilibrium” state in which our theory of justice is compatible with all of our other moral commitments. Rawls emphasizes that theories of justice cannot be “deduced” from self-evident first principles, but must instead carefully take into account *all* of the relevant evidence.

### Fundamental Rights, Fair Opportunity, and the Difference Principle

*The first statement of the two principles reads as follows.*

* *[****Fundamental rights]*** *First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others…*
* ***[Difference principle]*** *Social and economic inequalities are to be arranged so that they are both (a) to the greatest expected benefit of the least advantaged and (b)* ***[Fair opportunity rule]*** *attached to offices and positions open to all under conditions of fair equality of opportunity. (Rawls)*

Rawls holds that the people in the original position would opt for a **liberal** society, in which each individual’s rights to pursue his or her own conception of the “good life” were protected by fundamental rights to speech, assembly, and religion. (Libertarians *agree* with Rawls about this.) He also holds that they would aim for a relatively **egalitarian** society, in which the position of the worst off would be maximized. Finally, he holds that they adopt a **fair opportunity rule** people with the same abilities have an equal chance of success in our society (so, we shouldn’t allow things such as discrimination based on gender, race, or religion)

Rawls believes that the rational agents in the original position will want to ensure that they have some ability to pursue their *own* sense of the good life, *even if this ends up being a sort of life that other people don’t like or approve of.* Because of this, they will avoid utilitarian principles, which can easily justify sacrificing minorities for the “greater good.” He argues that they will instead choose a package of **fundamental rights** that applies to everyone, including speech, religion, assembly, bodily privacy, and so on. These rights have *priority* over everything else, including the difference principle. For the same reasons, they will adopt a fair-opportunity rule to ensure that no one can discriminate against them based on morally irrelevant characteristics.

**Primary goods** are “things that every rational human is presumed to want.” They include things like rights and opportunities (mentioned above) but also things like income and health. **Social primary goods** are things that society can help distribute (like income), while **natural primary goods** (like healthy genes) are currently out of society’s control. Rawls argues that social primary goods should be distributed according to the **difference principle,** which maximizes the position of the worst off.

**The Difference Principle, in a Nutshell:** While the difference principle sounds complex, the idea is intended to be an intuitive one: basically, it is perfectly OK to pay certain people more (doctors, engineers, etc.) if this is what we need to inspire the best people to do these jobs, and to do them well. After all, this helps everyone, including the worst-off members of society. By contrast, it is NOT OK for people to have more money/stuff “just because,” or to deny the worst-off members of society the benefits produced by these highly paid doctors or engineers.

## Review Question: Founding a New Society

Suppose that you are in charge of starting a new society, which you will then randomly be assigned a role in. For the purposes of this exercise pretend that you do NOT know the following things: how much money you will have, what your physical or mental abilities will be, how healthy you will be, what gender or race you are, or what your religious or philosophical beliefs are. You have the following options. Why which would you choose why?

1. **Utilitarianism (J.S. Mill)—**Goods are distributed in whatever way maximizes the *net* happiness of everyone. Because of the principle of **diminishing marginal utility,** it is likely that utilitarians will split things up roughly equally. Similarly, because utilitarians value efficiency, they will likely have (relatively) free markets and give legal rights to citizens. However, none of these are absolute rules. For example, utilitarians are unlikely to spend lots of resources for low returns (e.g., a utilitarian government would be unlikely to fund expensive cancer treatment for elderly individuals). Similarly, utilitarian governments may violate rights to privacy, property, etc. in those circumstances when the greater good requires it. Utilitarians treat the principles governing the other views as “rules of thumb.”
2. **Libertarianism (Locke)—** The fundamental natural rights of citizens to life, liberty, and property will be protected. After that, goods will be *randomly* distributed to each group member (this represents inherited wealth, and other sorts of inequalities between families). The government will use taxes to provide a basic level goods corresponding to the benefits of publicly funded education of children. There is a significant chance that some people (a poor adult with a treatable disease) will die much earlier than they would have in the other views (since a purely libertarian government might not provide any health care).
3. **Liberal Egalitarianism (Rawls)—**The fundamental rights of citizens will be protected, though the right to property is somewhat more limited than on libertarianism (in particular, Rawls thinks that it is perfectly OK to tax the *estates* of the very rich to fund education and other public goods). After that, goods are distributed to *maximize* the position of the worst off. This may include things such as universal health insurance or income assistance. When compared to utilitarianism and libertarianism, there is a good chance that the *highest* incomes won’t be quite as high, but the *lowest* incomes won’t be quite as low, either.
4. **Communitarianism—**We should recognize that we simply don’t have enough information to make a choice like this in the veil of ignorance, since our conception of the good will be strongly informed by our religious beliefs, culture, and so on. With this in mind, we should set only a few prohibitions based on natural rights (for example, prohibiting slavery), and figure everything else out “on the ground.” Of course, this means that the laws governing *individuals* will be very different, depending on what sorts of values your culture happens to have adopted (Humanist, Islamic, Christian, Confucian, Hindu, Secular Liberal, or whatever). Among other things, this might impose risks on classes of people (such as women), who may find their choices limited when compared to liberal alternatives. (This view is often connected to virtue ethics, which holds that a healthy culture must inculcate its citizens with *specific virtues,* and not simply give them contentless “freedom.”)
5. **Marxist (Absolute) Egalitarianism-**Insofar as it is possible, goods will be distributed exactly equally. However, doing this may require violation of people’s basic rights. It might also involve inefficiencies (where *everyone* gets less, because there is simply less stuff produced).outcomes, even if this requires violating “rights.”

