Is Government's Coercion Justified?

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Keywords: Political Legitimacy; Justification Of The State; Political Philosophy

Abstract: This essay examines the question whether many coercive activities of the government, such as taxation and drafting people into the military, can be justified. In the first section, I define justification for an action in two senses: 1) if the action has acceptable moral and rational reasons or 2) if the actor has the moral right or legitimacy to act. I argue that the coercive actions of the government are justified in the first sense but not the second sense as defined above. In part two, I explain why government's coercion has rational and moral reasons, such as solving collective action problems and externalities, upholding justice, and maintaining peace. In the final section, I illustrate why government does not have the moral right or legitimacy to coerce. My analysis focuses mainly on the Lockean and the Kantian accounts of political legitimacy.

1. Introduction

Political philosopher Max Weber famously defines the government as "a human community that claims the monopoly of the legitimate use of physical force within a given territory"[1]. Indeed, governments are characterized by their exclusive privileges to coercion and practices of power, such as collecting taxes and drafting people into the military. But where do these privileges come from, and can they be "justified"? This essay will try to answer the question of political justification and legitimacy by considering several schools of political thoughts.

For the purpose of this study, two distinct conceptions of the word "justified" should be considered. First, to say something is "justified" can mean it is "prudentially rational or morally acceptable" to do[2]. For example, in Hobbes' famous account of the state of nature, he asserted that life in it is "solitary, nasty, brutish and short" because individuals would engage in a "war […] of every man against every man"[3]. This example shows that the state is a rational choice for individuals because it increases people's chance of survival, which is the most fundamental human right.

However, that the government is better than even the best case of the state of nature does not necessarily bestow the government an inherent moral right to coerce its subjects. In other words, justification does not entail moral legitimacy in the descriptive sense. This moral claim to coercion is another dimension of the word "justify". The distinction between two senses of "justified" is important because, for example, when an insurance company is considered beneficial, it does not follow that the company has the right to demand my money, not to mention forcing me to buy their service. Consequently, the "justification" of government also involves legitimizing governments' moral claim on coercion[4].

Having considered the twofold significance of justification, I will argue that a government has good reasons to exercise coercion and is justified in the first sense. However, a government cannot achieve full moral legitimacy as it infringes upon the subjects' natural rights without obtaining individual consent, and major efforts to legitimize the state are problematic.

2. Justification as Rationality and Morality

Throughout the history of political philosophy, there are abundant illustrations of why modern governments are better than anarchy. Aside from Hobbes, John Locke has argued that governments

are necessary to avoid the "inconveniences" in the state of nature. Immanuel Kant similarly argues that the state is necessary to promote individual freedom and justice. More recently, game theory approaches the problem of cooperation among competing players in a more scientific way, illustrating why an ungoverned society is inefficient.

The prisoner's dilemma is a classic experiment of game theory that validates the Hobbesian imagination. The prisoner's dilemma imagines two prisoners incarcerated separately, each given two choices to cooperate or to defect. Both prisoners benefit the most when one cooperates and the other defects. Due to this set up, both prisoners are more incentivized to defect instead of to cooperate, resulting in the worst outcome where both prisoners defect and neither benefits from the game [5]. In the state of nature, individuals also face the same choice of either cooperating or defecting. Rational individuals who act upon self interests are prone to defect with the hope that others will cooperate, resulting in the prisoner's dilemma. A government can solve this dilemma by altering the payoff of each outcome through taxation and punishment. When a) the punishment imposed by the state for defecting is sufficiently large that individuals prefer to cooperate and b) the taxes collected by the government is not so large that individuals prefer the state of nature, individuals would prefer cooperation[5]. The same logic applies to the public goods problem as well. Citizens know that if they all pay their share in facilitating building infrastructure and funding education, everyone would be better off. However, because freeriding maximizes profits, no one will pay voluntarily, nothing gets built, and nobody benefits from the state of nature. .

