

0001 we were discussing Locke's idea of government by consent  
0002 and the question arose  
0003 what are the  
0004 limits on government  
0005 that even the  
0006 the agreement of the majority can't override  
0007 that was the question we ended with  
0008 we saw  
0009 in the case of property rights  
0010 that on Locke's view  
0011 a democratically elected government has the right to tax people  
0012 it has to be taxation with consent  
0013 because it does involve the taking of people's property  
0014 for the common good  
0015 but it doesn't require  
0016 the consent of the each individual  
0017 at the time the tax  
0018 is enacted or collected  
0019 what it does require  
0020 is a prior act of consent  
0021 to join the society  
0022 to take on the political obligation  
0023 but once you take on that obligation you agree to be bound by the majority  
0024 so much for taxation  
0025 but what, you may ask  
0026 about  
0027 the right  
0028 to life  
0029 can the government conscript  
0030 people and send them into battle  
0031 what about the idea that we own ourselves  
0032 is the idea of self possession violated  
0033 if the government  
0034 can through coercive legislation and enforcement powers say  
0035 you must go risk your life to fight in Iraq

0036 what would Locke say? does the government have the right to do that?

0037 yes

0038 in fact he says in one thirty nine

0039 he says

0040 what matters

0041 is that the political authority

0042 or the military authority

0043 not be arbitrary that's what matters

0044 he gives a wonderful example he says a

0045 a sergeant even a sergeant

0046 let alone a general, a sergeant

0047 can command a soldier

0048 to go right up to the face of a cannon

0049 where he is almost sure to die

0050 that the sergeant can do

0051 the general can condemn the soldier to death for deserting his post or for not obeying

0052 even a desperate order

0053 but with all their power over life and death

0054 what these officers can't do

0055 is take a penny

0056 of that soldier's money

0057 because that has

0058 nothing to do with the rightful authority

0059 that would be arbitrary

0060 and it would be corrupt

0061 so consent winds up being very powerful in Locke, not consent of the individual to the

0062 particular tax or military order,

0063 but consent to join the government and to be bound by the majority in the first place

0064 that's the consent that matters

0065 and it matters so

0066 powerfully

0067 the even the limited government created by the fact that we have an unalienable right

0068 to life liberty and property

0069 even that limited government is only limited in the sense that it has to govern by generally

0070 applicable laws, the rule of law, it can't be arbitrary

0071 that's Locke.

0072 well this raises a question

0073 about consent. Why is consent such a  
0074 powerful moral instrument in  
0075 creating political authority and the obligation to obey  
0076 today we begin to investigate the question of consent  
0077 by looking at a concrete case  
0078 the case of military conscription.  
0079 now some people say  
0080 if we have a fundamental right  
0081 that arises from  
0082 the idea that we own ourselves  
0083 it's a violation of that right  
0084 for a government  
0085 to conscript citizens to go fight in wars.  
0086 others disagree others say that's a legitimate  
0087 power  
0088 of government, of democratically elected government anyhow,  
0089 and that we have an obligation to obey  
0090 let's take the case  
0091 the united states fighting a war in Iraq.  
0092 news accounts tell us  
0093 that the military  
0094 is having great difficulty meeting its  
0095 recruitment targets  
0096 consider three policies that the  
0097 US government might undertake  
0098 to deal with the fact that it's not  
0099 achieving its recruiting targets  
0100 solution number one  
0101 increase the pay and benefits  
0102 to attract a sufficient number  
0103 of soldiers,  
0104 option number two  
0105 shift to a system of military conscription  
0106 have a lottery  
0107 and who's ever numbers  
0108 are drawn  
0109 go to fight in Iraq,

0110 system number three  
0111 outsource, hire  
0112 what traditionally have been called mercenaries  
0113 people around the world who are qualified,  
0114 able to do the work, able to fight well  
0115 and who are willing to do it  
0116 for the existing wage  
0117 so let's take a quick  
0118 poll here  
0119 how many favor increasing the pay?  
0120 huge majority.  
0121 how many favor going to conscription?  
0122 all right maybe a dozen people in the room  
0123 favor conscription.  
0124 what about the outsourcing solution?  
0125 okay so there maybe  
0126 about two, three dozen.  
0127 during the civil war  
0128 the union  
0129 used  
0130 a combination  
0131 of conscription  
0132 and the market system  
0133 to fill the ranks of the military to fight in the civil war  
0134 it was a system that  
0135 began with conscription  
0136 but  
0137 if you  
0138 were  
0139 drafted  
0140 and didn't want to serve  
0141 you could hire a substitute take your place  
0142 and many people did  
0143 you could pay whatever the market  
0144 required in order to find a substitute  
0145 people ran ads in  
0146 newspapers in the classified ads