For a concrete example, here is how each theory might distribute your stuff (money, resources, etc.) among six people Abby, Ben, Claire, Dennis, Eileen, and Frank. Remember, you don’t know which “person” you will be, since this is randomly determined. I’ve included a few notes on the sorts of things that might explain why/how various things might happen. **Note: These numbers are made up! The idea is just to give you a sense of the general *types* of outcomes that each theory might be OK with.** (Communitarianism isn’t included since everything depends on which culture/religion you happen to be born into. It might look like any of these!).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Anarchism (No rules! No society!) | Utilitarianism | Libertarianism | Liberal Egalitarianism | Marxism |
| Abby | 0 (dead) | 0 (dead, sacrificed for the greater good. Perhaps she simply has an illness that is resource-intensive to treat) | 1 (no one can kill her, but she’s still pretty badly off) | 3 (she gets some aid from others; she is as well off as she could be, without violating others rights) | 4 (here, she gets the same as everyone else, but the overall costs to everyone else might be high) |
| Ben | 0 (dead) | 7 | 1 | 4 | 4 |
| Claire | 0 (dead) | 8 (note how well the “middle” people do in util.) | 4 | 4 | 4 |
| Dennis | 1 | 8 | 4 | 6 | 4 |
| Eileen | 1 | 8 | 10 | 6 | 4 |
| Frank | 4 (“king of the jungle”, takes things by force) | 5 (forced to work nonstop to aid others, and maximize overall wellbeing) | 10 (doesn’t have to do any work for other adults) | 7 (has to do some work for Abby/Ben, but he a baseline of rights that must be respected) | 4 (forced to work; may be penalized simply to make things “equal”) |
| TOTAL | 6 | 36 (This is the highest!) | 30 | 30 | 24 |
| Rights to speech, assembly, religion, etc. protected? | No! | No | Yes | Yes | No |

As you can see, each theory has its own “risks”—the utilitarians might kill you “for the greater good”, you might end up poor/disabled in the libertarian society, you may be taxed heavily in the liberal egalitarian society, and the Marxist society will take away your rights.

# Is There a Moral Right to Immigrate?

**How many immigrants are there?** In the United States, immigrants and their native-born children make up a significant share of the U.S. population. There are currently around 45 million first-generation immigrants, or around 15% of the population. Around half of these immigrants have already become citizens, and a little less than 1/3 (11 million) are here without legal authorization. There are, in addition, around 15 million second-generation children living in immigrant households (these children are U.S. citizens). These percentages are roughly similar to those that have characterized the U.S. throughout much of its history, but they represent a major change from the 1920s through the early 1970s, when the U.S. (along with many other rich countries) placed severe restrictions on immigration. These restrictions, for example, led both the U.S. and the UK to deny entry to Jews wishing to leave Germany in the 1930s.

**How does the U.S. currently decide which immigrants to accept?** Currently, U.S. immigration policy favors immigrants who either (1) have close family connections with American citizens (as spouses, children, parents, etc.) or (2) have high-demand skills, though strict caps keep the number of spots available low, relative to demand. The overwhelming majority of the nearly 1 million immigrants who arrive each year fall into one of these categories, and most arrive from the same areas of the world (Latin America, China, India). By contrast, the US accepts far fewer immigrants (at most 100,000 per year, with far fewer during COVID) who arrive as **refugees** who seek escape from war, persecution, or starvation**.** The U.S. (and other rich countries) accepts relatively few people from the poorest, more violent areas of the world, especially in comparison with the numbers who desire to leave. The U.S. deports large numbers of unauthorized immigrants each year (up to 1,000,000).

**What’s the philosophical debate about?** While it’s very difficult to tell exactly how many people *would*  come to the U.S. (or other rich countries) if immigration “caps” were removed, it would likely be a sizable increase over the current numbers. This is because, in large part, because these people currently live in areas of the world with high levels of political instability, widespread poverty and famine, poor medical care, etc. Moving to a rich country (even if it were only to work a sub-minimum wage job) would offer many of these people (and their children) significantly improved prospects for achieving a decent standard of living. So, the question is: **“Do citizens of rich countries have the moral right (by voting for immigration restrictions) to forcibly prevent ordinary foreign-born people (i.e., the vast majority of immigrants who are not criminals, terrorists, etc.) from living and working in their countries?”**

## Huemer’s Argument for the Prima Facie Right to Immigrate

*“I ask the reader to consider the following scenario. Marvin is in desperate need of food. Perhaps someone has stolen his food, or perhaps a natural disaster destroyed his crops; whatever the reason, Marvin is in danger of starvation. Fortunately, he has a plan to remedy the problem: he will walk to the local marketplace, where he will buy bread. Assume that in the absence of outside interference, this plan would succeed: the marketplace is open, and there are people there who are willing to trade food to Marvin in exchange for something he has. Another individual, Sam, is aware of all this and is watching Marvin. For some reason, Sam decides to detain Marvin on his way to the marketplace, forcibly preventing him from reaching it. As a result, Marvin returns home emptyhanded, where he dies of starvation. What is the proper assessment of Sam’s action? Did Sam harm Marvin? Did he violate Marvin’s rights? Was Sam’s action wrong?” (Huemer 2010)*

The philosopher Micheal Huemer[[1]](#footnote-1) argues that there is *prima facie* right to immigrate. That is, it a right that holds in the absence of any other factors. Many rights are like this. So, for example, people have a prima facie right not to be killed; so, in the vast majority of circumstances, it’s morally wrong to kill them. However, this right has exceptions (e.g., the person is attempting to kill *you*).

**Sam and Marvin.** Huemer begins his argument with the story of “Sam” and “Marvin”. Sam lives in a nice area, where there are markets that sell bread for a reasonable price. Marvin doesn’t have such easy access to food, and so he tries to come over and buy some bread (so that he doesn’t starve to death!). However, Sam doesn’t like the looks of Marvin, so he threatens him with physical violence. Here’s the idea:

1. Sam significantly harms Marvin when he stops him from getting the food. Absent some very good reason which we don’t know about (e.g., Marvin being a known criminal), Sam’s behavior here is morally wrong, and violates Marvin’s rights.
2. Marvin is relevantly similar to many potential immigrants, who could significantly improve their lives (and perhaps even save their lives) by immigrating to the U.S.
3. Sam is relevantly similar to the U.S. government, who uses force to prevent immigrants from doing things like finding jobs and housing in the US (from perfectly willing employers and landlords). The mere fact that Sam didn’t cause Marvin’s original problems (or the U.S. didn’t cause the problems that immigrants want to escape from) doesn’t justify their behavior.
4. So, by analogy, the U.S. government harms potential immigrants by denying them entry. Absent some very good reason, this violates their rights.

**Does the U.S. have very good reasons?** The above argument doesn’t show that the U.S. government (or Sam, for that matter) is necessarily in the wrong by restricting immigration. It just shows that the government would need to have a good reason that could *overrule* the prima facie right to immigrate. What might this reason be? We’ll turn to this in the next section.

*Note:* In order to avoid confusion, it’s important to remember that Huemer’s argument doesn’t necessarily entail “open borders”—e.g., it still might be perfectly fine to do (reasonable, timely) background checks to make sure that “Marvin” isn’t a threat. The argument is simply intended to establish that shouldn’t have “caps” on the NUMBERS of people we let in, once we’ve done this sort of check.