Another example to prove the inefficiency of the state of nature is the negative externalities in free market economies. While every participant in the market knows driving a car without an air filter will pollute the air, people nevertheless do it because the activity imposes costs on an unrelated third party, not directly on themselves[6]. An even more horrendous scenario is the Tragedy of the Commons proposed by Garrett Hardin. In his work, Hardin envisions humans' ecological future without governmental regulation to be a destined destruction. If nature were a grassland where herders graze animals, the benefit of adding one herd to the land will belong solely to the herder. Yet the benefit of protecting the grassland will have to be shared among all herders who use the land. For this reason, rational herders inevitably overexploit the environment, causing the depletion of natural resources[7]. The same holds true for other common goods. On a low note, economics as well as behavioral science seems to confirm this "Selfish Gene" phenomenon prevalent among humans in the state of nature, where people would do anything to maximize their own chance of survival[8].

Luckily, a coercive institution like the government is able to solve these collective action problems by altering the payoff of each strategy through rewards and punishments. When the rational individual receives more incentives from cooperation, or is afraid to lose more from defecting, cooperation naturally becomes the rational choice among individuals. Through internalizing externalities, governments are able to achieve greater utility for the society as a whole and prevent the subjects from collective self-destruction[6]. Evolutionary psychologist Steven Pinker recently bolstered this point using statistical evidence. According to Pinker, in pre-state tribal and hunter-gatherer societies, even the least violent cultures have an average violent death rate of 14 percent. Meanwhile, in ancient states like the empire of pre-Columbian Mexico, the violent death rate is only 5 percent and in modern states, even during the two world wars, the violent death rate is merely 3 percent[9]. The reason for the astonishingly high death rate of pre-state societies is the frequency of war and raids due to the lack of security guarantees. Anthropologists estimate that 70% of hunter-gatherer groups are at war at least every two years[9]. After the emergence of the state, however, the chances of being a victim of violence decreases fivefold even for ancient states and the frequency of war also drops drastically.

A more modern example of statelessness is Somalia, which receded into statelessness in 1991 when the Siad Barre regime was overthrown. No Somalian government from then to 2012 was able to achieve a monopoly of violence. In the meantime, local warlords controlled natural resources and wars between different factions were incessant, leading to 300,000 deaths and a million refugees fleeing to neighboring countries[6]. The Hobbesian scenario of a society with "no arts; no letters; […]

and continual fear and danger for death" occurred. Somalia's GDP per capita dropped 39% from 1990 to 1991[10]. To escape the horrors of this state of nature, Somalians were desperate to embrace an effective government, the Union of Islamic Courts in the South, despite the fact that this was a fundamentalist Islamic government that had ties to the terrorist organization al-Qaeda in the 2000s[6]. It was only until 2012 that the government forces backed by the UN and the West successfully re-established control over most of the nation's territory, but Somalia still remains fragile until this day.

The Leviathan not only increases social utility through protecting "life, liberty, and the pursuit of happiness", but is also necessary to uphold social justice and morality in general. According to Kant's definition, a moral condition is one in which individual's "external freedom", the ability to set and pursue one's own end, is protected[4]. However, in the state of nature, external freedom can never be protected because freedom is relational. To be free implies that I am independent from the choices that others make and that everyone other than me is under an obligation to refrain from interfering with my rights. Freedom in this sense cannot be protected in the state of nature for two reasons. First, since my freedom implies an obligation on others, the imposition of that obligation has to come from someone, but that person or entity cannot be me because in the state of nature, everyone is equal and I do not have the privilege to impose obligations[11]. Second, even if I can obligate others to respect my rights, I would still lack true independence because my rights depend on the capricious will of the others to respect my rights instead of an impartial third party with more defined rules that enforces rights. An impartial higher authority like the government is able to solve both these problems by imposing and enforcing obligations. Notice that not all governments can function like this. In many cases, governments can be very biased, such as the U.S. that allowed slavery or the Third Reich. Yet this does not jeopardize my argument that a certain form of government, assuming it is on balance just and impartial, is comparatively better than the state of nature when it comes to improving people's moral conditions.

