

we were discussing Locke's idea of government by consent
and the question arose
what are the
limits on government
that even the
the agreement of the majority can't override
that was the question we ended with
we saw
in the case of property rights
that on Locke's view
a democratically elected government has the right to tax people
it has to be taxation with consent
because it does involve the taking of people's property
for the common good
but it doesn't require
the consent of the each individual
at the time the tax
is enacted or collected
what it does require
is a prior act of consent
to join the society
to take on the political obligation
but once you take on that obligation you agree to be bound by the majority
so much for taxation
but what, you may ask
about
the right
to life
can the government conscript
people and send them into battle
what about the idea that we own ourselves
is the idea of self possession violated
if the government
can through coercive legislation and enforcement powers say
you must go risk your life to fight in Iraq
what would Locke say? does the government have the right to do that?
yes
in fact he says in one thirty nine
he says
what matters
is that the political authority
or the military authority
not be arbitrary that's what matters
he gives a wonderful example he says a

a sergeant even a sergeant
let alone a general, a sergeant
can command a soldier
to go right up to the face of a cannon
where he is almost sure to die
that the sergeant can do
the general can condemn the soldier to death for deserting his post or for not obeying
even a desperate order
but with all their power over life and death
what these officers can't do
is take a penny
of that soldier's money
because that has
nothing to do with the rightful authority
that would be arbitrary
and it would be corrupt
so consent winds up being very powerful in Locke, not consent of the individual to the
particular tax or military order,
but consent to join the government and to be bound by the majority in the first place
that's the consent that matters
and it matters so
powerfully
the even the limited government created by the fact that we have an unalienable right
to life liberty and property
even that limited government is only limited in the sense that it has to govern by generally
applicable laws, the rule of law, it can't be arbitrary
that's Locke.
well this raises a question
about consent. Why is consent such a
powerful moral instrument in
creating political authority and the obligation to obey
today we begin to investigate the question of consent
by looking at a concrete case
the case of military conscription.
now some people say
if we have a fundamental right
that arises from
the idea that we own ourselves
it's a violation of that right
for a government
to conscript citizens to go fight in wars.
others disagree others say that's a legitimate
power
of government, of democratically elected government anyhow,
and that we have an obligation to obey

let's take the case
the united states fighting a war in Iraq.
news accounts tell us
that the military
is having great difficulty meeting its
recruitment targets
consider three policies that the
US government might undertake
to deal with the fact that it's not
achieving its recruiting targets
solution number one
increase the pay and benefits
to attract a sufficient number
of soldiers,
option number two
shift to a system of military conscription
have a lottery
and who's ever numbers
are drawn
go to fight in Iraq,
system number three
outsource, hire
what traditionally have been called mercenaries
people around the world who are qualified,
able to do the work, able to fight well
and who are willing to do it
for the existing wage
so let's take a quick
poll here
how many favor increasing the pay?
huge majority.
how many favor going to conscription?
all right maybe a dozen people in the room
favor conscription.
what about the outsourcing solution?
okay so there maybe
about two, three dozen.
during the civil war
the union
used
a combination
of conscription
and the market system
to fill the ranks of the military to fight in the civil war
it was a system that

began with conscription
but
if you
were
drafted
and didn't want to serve
you could hire a substitute take your place
and many people did
you could pay whatever the market
required in order to find a substitute
people ran ads in
newspapers in the classified ads
offering
five hundred dollars
sometimes a thousand dollars
for a substitute who would go fight the civil war
in their place
in fact
it's reported that Andrew Carnegie
was drafted
and hired a substitute to take his place
for an amount
that was
a little less than the amount to spend for a year on fancy cigars
now I want to get your views
about this civil war system call it the a hybrid system
conscription but with the buyout provision
how many think it was a just system how many would defend the civil war system?
anybody?
one, anybody else?
to three
four five.
how many think it was unjust?
most of you don't like the civil war system you think it's
unjust, let's hear an objection
why don't you like it? what's wrong with it?
yes. well by paying
three hundred dollars for
to be exempt one time around you're really putting a price on valuing human life
and we established earlier that's really hard to do so
they're trying to accomplish something that really isn't feasible.
good, so
so paying someone three hundred or five hundred or a thousand dollars
you're basically saying that's what their life is worth you. that's what their life is worth
it's putting a dollar value on life

that's good, and what's your name? Liz.

Liz.

well who has an answer

for Liz

you defended the civil war system

what do you say?

if you don't like the price then

you have the freedom to

not be sold or for so it's

up to you and I don't think it's necessarily putting

a specific price on you and if it's

done by himself I don't think there's anything that's really morally wrong with that.