## Arguments for Restricting immigration

Huemer argues that immigration restrictions are a form of **harmful coercion** and, as such, are prima facie wrong. However, there are at least some cases where harmful coercion is OK, such as if we need to use it to prevent greater harm to others (arresting a murderer). With this in mind, Huemer examines common defenses of immigration restrictions. He argues that all of these arguments FAIL:

**Arg 1: Forcibly keeping immigrants out is OK because this provides economic benefits to (some) other people.** On the whole, most economists have argued that increased immigration actually *helps* the citizens of rich countries (e.g., because immigrants purchase goods, create new jobs, etc.). However, increased immigration would likely lead to decreased wages and increased competition for at least certain sorts of industries. So, the current workers in these industries would be harmed by immigration.

**Problem with Arg 1:** Huemer finds this argument unconvincing. After all, Sam couldn’t defend his decision to forcibly stop Marvin from buying (life-saving) bread simply by saying “But that’s going to make bread more expensive! And my daughter wanted to buy cheap bread [even though she could afford to buy more expensive bread.]” The only way this argument would work is if we had some reason for thinking that Sam’s daughter’s interests were *much, much* more important than Marvin’s: so much so that the Sam could use physical force on Marvin to prevent him getting what he needed to live. But this seems wildly implausible.

**Arg 2: Forcibly keeping out immigrants is OK because promotes the interests of current citizens (even if it hurts immigrants more).** A second argument for restricting immigration might be that the U.S. government’s job is to take care of the interests of current U.S. citizens, even if this means ignoring (or even harming) others. So, the idea is that Sam is justified in stopping Marvin’s buying bread because Sam wants to help out *his daughter.* Or maybe Sam has a policy of always buying bread for poor people, but he can’t afford to buy any more bread, so he doesn’t want Marvin to show up. (The analogy here is the social insurance programs like Medicare, Medicaid, Social Security, minimum wage, etc.).

**Problem with Arg 2:** While it is certainly plausible that we might have *some* special duties toward fellow citizens, it is NOT plausible to claim we can simply treat non-citizens however we like. (So, it seems clearly unacceptable for Sam to do something that causes Marvin to die, just to secure a much smaller benefit for his daughter). Moreover, if the government is worried about welfare programs, they have an easy option: allow immigrants to opt out of them. Many of the people (especially refugees and asylum seekers) would be happy to accept something less than full citizenship—they are just looking for safety, employment, etc. It hardly seems fair to say “since we can’t afford to give you full citizenship right now, we’re just going to let you die.” Going further, one might also reasonably wonder *why* native-born citizens *morally deserve* better welfare benefits than others (especially when we are talking about children, as we often are). Finally, it’s worth emphasizing that we have very little reason to suppose that immigration harms the citizens of a nation as a whole.

**Arg 3: Forcibly keeping out immigrants is OK because it helps preserve “Western (or Chinese, Japanese, etc.) culture.”** One common reason for restricting immigration is that immigrants would change the “culture” in ways current citizens would dislike. So, in terms of Sam and Marvin, perhaps Marvin is an especially well-spoken advocate of a religion that Sam finds disagreeable, and Sam really doesn’t want to give Marvin the chance to convert people. So, *that’s* why Sam feels like it is OK to forcibly stop Marvin from buying food.

**Problems with Arg 3:** The problems here are both factual (is Western/Chinese/Japanese culture *really* this fragile?) and moral (can you really use *physical violence* against strangers to maintain cultural/religious purity?). Huemer suggests that, if we don’t think these sort of “my way or the high way” motivations are acceptable in other areas of life, we shouldn’t think the case is different for immigration. For example, most people would (rightfully!) be upset if a local government made laws prohibiting Jews/Muslims/Buddhists from buying houses or enrolling in public schools. However, this is basically what the above argument amounts to: it says that it’s morally OK to keep people out on the grounds of cultural/religious difference.

**Arg 4: It’s OK to forcibly keep SOME immigrants out because if we let them ALL in, the country would collapse.** Some people have argued that eliminating immigration caps would lead to absolutely massive number (perhaps a billion) of people to move to rich countries, which lead to a wholesale collapse of the social institutions of both the rich countries (and perhaps the poor countries as well).

**Response to Arg 4:** While many immigration opponents seem to worry about scenarios, there currently isn’t good evidence that this is a *likely* outcome of allowing immigrants in. Humans, as a rule, simply don’t move in these sorts of numbers. In any case, if this really is what they are worried about, there’s an easy solution: don’t eliminate all of the immigration laws all at once. So, for example, perhaps we allow 2 million in next year, 3 million the year after, and just see how it goes. These numbers are tiny (compared to the billion this argument worries about), but would represent a very significant improvement over the status quo. Moreover, this would allow us to get a good sense of how many people actually *do* want to immigrate, and the extent to which our social institutions can accommodate these increased numbers.

## Review Question: Applying Ethical Theories

We’ve learned a number of different ethical theories/approaches over the semester. Here, I’d like you to think about what each of the theories must say about the question: “Is it ethically OK to have laws restricting immigration?” Choose 1-2 theories, and think about this in detail.

1. Utilitarianism: An action/law is morally right if and only if it maximizes happiness for everyone affected by it.
2. Virtue Ethics: An action/law is morally right if and only if it the sort of thing that would be done by a perfectly virtuous (compassionate, generous, etc.) person.
3. Deontology (Kantian “Humanity” version): An action/law is morally right if and only if treats people as “ends in themselves” and never as “mere means.”
4. Social contract theory: A law is morally right if and only if those whose actions are constrained by the law (in this case, both immigrants and native citizens) did or should *agree* to this law.

# Reading: “Democracy is So Overrated”: House of Cards and the Rise of a Tyrant (by Brendan Shea)[[2]](#footnote-2)

**Note: This is an article I wrote a few years ago for a book on the philosophy of the Netflix Series “House of Cards” that outlines some major philosophical views about democracy. Basically, Frank and Claire Underwood are politicians who scheme to take over the US. Government “from the inside.” However, I think (or hope!) the main argument here should be accessible even if you don’t know the show. The Wikipedia Page has a summary of the plot:** [**https://en.wikipedia.org/wiki/House\_of\_Cards\_(American\_TV\_series)#Plot**](https://en.wikipedia.org/wiki/House_of_Cards_(American_TV_series)#Plot)

In some ways, Frank and Claire Underwood closely resemble the stereotypical villains that appear in a thousand books and films. Among other things, they combine the capacity for utter ruthlessness (as evidenced by Frank’s brutal killing of the journalist Zoe Barnes who threatens to expose him) with the ability to maintain a successful working relationship (at least for a while). When combined with their almost supernatural cleverness and luck, one might be forgiven for thinking they are a bit “unreal.” After all, few real politicians have ever been caught attempting anything nearly so ambitious or well thought-out. Instead, most real-world “plots” are nothing more than ill-thought-out attempts to obtain money, sex, or influence in cases where politicians think they can get away with it. The Underwoods, it might seem safe to say, are characters that could *only* exist in fiction.