0147 offering  
0148 five hundred dollars  
0149 sometimes a thousand dollars  
0150 for a substitute who would go fight the civil war  
0151 in their place  
0152 in fact  
0153 it's reported that Andrew Carnegie  
0154 was drafted  
0155 and hired a substitute to take his place  
0156 for an amount  
0157 that was  
0158 a little less than the amount to spend for a year on fancy cigars  
0159 now I want to get your views  
0160 about this civil war system call it the a hybrid system  
0161 conscription but with the buyout provision  
0162 how many think it was a just system how many would defend the civil war system?  
0163 anybody?  
0164 one, anybody else?  
0165 to three  
0166 four five.  
0167 how many think it was unjust?  
0168 most of you don't like the civil war system you think it's  
0169 unjust, let's hear an objection  
0170 why don't you like it? what's wrong with it?  
0171 yes. well by paying  
0172 three hundred dollars for  
0173 to be exempt one time around you're really putting a price on valuing human life  
0174 and we established earlier that's really hard to do so  
0175 they're trying to accomplish something that really isn't feasible.  
0176 good, so  
0177 so paying someone three hundred or five hundred or a thousand dollars  
0178 you're basically saying that's what their life is worth you. that's what their life is worth  
0179 it's putting a dollar value on life  
0180 that's good, and what's your name? Liz.  
0181 Liz.  
0182 well who has an answer  
0183 for Liz

0184 you defended the civil war system  
0185 what do you say?  
0186 if you don't like the price then  
0187 you have the freedom to  
0188 not be sold or for so it's  
0189 up to you and I don't think it's necessarily putting  
0190 a specific price on you and if it's  
0191 done by himself I don't think there's anything that's really morally wrong with that.  
0192 So the person who takes  
0193 the five hundred dollars let's say,  
0194 he's putting  
0195 his own  
0196 price on his life  
0197 on the risk of his life  
0198 and he should have the freedom to choose to do that. exactly.  
0199 what's your name? Jason.  
0200 Jason thank you.  
0201 now we need to hear from another critic of the civil war system. yes.  
0202 it's a kind of coercion almost of people who have lower incomes  
0203 for Carnegie he can  
0204 totally ignore the draft three hundred dollars is  
0205 you know irrelevant in terms of his income, but for someone of a lower income they are  
0206 essentially being coerced  
0207 to draft to be drafted or  
0208 I mean it's probably they're not able to find a replacement the  
0209 tell me your name. Sam.  
0210 Sam, all right so you say Sam  
0211 that  
0212 when a poor laborer  
0213 buys his, accepts three hundred dollars to fight in the civil war  
0214 he is in effect being coerced  
0215 by that money  
0216 given his economic circumstances  
0217 whereas Carnegie can go off pay the money  
0218 and not serve  
0219 I want to hear if someone has a reply  
0220 to Sam's

0221 argument

0222 that what looks like a free exchange

0223 is actually

0224 coercive

0225 who has an answer to

0226 to Sam. go ahead

0227 I'd actually agree with him. You agree with him

0228 I agree with him in saying that

0229 it is coercion

0230 in the sense that it robs an individual

0231 of his ability to reason properly

0232 okay and what's your name? Raul.

0233 ok so Raul and Sam

0234 agree

0235 that what looks like a free exchange, free choice voluntary act

0236 is actually coercion it involves coercion

0237 it's profound coercion of the worst kind because it falls so disproportionately

0238 upon one segment of society

0239 good, all right so Raul

0240 and Sam have made a powerful point

0241 who would like to reply

0242 who has an answer

0243 for Sam and Raul? Go ahead

0244 I just I don't think that these drafting systems are really terribly different from you know all

0245 volunteer army sort of recruiting strategies

0246 the whole idea of

0247 you know having benefits in pay for joining the army is you know sort of a coercive strategy

0248 to get people to

0249 join

0250 it is true that

0251 military volunteers come from disproportionately, you know, lower economic

0252 status

0253 and also from certain regions of the country where you can use the patriotism

0254 to try and coerce people, if you're like it's the right thing to do to

0255 volunteer to go over to Iraq.

0256 and tell me your name. Emily.

0257 alright Emily

0258 says

0259 and Raul you're going to have to reply to this so get ready

0260 Emily says

0261 fair enough

0262 there is a coercive element

0263 to the civil war system when the laborer

0264 takes the place of Andrew Carnegie for five hundred dollars

0265 Emily concedes that

0266 but she says

0267 if that troubles you

0268 about the civil war system

0269 shouldn't that also trouble you

0270 about

0271 the volunteer army today?

0272 and let me,

0273 before you answer, how did you vote on the first poll,

0274 did you defend a volunteer army?

0275 I didn't vote.

0276 you didn't vote.

0277 either way

0278 you didn't vote

0279 but did you sell your vote to the person sitting next to you?