So the person who takes

the five hundred dollars let's say,

he's putting

his own

price on his life

on the risk of his life

and he should have the freedom to choose to do that. exactly.

what's your name? Jason.

Jason thank you.

now we need to hear from another critic of the civil war system. yes.

it's a kind of coercion almost of people who have lower incomes

for Carnegie he can

totally ignore the draft three hundred dollars is

you know irrelevant in terms of his income, but for someone of a lower income they are

essentially being coerced

to draft to be drafted or

I mean it's probably they're not able to find a replacement the

tell me your name. Sam.

Sam, all right so you say Sam

that

when a poor laborer

buys his, accepts three hundred dollars to fight in the civil war

he is in effect being coerced

by that money

given his economic circumstances

whereas Carnegie can go off pay the money

and not serve

I want to hear if someone has a reply

to Sam's

argument

that what looks like a free exchange

is actually

coercive

who has an answer to
to Sam. go ahead
I'd actually agree with him. You agree with him
I agree with him in saying that
it is coercion
in the sense that it robs an individual
of his ability to reason properly
okay and what's your name? Raul.
ok so Raul and Sam
agree
that what looks like a free exchange, free choice voluntary act
is actually coercion it involves coercion
it's profound coercion of the worst kind because it falls so disproportionately
upon one segment of society
good, all right so Raul
and Sam have made a powerful point
who would like to reply
who has an answer
for Sam and Raul? Go ahead
I just I don't think that these drafting systems are really terribly different from you know all
volunteer army sort of recruiting strategies
the whole idea of
you know having benefits in pay for joining the army is you know sort of a coercive strategy
to get people to
join
it is true that
military volunteers come from disproportionately, you know, lower economic
status
and also from certain regions of the country where you can use the patriotism
to try and coerce people, if you're like it's the right thing to do to
volunteer to go over to Iraq.
and tell me your name. Emily.
alright Emily
says
and Raul you're going to have to reply to this so get ready
Emily says
fair enough
there is a coercive element
to the civil war system when the laborer
takes the place of Andrew Carnegie for five hundred dollars
Emily concedes that
but she says
if that troubles you
about the civil war system
shouldn't that also trouble you

about
the volunteer army today?
and let me,
before you answer, how did you vote on the first poll,
did you defend a volunteer army?
I didn't vote.
you didn't vote.
either way
you didn't vote
but did you sell your vote to the person sitting next to you?
no, all right
so what would you say to that argument?
I think that the circumstances are different and that
there was conscription
in
the civil war there is no draft today
and I think that
the volunteers for the army today
have a more profound sense of patriotism that is of an individual choice
than those who
were forced into the military in the civil war
somehow less coerced. less coerced. even though
there is still inequality in American society even though as Emily points out
the make-up
of the American military is not reflective of the population
as a whole. Let's just do an experiment here
how many here
have either served in the military
or have a family member
who has served in the military
in this generation
not parents
family members in this generation
and how many have neither served
nor I have any brothers or sisters who have served
does that bear out your point Emily?
Alright now we need
we need to hear from
most of you defended
the idea
of the
of the all-volunteer military overwhelmingly
and yet overwhelmingly people
consider the civil war system unjust
Sam and Raul

articulated
reasons for objecting to the civil war system
it took place against a background of inequality
and therefore the choices people made to buy their way into military service
were not truly free
but at least partly coerced
then Emily extends that argument
in the form of a challenge
all right everyone here who voted
in favor of the all-volunteer army
should be able
should have to explain
well what's the difference in principle
doesn't the all-volunteer army
simply universalize
the feature that almost everyone find objectionable
in the civil war buy-out provision
did I state that challenge fairly Emily?
ok, so we need to hear from
a defender
of the all-volunteer military who can address
Emily's challenge
who can do that? Go ahead
the difference between the civil war system and the all-volunteer army system is that
in the civil war
you're being hired not by the government but by individuals
and as a result different people to get hired a different individuals, get paid different
in the case of the all-volunteer army everyone who gets hired is hired by the government
and gets paid the same amount
it's precisely the universalization of all
of essentially paying your service you pay your way to the army that makes the all
volunteer army just.
Emily? I guess I'd frame the principal slightly differently, on the all-volunteer
army
it's possible for somebody to just step aside and not really think about, you
know, the war at all. it's possible to say well I don't need the money,
you know I don't need to have an opinion about this I don't need to feel obligated to take
my part and defend my country with a
coercive system, I'm sorry,
with an explicit draft,
then
you know there's the threat at least that every individual will have to make some sort of
decision
you know, regarding military conscription and you know perhaps in that way it's more equitable
you know

it's true that

Andrew Carnegie might not serve in any case but in one you know he can completely step aside from it and in the other there is some level of responsibility.