In this chapter, I’ll suggest that this view might be dangerously mistaken. In particular, I’ll be looking at how the events portrayed in *House of Cards* might look to some historically important criticsof democracy. According to these thinkers, the success of the Underwoods is not nearly as miraculous or far-fetched as many contemporary viewers would like to think. Instead, the Underwoods’ success is guaranteed by certain structuralfeatures of democracy. On this view, *House of Cards* posesa significant challenge to those of us who want to defend or reform democracy, since it is our responsibility to say how (if it all) our real-world political institutions can be safe-guarded against the sort of schemes that threaten the citizens of Frank and Claire’s world.

## The Underwoods visit the Kallipolis

“And so tyranny naturally arises out of democracy, and the most aggravated form of tyranny and slavery out of the most extreme form of liberty…” Plato, Republic, Book 8[[3]](#endnote-1)

In *House of Cards,* viewers witness the perversion (and perhaps the eventual destruction) of a democratic government. Crucially, the dangercomes not from an external threat, but from the democratically elected politicians themselves. Moreover, these politicians are, in at least some respects, “playing by the rules.” So, for example, while Frank and Claire break many laws, they take great care to make sure all of their political maneuvering “looks” legitimate. So, laws that Frank favors are approved by legislative majorities and signed by the president, and the people he favors for cabinet posts are appointed by the president. The Underwoods are not, initially at least, some sort of all-powerful royal family who can enact policies based on their own whim.

According to the Greek philosopher Plato (429-347 BCE), the possibility of this sort of “destruction from within” is inherent in *any* democratic government. Plato’s own experience in democratic Athens provided an excellent example of how this might unfold. Among other things, he saw Athens lose a war to its rival, Sparta, due to poor decision-making by voters and betrayals by prominent citizen-politicians (including the infamous Alcibiades, a Frank Underwood-type figure). As a result of this loss, Athens had its democratic government temporarily replaced by the vicious “Thirty Tyrants.” Finally, when democracy was restored, a jury of Athenian citizens voted to execute Plato’s mentor Socrates (469-399 BCE), largely because prominent Athenians found his philosophically challenging questions unpleasant. Socrates—like Zoe, Lucas, and Jeanine—suffered the consequences for asking the wrong questions to powerful people.

As Plato clearly recognized, the political success of people such as the Underwoods owes much to certain structuralfeatures of democracy. So, for example, while ordinary citizens in Athens were legally allowed to do things such as serve on jury trials or hold elected office, not just anyone could realistically gain or hold power. Instead, success in democratic politics was crucially affected by factors such as the media (in Athens, playwrights played a major role in shaping public opinion) and one’s skill with rhetoric and oratory. This feature of democracy was in clear contrast to governments such as hereditary monarchies, military dictatorships, or oligarchies, where one’s position in society was strictly determined by one’s parents, skill in combat, or wealth. A skillful politician such as Frank Underwood could have succeeded brilliantly in Athens, in a way he could not have anywhere else in the ancient world.

With this in mind, it should come as no surprise that Plato was a forceful critic of democracy. In the *Republic,* Plato has the character of Socrates describe both the ***kallipolis*** (the perfectly just city), and the means by which this perfect city would inevitably decay into tyranny (the worst form of government). According to this story, democracy is the second-worst form of government, and leads unavoidably to tyranny, since a figure like Frank Underwood will eventuallysucceed in taking power.

The process by which the *kallipolis* degenerates to tyranny is a gradual one. In the beginning, all decisions are made by a group of philosophically skilled, perfectly benevolent “guardians,” who have no personal interests aside from the wellbeing of the city. Socrates suggests, however, that this system is unsustainable in the long run, since it would be impossible to consistently select the *correct* children for the ruling class, no matter how careful one was with breeding and education. These problems would eventually lead the city to decay into first a *timocracy* (rule by the military elite), and then to an ***oligarchy*** (rule by the rich). The oligarchy, in turn, falls when a class of jealous, good-for-nothing “drones” instigate a revolt in an attempt to get their hands on the oligarchs’ property. This event causes the establishment of what Plato has Socrates call the “second-worst” form of government—democracy. And once democracy is founded, the time is ripe for a person like Frank Underwood—a *tyrant,* in Plato’s terms—to take charge.

**[Brendan: What do you think of Plato’s idea that social/governmental institutions “naturally” decline over time, or that they carry within them the “seeds of their own destruction”?]**

## Frank the (Unhappy?) Tyrant

“He who is the real tyrant, whatever men may think, is the real slave…He has desires which he is utterly unable to satisfy, and has more wants than any one…all his life long he is beset with fear and is full of convulsions, and distractions.”

--Plato, *Republic,* Book 9[[4]](#endnote-2)

Frank and Claire’s motives are, in some ways, relatively straightforward: they want to get as much political power as possible. Every major decision, from Frank’s choice of which bills to support in Congress to Claire’s choice to terminate her pregnancies, are made with this end in mind. Even their decision to stay together for so many years seems to be, in large part, due to their recognition that they *need* each other to achieve this goal, however much they (and in particular, Claire) might dislike this dependence. It is this single-mindedness (together with a fair bit of intelligence and luck) that allows them to defeat their political opponents, many of whom are “distracted” by desires for sex, drugs, money, love, or even by ethical scruples.