0280 no, all right

0281 so what would you say to that argument?

0282 I think that the circumstances are different and that

0283 there was conscription

0284 in

0285 the civil war there is no draft today

0286 and I think that

0287 the volunteers for the army today

0288 have a more profound sense of patriotism that is of an individual choice

0289 than those who

0290 were forced into the military in the civil war

0291 somehow less coerced. less coerced. even though

0292 there is still inequality in American society even though as Emily points out

0293 the make-up

0294 of the American military is not reflective of the population



0295 as a whole. Let's just do an experiment here  
0296 how many here  
0297 have either served in the military  
0298 or have a family member  
0299 who has served in the military  
0300 in this generation  
0301 not parents  
0302 family members in this generation  
0303 and how many have neither served  
0304 nor I have any brothers or sisters who have served  
0305 does that bear out your point Emily?  
0306 Alright now we need  
0307 we need to hear from  
0308 most of you defended  
0309 the idea  
0310 of the  
0311 of the all-volunteer military overwhelmingly  
0312 and yet overwhelmingly people  
0313 consider the civil war system unjust  
0314 Sam and Raul  
0315 articulated  
0316 reasons for objecting to the civil war system  
0317 it took place against a background of inequality  
0318 and therefore the choices people made to buy their way into military service  
0319 were not truly free  
0320 but at least partly coerced  
0321 then Emily extends that argument  
0322 in the form of a challenge  
0323 all right everyone here who voted  
0324 in favor of the all-volunteer army  
0325 should be able  
0326 should have to explain  
0327 well what's the difference in principle  
0328 doesn't the all-volunteer army  
0329 simply universalize  
0330 the feature that almost everyone find objectionable  
0331 in the civil war buy-out provision

0332 did I state that challenge fairly Emily?

0333 ok, so we need to hear from

0334 a defender

0335 of the all-volunteer military who can address

0336 Emily's challenge

0337 who can do that? Go ahead

0338 the difference between the civil war system and the all-volunteer army system is that

0339 in the civil war

0340 you're being hired not by the government but by individuals

0341 and as a result different people to get hired a different individuals, get paid different

0342 in the case of the all-volunteer army everyone who gets hired is hired by the government

0343 and gets paid the same amount

0344 it's precisely the universalization of all

0345 of essentially paying your service you pay your way to the army that makes the all

0346 volunteer army just.

0347 Emily? I guess I'd frame the principal slightly differently, on the all-volunteer

0348 army

0349 it's possible for somebody to just step aside and not really think about, you

0350 know, the war at all. it's possible to say well I don't need the money,

0351 you know I don't need to have an opinion about this I don't need to feel obligated to take

0352 my part and defend my country with a

0353 coercive system, I'm sorry,

0354 with an explicit draft,

0355 then

0356 you know there's the threat at least that every individual will have to make some sort of

0357 decision

0358 you know, regarding military conscription and you know perhaps in that way it's more equitable you  
know

0359 it's true that

0360 Andrew Carnegie might not serve in any case but in one you know he can completely step

0361 aside from it and in the other there is some level of responsibility.

0362 While you're there Emily,

0363 so what system do you favor

0364 conscription

0365 I would be hard to say but I think so because it makes the whole country feel a

0366 sense of responsibility for the conflict instead of you know having a war that's maybe ideologically

0367 supported by a few but only if there's no

0368 you know, real responsibility.

0369 good. who wants to reply, go ahead.

0370 so I was going to say that

0371 the fundamental difference between the all-volunteer army

0372 and then the

0373 army in the civil war is that

0374 in all volunteer army if you want to volunteer that fact comes first and then the pay

0375 comes after whereas in

0376 the civil wars system

0377 the people who are volunteering, who are

0378 accepting the pay aren't necessarily doing it

0379 because they want to, they're just doing it for the money first.

0380 what motivation beyond the pay do you think

0381 is operating in the case of the all volunteer army?

0382 Like patriotism for the country.

0383 patriotism

0384 well what about pay. And a desire to

0385 defend the country and

0386 there's some motivation in pay but

0387 the fact that

0388 it's first and foremost in an all-volunteer army will motivate them first, I think personally

0389 okay

0390 you think it's better, and tell me your name. Jackie.

0391 Jackie do you think it's better if people serve in the military out of a sense of patriotism

0392 than just for the money

0393 yes definitely because that people who

0394 that was one of the main problems in the civil war

0395 I mean is that the people that you're getting to go in it

0396 or to go to war

0397 aren't necessarily people who want to fight and so they won't be as good soldiers as they

0398 will be had they been there because they wanted to be

0399 all right what about Jackie's

0400 having raised the question of patriotism

0401 that patriotism is a better or a higher motivation than money

0402 for military service

0403 who, who

0404 would like to address that question?

