

Phil 290-1: Political Rule
Monday, January 27: Introduction

Two questions of political philosophy:

1. Which goods should the state distribute and how?

Structurally, the answer will consist: (i) in a list of goods and (ii) in principle(s) of distribution.

Examples:

- Bentham: (i) (means to) pleasure, (ii) distributed to maximize the sum total
- Rawls: (i) social primary goods, (ii) distributed according to his two principles (roughly, liberties distributed equally, socioeconomic goods distributed so as to benefit the worst off as much as possible).

Notes:

- a. The goods need not be limited to material goods. Again, one good might be “liberty,” understood as the predictable absence of interference by other people when one engages in certain activities (e.g., expression, religious practice).
- b. For our purposes, however, we leave out any “goods of rule.” This means, for example, that we leave rights of political participation off of Rawls’s list of social primary goods.
- c. The “state” may be too narrow. Perhaps we should say “society, structured in important ways by the state” (or with Rawls, the “basic structure of society”).

2. Who, if anyone, should rule over whom?

The popular substantive answer: democracy, roughly, that all share equally in rule.

The deflationary (or instrumental) formal answer: Relations of rule matter only insofar as they bear on a just distribution of goods. In other words, the answer to question 2, about rule, is completely subsidiary to the answer to question 1, about the just distribution of goods.

Note that the popular substantive answer may be compatible with the deflationary formal answer. We should have a democracy, but only because it does better than the alternatives in achieving a just distribution of goods. (Churchill: the worst form of government apart from those that have been tried from time to time.)

Our basic question in this seminar: Is the deflationary answer is adequate? Does it leave out something important? Do relations of rule matter in themselves?

Two possible challenges to the deflationary answer:

Two more or less familiar issues in political philosophy suggest doubts about the deflationary answer (even if they aren’t usually discussed in these terms).

Is there a non-instrumental case for democracy? Suppose that some alternative to democratic decision-making, or to a particular democratic decision, would produce better results. Is there any reason to refrain from taking it?

- If so, then certain relations of rule matter—in this case, democratic relations—even at the cost of the just distribution of other goods.

Is consent or acceptability a necessary condition on the “legitimacy” of the state? Suppose that the state is realizing a just distribution of goods. Many say, or imply, that this does not suffice to make the state “legitimate.” It is legitimate only if some “further condition”—such as consent or acceptability—is met. Not simply anarchists, but also the later Rawls and his followers, say this.

- Presumably, the “further condition” is necessary, if it is, to meet some “further objection” to the relations of rule that the state involves. So, if one claims that a further condition is necessary, then one seems to imply that relations of rule matter over and above a just distribution of goods.

What is “rule”?

1. Issuing commands:

Is this concerning in itself? E.g., the street-corner lunatic.

- Commands with *de jure* authority: give rise to moral obligations to obey.
 - Weaker: by changing the situation, so as to make prior moral requirements more determinate. E.g., making a coordination point particularly salient.
 - Stronger: by issuing the command itself, where the obligation is owed to the commander.
- Commands with *de facto* authority: are generally complied with.
- Commands that are *enforced*. But then the concern may have to do with enforcing commands...

2. Enforcing commands:

- *Preventing* the violation of commands.
- *Imposing* a threatened cost when violation occurs.
 - Is it important whether the cost involves *force* or *violence*: some action on body of the person in question?
- *Threatening* to impose such a cost.
 - Is it important whether the threat is *coercive*: so severe as to compromise the person’s responsibility for compliance?

3. Effects not directly connected to commands:

- Putative violations of individual “rights”:
 - bodily interventions (e.g. immunizations),
 - the use or seizure of private property (e.g., taxation: *withholding* income, as opposed to *requiring the reporting of* income),
 - the disposition of collective property (e.g., what is “done in our name”).
- Effects on our physical or social environment.

In each case, is the locus of concern what is *actually* done or instead the *ability* to do it, even if not exercised? For example, is the concern about *issuing* such commands or possessing the *ability* to do so? “Authority” seems to refer to the latter.