In the view of Plato’s Socrates, the souls of would-be tyrants were something like miniature versions of the tyrannical state as a whole, with a single illicit desire serving as a sort of dictator. Something similar holds for the other governments, and their potential rulers: the philosophers (like the *kallipolis* they would rule) are governed by reason, the militaristic timocrats by a desire for honor and victory, and the oligarchs by greed. Finally, the democratic person treats all desires “equally,” and allows him- or herself to follow whatever passion happens to be strongest at the moment. For Plato, a person like Peter Russo (with his mix of moral and immoral behavior, and his widely ranging desires), would be something like the prototypical democratic politician, with a prototypical democratic “soul.” On this view, democratic leaders are chosen not for any particular talents they have, but rather for the way they appeal to the temporary whims of the voters, and for their willingness to give the masses “freedom” to pursue whatever ends they desire. Unfortunately, according to Plato, this setup makes democracies perfect targets for tyrants such as Frank, who can use the democrats’ love for freedom and equality to undermine and destroy the governments they create.

In the *Republic,* the inevitable collapse of democracy is described as having its roots in a conflict between the self-interested, politically powerful “drones” (which are in abundance on *House of Cards*)and the rich citizens whose money these drones want to take. These drones, in turn, justify their actions to the people at large by claiming they are defending them from the “oligarchs.” Finally, in response to this, the richest citizens (such as Raymond Tusk) respond by becoming “oligarchs in fact” and using their economic power to try and dominate the masses. In season 2, for instance, Tusk attempts to use his considerable power to force the reluctant President Walker (and by extension, the people he represents) to bow to his demands.

According to Plato, this sort of conflict (which arises in *all* democracies) will eventually be exploited by potential tyrants such as the Underwoods. All they need to do is to present themselves as “protectors” of the people, who are willing to protect them from the oligarchs. It helps if the tyrants-to-be can, like the Underwoods, offer “honey” to the various drones that dominate the democratic government, and can make vague promises to distribute the oligarch’s wealth to the voters. When attempts are made to threaten or harm the rising tyrants (for example, when an education lobbyist arranges for a brick to be thrown through Frank’s window, or when Claire’s life is threatened), these attempts actually play into the tyrants’ hands, convincing the democratic politicians and voters to grant the rising tyrants even more power and control. In reality, of course, a tyrant cares nothing for either the drones or the people at large, but is instead concerned only with satisfying his or her own tyrannical desire.

The Underwoods would presumably be thrilled with the predicted outcome of this process, which is the eventual success of the tyrant over the remaining democrats, and the replacement of democracy with an absolute dictatorship (once Frank becomes president, it is unlikely he will be willing to accept things like term limits or judicial checks on executive power). Socrates argues, however, that the structure of the tyrant’s soul guarantees that he will be just as unhappy as the citizens he dominates. After all, successful tyrants must lead lives of continual fear and paranoia, can have no true friends, and can never dedicate a moment’s thought to pursuing any pleasure except the (insatiable) lust that has driven them to become tyrants in the first place. And this, in fact, precisely what happens to Frank when he finally achieves the presidency in season 3. In his quest for *absolute* power, he tries to force his will on people such as Jackie Sharpe, Remy Danton, Tom Yates, and even Claire. The results of these actions are all too predictable, and Frank is, in the end, left with no “friends” at all, but with increasing numbers of (powerful) enemies. On Plato’s view, the more “successful” a tyrant is politically, the more he undermines any chance he has for a meaningful or happy life.

**[Brendan: To what extent is Plato’s picture of democracy (and its weaknesses) realistic?]**

## From Hobbes to Hegel: Why Monarchs Rule

“Now in Monarchy, the private interest is the same with the public…For no King can be rich, nor glorious, nor secure; whose subjects are either poor, or contemptible, or too weak through want, or dissention, to maintain a war against their enemies. Whereas in a Democracy, or Aristocracy, the public prosperity confers not so much to the private fortune of one that is corrupt, or ambitious, as doth many times a perfidious advice, a treacherous action, or a civil war.” -Thomas Hobbes, *Leviathan,* Chapter 19[[5]](#endnote-3)

While Plato’s *Republic* provides a possible explanationfor the success of the Underwoods, Plato makes it clear that he does not approveof tyranny, which he considers the worst of all possible forms of government (even worse than democracy!). Some later political philosophers, however, argued that Plato’s characterization of tyranny was flawed, and that “tyrant” was just a word used to describe a monarch the writer disliked. Two of the most influential of these thinkers—Thomas Hobbes (1588-1679) and G.W.F. Hegel (1770-1831)—went on to argue that the ultimate destruction of democracy by a figure such as Frank was not only to be expected, but was actually desirable, as it solved many of the problems inherent in popular rule.

Thomas Hobbes lived through the decade-long English Civil War, which had disastrous effects for the citizens of the British Isles. In Hobbes’s famous work *Leviathan*, he argued that this sort of war of “all against all” could be ended only when a single person—the monarch—gained absolute power. On Hobbes’s social contracttheory, the monarch is morally justified in wielding this power precisely because every rational citizen should consentto this arrangement, given the highly unpleasant alternative. Hobbes argues that democracy, by contrast, is an inferior form of government that, at best, might serve as a stepping stone to such a monarchy. Many of the problems that Hobbes identifies with democracy are apparent in *House of Cards.* For example, Hobbes argues that democratic politicians are likely to be both corrupt and ineffectual. This is because their personal success is disconnected from the long-term success of the state as a whole. Such politicians are also prone to arguing among themselves, and to dividing the country. By contrast, he argues that a monarch’s self-interest (who serves for life, and who will pass on the throne to a child or personally chosen heir) is much more tightly tied to the success of the state as a whole. Hobbes’ idea here is a simple one: while the Underwoods might behave in ways that harm the country *now*, they would be foolish to continue doing so if, finally, they were to achieve the absolute power they seek. As a President who desires to keep his job, for example, Frank has a much stronger interest in making sure that “America Works” actually *works* than he would have when he was merely a congressional leader, or even a vice president. The same thing might be said about his proposed Middle East peace plan, or his attempts to improve relationships with Russia. The problem with merely “partisan” politics, on Hobbes’ view, an artifact of the fact that the sorts of politicians who engage in them can’t really be “held to account” for the success or failure of their ideas in the way an absolute monarch can.