Although the government can be a rational and moral choice for individuals, some staunch anarchists still insist that those who argue in favor of the government assumed the worst of humans. Anarchists believe that individuals are naturally rational and moral enough to see the benefit of cooperation for themselves and thus a government is extraneous. As James Madison wrote, "if men were angels, no government is necessary". Let us give the anarchists the benefit of the doubt and imagine a society that contains all "angels", defined as individuals with complete and consistent moral systems and who always act conscientiously, regardless of motivational factors[12]. Even in this case, practical problems that need a government to mediate exist. First, angels are subjected to cognitive limitations, meaning that their moral judgements are dependent on factual information that they do not necessarily agree upon. For example, angels who do not think smoking is harmful for health will argue against smoking legislations, while other angels who believe otherwise would dissent. Second, even when angels believe in the same moral theory, say, utilitarianism, they can disagree on the application of the theory and interpretation of the key concepts such as what does utility entail, does it include animals' happiness or not. These two problems alone would prompt serious debates that could eventually escalate to the Hobbesian war of every man against every man.

At this point, I have argued that the government can optimize utility and advance morality, thus proving the government can be justified in the first sense as defined earlier ("prudentially rational or morally acceptable"). However, that the government is potentially better than the state of nature does not entail that any particular government has an inherent moral right to coerce its subject, or that anyone has an inherent moral obligation to answer to it. This is because even the most democratic governments fail to acquire voluntary consent from every subject, and subsequently fall prey to the tyranny of the majority as well as systemic injustice. As Pinker suggests, after the emergence of the government, new forms of violent deaths and oppression occurred, including religious persecution, slavery and despotism. In the U.S., systemic racism and police brutality is ongoing and present. In China, despite great economic growth under the PRC, political dissidents are arrested and persecuted. Although these governments are rational, we would not say they are

morally legitimate. Due to this concern, I will provide an account of why governments' use of force cannot be legitimized in any existing society because major legitimacy theories are problematic.

3. Justification as Moral Legitimacy

Starting from John Locke, it has been argued that subjects' consent is the basis of a government's legitimacy because individuals have natural rights to life, liberty and property in the state of nature. However, for the government to promote certain rights (such as property), it is inevitable to restrain other rights (such as liberty). As a result, the government has to acquire individuals' consent to make such compromises of rights morally acceptable, or else it will be a violation of natural laws[13].

Do you remember giving consent to be ruled by your particular government? Most of us would answer no. In fact, it has been argued that no existing state is legitimate because none have acquired consent from every one of its subjects[2]. A government needs the explicit consent from everyone in its territory in order to rightfully use force against them. In reality, however, few if not none of us have actually given consent. Locke tried to argue for tacit consent as a means to legitimacy, which equates the use of land and social benefits in a particular state to actual consent[14]. However, this idea was criticized by David Hume who contends tacit consent is like saying that one should obey a ship's captain even when one "was carried onboard while asleep and must leap into the ocean and perish"[15]. His analogy suggests that the cost of leaving a certain territory can be prohibitive, which makes one's residence non-voluntary and thus not constitutive of consent. An ideal state might be able to fix this non-voluntary residence problem by sponsoring people to migrate freely or simply open their borders, but existing states are nowhere close to that ideal and therefore no existing government is morally legitimate.

The alternative to this Lockean voluntarist account of legitimacy is the Kantian natural duty account. This school of thoughts argues that since the state of nature is unjust and harmful, as moral individuals we are obligated to escape it due to our natural duty to support justice. Establishing a government is the only way to do so since a government defines justice through making and enforcing laws. This idea was later championed by John Rawls with his hypothetical consent scenario, and Ronald Dworkin who theorized associative obligations, etc.[11].

However, this Kantian account is problematic in several ways. First, supporting justice is a positive duty, meaning a person has to take action to discharge his/her duty. It must be differentiated from a negative duty, which means to simply refrain from an action. Conventionally speaking, the positive duty permits discretion on the part of the individual, and we can choose how to fulfill our duties. For example, all of us have a moral duty to help the poor and unfortunate, but to which charity I donate my money is up to me to decide. The same logic applies to my duty to the state: I might be obligated to support some government, but not necessarily the particular one that happens to rule over me[16]. An American citizen can find the Swedish government more just and moral, but he/she has to pay taxes to the U.S. nevertheless.