While you're there Emily,

so what system do you favor

conscription

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

sense of responsibility for the conflict instead of you know having a war that's maybe ideologically supported by a few but only if there's no

you know, real responsibility.

good. who wants to reply, go ahead.

so I was going to say that

the fundamental difference between the all-volunteer army

and then the

army in the civil war is that

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

the civil wars system

the people who are volunteering, who are

accepting the pay aren't necessarily doing it

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

what motivation beyond the pay do you think

is operating in the case of the all volunteer army?

Like patriotism for the country.

patriotism

well what about pay. And a desire to

defend the country and

there's some motivation in pay but

the fact that

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

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

Jackie do you think it's better if people serve in the military out of a sense of patriotism than just for the money

yes definitely because that people who

that was one of the main problems in the civil war

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

or to go to war

aren't necessarily people who want to fight and so they won't be as good soldiers as they will be had they been there because they wanted to be

all right what about Jackie's

having raised the question of patriotism

that patriotism is a better or a higher motivation than money

for military service

who, who

would like to address that question?
patriotism absolutely is not necessary in order to be a good soldier because mercenaries
can do just as good of a job of
the job as anyone who
waves the American flag around and wants to
defend what the government believes that we should do.
did you favor the outsourcing
solution? yes sir.
all right so let
Jackie respond, what's your name? Phillip
what about that Jackie?
so much for patriotism
if you've got someone who's heart is in it more
than another person's they're going to do a better job
when it comes down to the wire
and there is like
a situation in which
someone has to put their life on the line
someone
who is doing it because they love this country
will be more willing to go into danger than someone who's just getting paid they don't care
they've got the technical skills
but they don't care what happens because they really have
they have nothing, like,
nothing invested in this country
there's another aspect though once we get on to the issue of patriotism
if you believe patriotism
as Jackie does, should be the foremost consideration
and not money
does that argue for or against
the paid army we have now
we call it the volunteer army, though if you think about it that's
a kind of a misnomer
a volunteer army as we use the term is a paid army. so
what about the suggestion
that patriotism should be
the primary motivation for military service
not money?
does that argue in favor
of the paid military that we have
or does it argue
for conscription
and just to sharpen that point building on Phil's case for outsourcing
if you think
that the all-volunteer army, the paid army

is best
because it lets the market allocate
positions according to people's preferences and willing
willingness to serve for a certain wage
doesn't the logic
that takes you
from a system of conscription
to the hybrid civil war system
to the all-volunteer army
doesn't the
the idea of expanding freedom of choice
in the market
doesn't that lead you all the way if you followed that principle consistently
to a mercenary army?
and then if you say no
Jackie says no, patriotism
should count
for something
doesn't that argue
for going back to conscription if by patriotism you mean a sense of civic
obligation
let's see if we can step back from
the discussion that we've had
and see what we've learned
about
consent
as it applies to market exchange.
we've really heard two
arguments
two arguments against
the use of markets
and exchange
in the allocation of military service
one was the argument raised
by Sam and Raul
the argument
about coercion
the objection
that
leading the market allocate military service
may be unfair
and may not even be free
if there is
severe inequality in this society
so that people

who buy their way into military service
are doing so
not because
they really want to
but because they have so few economic opportunities that that's their
that's their best
choice
and Sam and Raul say there's an element of coercion in that
that's one argument.
then there is a second objection
to using the market to allocate military service
that's the idea
that military service
shouldn't be treated as just another job for pay
because it's bound up with patriotism
and civic obligation
this is a different argument
from the argument about unfairness and inequality
and coercion
it's an argument that suggests that maybe where civic
obligations are concerned
we shouldn't allocate
duties and rights
by the market
now we've identified two
broad objections
what do we need to know to assess those objections
to assess the first the argument from coercion inequality and fairness, Sam,
we need to ask
what inequalities in the background conditions of society
undermine
the freedom
of choices people make
to buy and sell their labor
question number one.
question number two, to assess the civic obligation patriotism
argument
we have to ask
what are the obligations of citizenship
is military service
one of them
or not
what obligates us as citizens what is the source of political obligation
is it consent
or are there some

civic obligations we have
even without consent
for living in sharing
in a certain
kind of society.
we haven't answered either of those questions
but our debate today
about the civil war system and the all-volunteer army
has at least raised them
and those are questions we're going to return to in the coming weeks.