In his *Elements of the Philosophy of Right,* the German philosopher G.W.F. Hegel defended constitutional monarchy on somewhat similar grounds.*[[6]](#endnote-4)* For one thing, Hegel thought that democracy demanded far too much moral “virtue” of its citizens and politicians. For related reasons, he also argued that a complex modern state required a degree of specialization and expertise that made it practically impossible for ordinary people to both help governin meaningful sense and to also fulfill their responsibilities in their professional and personal lives. Finally, and most importantly, Hegel argued that the monarch allowed the people to express their will as a unified whole, and become something other than the “formless mass” that made decisions in a democracy. The basic idea here is that citizens identifywith powerful leaders such as Frank and Claire, and it is this, more than anything else, that allows them to feel that they are all “part of the same nation.” Hegel’s admiration for ambitious, domineering (and anti-democratic) figures such as Napoleon suggests that he too might have found something admirable in the Underwoods’ ruthless quest for absolute power, so long as it proved successful. Nor is Hegel alone in thinking this—as Tom Yates astutely comes to realize, people’s willingness to support ideas such as “America Works” is less a matter of them understanding the “fine details” (or even the constitutionality), than of their identifying with Frank and Claire as *people.*

**[Brendan: To what extent do voters in the modern US (or other democracies) actually care about “policies”, as opposed to simply voting for their “team”? Why might this be a problem?]**

## Are the Underwoods Marxist Revolutionaries?

“The sum total of these relations of production constitutes the economic structure of society — the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness…It is not the consciousness of men that determines their existence, but, on the contrary, their social being that determines their consciousness.”

--Karl Marx, *A Contribution to a Critique of Political Economy,* Preface[[7]](#endnote-5)

Plato, Hobbes, and Hegel all agree that the “fatal flaw” of democracies has to do with the internal structures of their governments,and specifically the relationship between the voters and the politicians that are supposed to carry out their will. According to these thinkers, people such as the Underwoods attain power by exploiting certain *political* conflicts that arise in democracies. According to another famous critic of democracy, the German philosopher and economist Karl Marx (1818-1883), this is the wrong way of looking at things. In his view, both the initial creation of democratic governments and (perhaps) their eventual replacement by something else are merely side effects of the economicrelationships between the various groups in that society. So, if we want to understand how someone like Frank Underwood could achieve power, we need to “follow the money” that makes this possible.

Marx thought that a society’s social, political, and religious institutions could be analyzed in terms of the “modes of production” existing in that society, and that changes in these institutions could be explained by changes in the underlying modes of production. Here, *mode of production* refers to the methods of producing goods, which includes both technology (such as factories, railroads, computers, and phones) and the human labor used to operate this technology. It also includes the legal and social relationships that affect how the goods in question are produced and distributed. In *House of Cards,* for instance, Marx might well have been interested in the political influence wielded by corporations such as SanCorp and by wealthy individuals such as Raymond Tusk or Xander Feng.

Where the thinkers discussed earlier focused on describing the “political” transitions between democratic and non-democratic forms of government, Marx instead focused on economic transitions based on changing modes of production. A simplified version of Marx’s theory might go as follows. In the feudal societies of medieval Europe, a small group of aristocrats controlled the land, which was cultivated by much larger groups of serfs. Eventually, however, a somewhat larger group of non-aristocratic “bourgeois” acquired enough control over emerging industrial technologies (the new “capital”) to make the old system unsustainable, and a capitalist system arose in its place. The sort of representative democracy founded in the United States (with its large numbers of voters and strong property rights) represented, for Marx, one of the most highly developed capitalist societies of the day. The world inhabited by the Underwoods, like our own, might be seen as a further development of this same sort of society.

While Marx clearly saw such capitalist democracies as an advance over previously existing forms of government, he predicted that they would ultimately be unsustainable for economicreasons. In particular, Marx predicted that over time the profits of the bourgeois capitalists would steadily decrease, and that the ownership of the capital itself would become increasingly concentrated in the hands of people like Raymond Tusk. Conversely, a larger and larger portion of the population would find themselves members of the ***proletariat***—mere laborers who owned no capital, and who were at the mercy of the powerful capitalists (for example, think of the shipyard workers in Peter Russo’s district who lose their jobs as a result of political maneuvering). This unsustainable situation would set the stage for the transition to ***communism,***which would occur when the means of production were jointly ownedby the members of society.

While Marx himself suggested that communism was likely to be brought about by a forceful revolution led by the working classes, it might also be caused by the actions of self-interested democratic politicians such as Frank Underwood. So, for example, while Frank himself is clearly nota communist, he is perfectly open to violating “property rights” if it serves his political advantage, as shown by his threat to nationalize Tusk’s power plants, or by his proposal to cut Social Security and Medicare to provide jobs for the unemployed. On Marx’s theory, this makes perfect sense—many self-interested politicians should certainly take the side of the (ever-growing) proletariat over the (ever-shrinking) bourgeois, even if this requires breaking the existing political and legal “rules” (as Frank is clearly willing to do).

Marx himself is somewhat unclear about what happens immediately afterthis initial communist “revolution,” though he briefly discusses a transitional “dictatorship of the proletariat,” in which the new government temporarily assumes control of producing and distributing goods, in an effort to keep the (still-powerful) bourgeois capitalists from taking back their former place.[[8]](#endnote-6) While Marx suggests that this would eventually lead to a classless, fully democratic, communist society, one can also imagine the newly formed dictatorships (especially if they happen to include people such as Frank) holding on tightly to their newly found power.

**[Brendan: Historically, of course, Communist revolutions did NOT lead to the democratic societies Marx seemed to expect, but rather to dictatorships of various types. Why do you think this was?]**

## Are the Underwoods Unstoppable?

According to writers as diverse as Plato, Hobbes, Hegel, and Marx the destruction of democracy by people such as the Underwoods is inevitable*.* Moreover, according to many of these thinkers, this was actually a good thing! In the face of such arguments, what can a defender of democracy say?

The English philosopher and economist John Stuart Mill (1806-1873) provides one possible answer. Mill, together with his wife Harriet Taylor Mill (1897-1858), was a strong supporter of democratic causes such as free speech, women’s rights, and the abolition of slavery. In *Considerations on Representative Government*, Mill argues that anti-democratic thinkers underestimate the potential strengths of democratic governments *even if* the politicians occasionally turn out to be as selfish and ruthless as Frank Underwood.[[9]](#endnote-7) In particular, Mill argues that the structure of democracies, unlike monarchies and aristocracies, guarantees that the leaders have to be somewhat responsive to people’s interests (after all, there are elections to think of). He also suggests that democracies are likely to make better-informeddecisions than alternative forms of government, since even self-interested, powerful politicians such as the Underwoods will see the political value in consulting both their constituents and outside experts when trying to make difficult decisions. Finally, he notes that the citizens in democracies benefit from the mere fact of their participation in government—they feel more responsible for their fellow citizens, take the time to inform themselves about political decisions, and so on.