Second, forcing someone to support the state can be morally wrong in multiple scenarios, especially when the person has other more important moral priorities. A simple illustration of this logic, in the words of W. D. Ross, is that "it would be wrong for one to ignore the drowning man in order to discharge one's obligation to meet a friend for lunch, and it would be wrong of the friend to force one to discharge one's obligation to the friend"[16]. In the case of the interaction between individuals and the state, the "friend" would be the state and the subject would be the individual who lives under the state's rule. Individuals have many different duties. They have duties to their family, to their employers, to their spouses, etc. It would thus be morally wrong for the state to ignore all these other duties and coerce these individuals to join the military or pay exorbitant taxes in the name of "supporting justice" in the Kantian sense. Also, individuals who have extensive positive impact on a society should also not be conscripted. For example, social workers, doctors and political leaders would be able to do more good when they are not enslaved by the state and forced to join the military.

In addition, the action of the state must be evaluated before we say it ought to be supported. The state does not necessarily represent justice in all scenarios. Very recently, for example, the death of George Floyd at the hands of Minnesota police again reveals that the U.S. government embodied systemic injustice and tolerated the unjust use of violence. Under such situations where the state manipulates citizens' loyalty and trust against themselves, the state loses the moral agency to demand allegiance. As Saint Augustine points out, "an unjust law is no law at all". Finally, the Kantian account lends legitimacy to regimes that came into power through force or usurpation[11]. For instance, Indians living under the British colonization have a moral duty to support the government because it upholds social justice in general, even though it came into power against people's will.

Aside from the shortcomings of Lockean and Kantian theory, there is also an independent moral argument against the legitimacy of the state and the obligation to follow it. The argument is first proposed by Robert Wolff, who states that if we accept the premise that men should be autonomous and take responsibility for their actions, then the state's authority necessarily contradicts this premise. Put simply, authority is the "right to rule" while autonomy is the "refusal to be ruled"[17]. The two concepts stand in direct contradiction. When one obeys the government because it is the authority, one forfeits his/her moral autonomy and the responsibility for his/her actions. On the other hand, when one upholds his/her autonomy scrupulously, the state cannot demand him or her to do anything in a morally justifiable way. For Wolff, we obey laws such as not killing not because the laws are inherently right, but because after rational deliberation, we conclude that it conforms to our interest and moral judgment to not kill. In many cases, these rational conclusions of ours coincide with the government's laws. More frequently, the legislators simply make the laws so that they conform to most people's rational and moral self-legislation.

Due to the failure of the Lockean and Kantian accounts of state's legitimacy, as well as the Wolffian autonomy argument, the state does not have a moral right to demand people's allegiance and people do not have a general obligation to obey the state. This conclusion might be counterintuitive at first. Nonetheless, this is not to say that the state should not be obeyed at all. In specific cases when the state's actions are in accordance with other general moral duties such as not killing and helping the poor, individuals opt to follow the state at their own discretion, but the state has no right to enforce obedience.

Conclusion

In this essay, I have shown that a government can be a rational and moral choice for individuals to escape the horrors of the state of nature, but its moral claim over coercion cannot be legitimized due to the absence of universal consent and its violation of autonomy. However, this is not to say that we should overthrow or eliminate governments. On the contrary, this essay fully acknowledges the necessity of a government. What it cautions against is mindless and unexamined compliance with authorities. This revelation is an important one, as many governments are failing the moral standards required for them to coerce their people. It is exactly when the government violates its moral obligations, e.g., when it oppresses the subjects it should protect, that people's resistance is warranted[16]. But even in this case, rebels should carefully measure the consequences of disrupting the status quo, as a violent revolution can be more damaging than an oppressive regime. There are many cases in history in which revolutions turned into complete chaos and the anarchy claimed more lives than the oppressive tyrant. Nevertheless, asking consistently whether the actions of the government are justified and using our voices to hold it accountable for transgressions are crucial to improve our political wellbeing. The quest for a moral and just political organization has never stopped and should continue to be an unending one.

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