0405 patriotism absolutely is not necessary in order to be a good soldier because mercenaries  
0406 can do just as good of a job of  
0407 the job as anyone who  
0408 waves the American flag around and wants to  
0409 defend what the government believes that we should do.  
0410 did you favor the outsourcing  
0411 solution? yes sir.  
0412 all right so let  
0413 Jackie respond, what's your name? Phillip  
0414 what about that Jackie?  
0415 so much for patriotism  
0416 if you've got someone who's heart is in it more  
0417 than another person's they're going to do a better job  
0418 when it comes down to the wire  
0419 and there is like  
0420 a situation in which  
0421 someone has to put their life on the line  
0422 someone  
0423 who is doing it because they love this country  
0424 will be more willing to go into danger than someone who's just getting paid they don't care  
0425 they've got the technical skills  
0426 but they don't care what happens because the really have  
0427 they have nothing, like,  
0428 nothing invested in this country  
0429 there's another aspect though once we get on to the issue of patriotism  
0430 if you believe patriotism  
0431 as Jackie does, should be the foremost consideration  
0432 and not money  
0433 does that argue for or against  
0434 the paid army we have now  
0435 we call it the volunteer army, though if you think about it that's  
0436 a kind of a misnomer  
0437 a volunteer army as we use the term is a paid army. so  
0438 what about the suggestion  
0439 that patriotism should be  
0440 the primary motivation for military service  
0441 not money?

0442 does that argue in favor  
0443 of the paid military that we have  
0444 or does it argue  
0445 for conscription  
0446 and just to sharpen that point building on Phil's case for outsourcing  
0447 if you think  
0448 that the all-volunteer army, the paid army  
0449 is best  
0450 because it lets the market allocate  
0451 positions according to people's preferences and willing  
0452 willingness to serve for a certain wage  
0453 doesn't the logic  
0454 that takes you  
0455 from a system of conscription  
0456 to the hybrid civil war system  
0457 to the all-volunteer army  
0458 doesn't the  
0459 the idea of expanding freedom of choice  
0460 in the market  
0461 doesn't that lead you all the way if you followed that principle consistently  
0462 to a mercenary army?  
0463 and then if you say no  
0464 Jackie says no, patriotism  
0465 should count  
0466 for something  
0467 doesn't that argue  
0468 for going back to conscription if by patriotism you mean a sense of civic  
0469 obligation  
0470 let's see if we can step back from  
0471 the discussion that we've had  
0472 and see what we've learned  
0473 about  
0474 consent  
0475 as it applies to market exchange.  
0476 we've really heard two  
0477 arguments  
0478 two arguments against

0479 the use of markets  
0480 and exchange  
0481 in the allocation of military service  
0482 one was the argument raised  
0483 by Sam and Raul  
0484 the argument  
0485 about coercion  
0486 the objection  
0487 that  
0488 leading the market allocate military service  
0489 may be unfair  
0490 and may not even be free  
0491 if there is  
0492 severe inequality in this society  
0493 so that people  
0494 who buy their way into military service  
0495 are doing so  
0496 not because  
0497 they really want to  
0498 but because they have so few economic opportunities that that's their  
0499 that's their best  
0500 choice  
0501 and Sam and Raul say there's an element of coercion in that  
0502 that's one argument.  
0503 then there is a second objection  
0504 to using the market to allocate military service  
0505 that's the idea  
0506 that military service  
0507 shouldn't be treated as just another job for pay  
0508 because it's bound up with patriotism  
0509 and civic obligation  
0510 this is a different argument  
0511 from the argument about unfairness and inequality  
0512 and coercion  
0513 it's an argument that suggests that maybe where civic  
0514 obligations are concerned  
0515 we shouldn't allocate

0516 duties and rights  
0517 by the market  
0518 now we've identified two  
0519 broad objections  
0520 what do we need to know to assess those objections  
0521 to assess the first the argument from coercion inequality and fairness, Sam,  
0522 we need to ask  
0523 what inequalities in the background conditions of society  
0524 undermine  
0525 the freedom  
0526 of choices people make  
0527 to buy and sell their labor  
0528 question number one.  
0529 question number two, to assess the civic obligation patriotism  
0530 argument  
0531 we have to ask  
0532 what are the obligations of citizenship  
0533 is military service  
0534 one of them  
0535 or not  
0536 what obligates us as citizens what is the source of political obligation  
0537 is it consent  
0538 or are there some  
0539 civic obligations we have  
0540 even without consent  
0541 for living in sharing  
0542 in a certain  
0543 kind of society.  
0544 we haven't answered either of those questions  
0545 but our debate today  
0546 about the civil war system and the all-volunteer army  
0547 has at least raised them  
0548 and those are questions we're going to return to in the coming weeks.

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