Another way of putting Mill’s basic idea might be this: one main virtue of a well-functioning democracy is it will not *allow* a purely selfish and ruthless person such as Frank Underwood to succeed, at least in the long run. If Frank wants to have a successful presidency, he will need to establish and maintain good relationships with other *people*, including the press, judiciary, other politicians, his constituents, and even Claire. And this, in turn, will require that he take their interests into account.

On this view, the mere possibility of the events portrayed on *House of Cards* is not, by itself, a reason to abandon representative democracy. Instead, the Underwoods serve as a helpful reminder about the various things that we need to keep our democracy healthy, including fair elections in which all voters can take part, a free and strong press, and a political system that allows for effective checks against unscrupulous politicians such as the Underwoods. These are the sorts of important and realistic goals that we, as individual citizens, must keep in mind when we turn off Netflix, and consider what *we* might do to stop the Underwoods.

# Reading: There’s no moral difference between a wall and a migrant visa (by Hrishikesh Joshi)[[10]](#footnote-3)

A large portion of the world’s population lives in conditions that are hard to fathom for people in developed countries. Many of those living in extreme poverty would gladly move to the United States, the European Union or Australia if given a chance. In light of this, how should rich countries design and enforce their immigration policies?

The figures for world poverty are staggering. According to the latest estimates from the World Bank, some 2.1 billion people live on less than $3.10 a day, adjusting for purchasing power. This means that, in their respective countries, they have only what $3.10 would buy them in the US.

**[Brendan: Do these numbers surprise you?]**

Top of Form

Bottom of Form

It is hard to imagine living, even in the least expensive locales in the US, on $3.10 a day. What could you eat? Beans and rice bought wholesale maybe. You might get to buy some clothing once a year. You certainly wouldn’t be able to afford rent – you’d have to squat somewhere. Compare that with the US poverty line of $24,000 a year for a family of four. That ends up being more than $16 per day per person. Poverty lines in the EU set a relatively high bar too; in Germany, the figure comes out to about **€**22,500 a year (*c*$25,000) for a family of four.

Life is much, much better in the US or Germany than in many parts of the world, even for these countries’ poorest inhabitants. And it’s not just a matter of *income* – developed countries offer a much better life in terms of free schooling, infrastructure and the like, compared with Ethiopia or Bangladesh.

Now imagine you are one of those 2.1 billion people. Let’s say you live in Ethiopia, on less than $3.10 a day. Would you want to move to the US or the EU if given a chance? Of course, it would be irrational not to. You’d achieve a much better standard of living, even if you worked at a minimum-wage job. Your children would gain access to vastly better schooling and would not have to work to support the family. You would not have to worry constantly about having enough food to eat.

But migrating to the rich world is not so simple for you. For instance, in order to move to the US permanently through legal means, you need to get a work visa or a permanent residence visa. And, for that, you need to have family in the US (though, depending on the relation, this option can take more than a decade), or be working in a high-skill occupation with an offer of employment, or just luck out via the Diversity Visa Lottery system. There are other ways, but they require applicants to have been in extremely specific circumstances – for instance, there is a permanent visa for translators who worked for the US army during the wars in Iraq and Afghanistan.

Suffice to say, none of these options are widely available to people living in poverty across the developing world. Still, you could try to move to the US without a work or permanent residence visa – that would mean staying in the US illegally once you enter.

But this is extremely hard to do if you’re from a place such as Ethiopia. In order to board a plane to the US, you’d need a US tourist visa, at the least. And, to get such a visa, you’d need to prove that you don’t intend to abandon your residence in Ethiopia. How would you prove this? You’d need to show that you have financial and social ties to the country strong enough to make it irrational for you to abandon your residence there. But if you’re living on less than $3.10 a day, you are bound to have a hard time proving this. For the poorest people, it’s extremely hard to get tourist visas to the US – even putting aside the high application fees. The EU nations, Australia and other rich countries similarly require tourist visas for individuals from the developing world.

The reason why many of the world’s poor do not migrate to a developed country, then, is that they’re stopped by a system of visa policies and airport and seaport security measures – invisible walls, so to speak.

Few people seem to be aware of or bothered by this. There are, of course, scholars and activists who believe in fully open borders. The philosopher Michael Huemer at the University of Colorado Boulder has been an influential proponent of the view. Libertarian-minded economists such as Bryan Caplan at George Mason University in Virginia also advocate for open-border policies. But such voices are in the minority.

The notion of building and maintaining physical border fences is a divisive one. A recent Pew poll found that the majority (62 per cent) of Americans oppose the construction of a wall across the southern border. And the construction of border fences in the EU following the recent migrant crisis sparked controversy too.

But if the system of visa policies and airport security is justified, why are border fences not justified? Mere geographic proximity is not morally relevant. The fact that an individual likely to immigrate via the southern border is geographically *closer*to the US than the Ethiopian should not have moral significance. Thus, if the reason for not having a southern border fence is that the US should allow poor people to have a chance at a better life, then there’s no moral reason why this opportunity should be given only to the poor who happen to live nearby.

**[Brendan: What do you think? Is there a difference between “building a law” and keeping out immigrants in other ways, such as using visa policies or overly stringent security measures?]**

It’s *unfair*to the Ethiopian, or Bangladeshi, that a porous land border allows Meso or Latin Americans without the required documentation to enter and stay in the US. The Ethiopian or the Bangladeshi, by contrast, faces the more imposing and stringent hurdle of air travel and airport security.

Coercion requires justification. Airport security and visa policies effectively coerce the Ethiopian to stay out of the rich world’s territories. But if other individuals who do not have the documents required by law can enter these countries via lax land-border security, the justification becomes weak. The Ethiopian might ask: ‘Why are you stopping me if you’re not stopping them?’ There is no morally justifiable answer.

If, as most Americans believe, a border fence is *not justified*, then neither is the current system of visa policies that stops many of the world’s poorest people from moving to richer countries.

With respect to border policy, the status quo is morally incoherent. Either the rich countries of the world should embrace fully open borders (perhaps with exceptions for certain kinds of criminals), or they should enforce land borders just like the air and sea routes.

# Case Study: Boycott, Divest, Sanction[[11]](#footnote-4)

*From: National High School Ethics Bowl National Cases 2018-2019, Case Committee Chair: Dominique Déry; Case Authors and Editors: Chris Blake-Turner, Izzy Brassfield, Dominique Déry, Matthew Hernandez, Intercollegiate Ethics Bowl, Joanna Lawson, Pavel Nitchovski, Macy Salzberger, Steve Swartzer, Lauren Townsend, Jacky Wang, Rob Willison, Brian Wong, and Lili Zay*

Citing security concerns, in the early 2000s Israel began to build a wall across the occupied territories of the West Bank, effectively isolating and restricting the movement of 25,000 Palestinians to and from the West Bank and the Gaza Strip. The International Court of Justice (ICJ) and the United Nations (UN) condemned the barrier as a violation of international law. While the ICJ recognized Israel’s duty to protect itself from violence against its civilian population, the court urged Israel to dismantle the portions of the barrier erected on the West Bank. According to reports, the civilian population in the occupied territories has been cut off from land and resources needed for Palestinian development.

According to Human Rights Watch, the barrier not only has resulted in the expropriation and destruction of fertile Palestinian farmland, but also has prevented Palestinians from accessing work, education, and medical facilities.[[12]](#footnote-5) The case of Fuad Jado outlines how challenging receiving emergency medical services can be, as ambulances need to coordinate with Israeli authorities in order to gain authorization to cross into Jerusalem.[[13]](#footnote-6) When Jado’s mother suffered a heart attack, he was advised by authorities instead to try to bring his mother to the hospital himself. Fuad and his nephew carried Fuad’s mother 300 meters over difficult terrain but she passed away just as they reached the fence.[[14]](#footnote-7) Moreover, ever since the wall was built, illegal Israeli settlements have grown at a rapid pace.

In response to Israel’s policies, Nobel laureate Archbishop Desmond Tutu has called for international campaigners to treat Israel as they treated apartheid South Africa.”[[15]](#footnote-8) The BDS (boycott, divestment, and sanctions) movement against the alleged Israeli apartheid has garnered support around the world, on college campuses, and even within Jewish groups, like Jewish Voice for Peace. According to Rebecca Vilkomerson, the executive director of Jewish Voice for Peace, the BDS movement “is a call for solidarity from the international community until Israel complies with international law and ends its violations of Palestinian rights.”[[16]](#footnote-9) The BDS movement has many prominent supporters, including Angela Davis, Roger Waters, and Thurston Moore. However, the BDS movement has encountered staunch opposition within the U.S. political establishment, with 22 states having “introduced or passed anti-BDS legislation...[that] makes it illegal for states to do business with companies that support BDS.”[[17]](#footnote-10) Calling BDS “a smear campaign designed to delegitimize the state of Israel and inflict severe economic damage,”[[18]](#footnote-11) New York Governor Andrew Cuomo signed an executive order that requires his state to create and publish a list of institutions and companies that support BDS. Even presidential candidate Hillary Clinton lambasted her church, the United Methodist Church, for supporting BDS, suggesting that the movement was anti-Semitic.[[19]](#footnote-12) According to American jurist Allan Dershowitz, the BDS movement is counterproductive and immoral, for it “imposes the entire blame for the continuing Israeli occupation and settlement policy on the Israelis.”10

## Study Questions:

1. What are the moral responsibilities of American politicians to weigh in on Israel and Palestine, whether formally or informally?
2. What are the most morally salient consequences of boycotting, in this case? What do you think about the moral efficacy of boycotting in general?
3. What are the moral responsibilities of citizens of other countries in acting out for or against the BDS movement, if any?

1. Michael Huemer, “Is There a Right to Immigrate?,” *Social Theory and Practice* 36, no. 3 (2010): 429–61. [↑](#footnote-ref-1)
2. Peter Singer, *The Life You Can Save: Acting Now to End World Poverty* (Random House, 2009). [↑](#footnote-ref-2)
3. Plato, *The Dialogues of Plato: Republic, Timaeus, Critias*, trans. Benjamin Jowett (London: Macmillan, 1892). [↑](#endnote-ref-1)
4. *Ibid.* [↑](#endnote-ref-2)
5. Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1996). [↑](#endnote-ref-3)
6. Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991). [↑](#endnote-ref-4)
7. Karl Marx, *A Contribution to the Critique of Political Economy*, trans. N.I. Stone (Chicago: Charles H. Kerr & Company, 1904). [↑](#endnote-ref-5)
8. For example, see section 4 of Marx, Karl. “Critique of the Gotha Program” in *Karl Marx:* *Selected Writings* (Indianapolis: Hackett Publishing, 1994). [↑](#endnote-ref-6)
9. John Stuart Mill, *Considerations on Representative Government* (London: Longman, Green, Longman, Roberts, and Green, 1865). [↑](#endnote-ref-7)
10. Hrishikesh Joshi, “There‘s No Moral Difference between a Wall and a Migrant Visa,” Aeon, October 24, 2016, https://aeon.co/ideas/there-s-no-moral-difference-between-a-wall-and-a-migrant-visa. [↑](#footnote-ref-3)
11. Thank you to the Intercollegiate Ethics Bowl for allowing us to modify one of their cases for use here! For more information about the IEB, please visit: https://appe-ethics.org/ethics-bowl/ [↑](#footnote-ref-4)
12. https://www.hrw.org/news/2003/09/30/israel-west-bank-barrier-endangers-basic-rights [↑](#footnote-ref-5)
13. https://www.haaretz.com/1.4844327 [↑](#footnote-ref-6)
14. https://www.haaretz.com/1.4844327 [↑](#footnote-ref-7)
15. https://www.jpost.com/Diplomacy-and-Politics/Desmond-Tutu-Israel-guilty-of-apartheid-in-treatment-of-Palestinians-344874 [↑](#footnote-ref-8)
16. https://www.washingtonpost.com/posteverything/wp/2016/06/24/im-jewish-and-i-want-people-to-boycott-israel/?utm\_term=.163db19d185f [↑](#footnote-ref-9)
17. https://www.washingtonpost.com/posteverything/wp/2016/06/24/im-jewish-and-i-want-people-to-boycott-israel/?utm\_term=.163db19d185f [↑](#footnote-ref-10)
18. https://www.washingtonpost.com/opinions/gov-andrew-cuomo-if-you-boycott-israel-new-york-state-will-boycott-you/2016/06/10/1d6d3acc-2e62-11e69b37-42985f6a265c\_story.html?utm\_term=.957e29f490b7 [↑](#footnote-ref-11)
19. https://electronicintifada.net/blogs/rania-khalek/hillary-clinton-attacks-her-church-over-israel-divestment-vote 10 http://www.haaretz.com/opinion/.premium-1.573880 [↑](#footnote-ref-12)