



Why Arguments for Government Don't Work

Guest: Michael Huemer

September 16, 2014

Michael Huemer is a professor of philosophy at the University of Colorado at Boulder and the author of *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey.*

WOODS: Just to recap before we dive into the second half of your book, give the audience again an idea of what you're trying to accomplish in the first half of *The Problem of Political Authority*.

HUEMER: The first half is designed to refute the idea of political authority. The idea of political authority as I define it is the idea that the state has a kind of special moral status which explains why the state is entitled to coerce people, to force them to obey the state, in circumstances in which it would not be permissible for any other agent to coerce people. This idea of authority is also supposed to explain why the citizens have an obligation to obey the state even though they would not be obligated to obey anyone else who was making similar commands. So, in the first half of the book, I address theories that people have given for why the state has this authority. Basically, it's argued that none of the leading theories work, and thus that the correct conclusion is that there is no authority and the state should be subject to the same moral principles that we apply to all other agents.

WOODS: What is the consequence, the radical consequence, of applying the same moral standards to the state that we apply elsewhere?

HUEMER: So basically, you have to be a libertarian. When you think about the controversial policies that libertarians advocate, they're all things that would be completely uncontroversial if we were talking about anyone other than the state. So, for example, consider social welfare programs whereby the government takes money from some people in order to use it to benefit the relatively poor. If we were talking about anyone other than the state, this would be considered completely impermissible. If I'm running a charity, it's not okay for me to forcibly

take money from contributors in order to help the poor. Even if it's a beneficial charity. Even if I'm really helping the poor. It's not permissible for me to just force people to contribute to it.

So that's one example, but you could take basically any other libertarian policy. So consider the drug war. If we were talking about someone other than the state, it would be considered completely impermissible for someone to decide that some substances are unhelpful, and therefore, they're going to kidnap anyone who's using those substances and lock them in a cage for some period of years. If I decide to go to my neighbor, and take him captive at gunpoint and lock him in a small cage because he's consuming some substance that I think is dangerous to his health, I would be a horrible criminal. That's basically what the current drug policy is.

WOODS: So what you're trying to do in the second half of the book is to take people all the way to the conclusion of the argument. Because at first you're striking down the kinds of claims that have been made on behalf of the state that so many people have imbibed through the course of their education and in popular culture. We've imbibed some version of the social contract, or whatever the excuse is, and you've dismantled all those arguments. That leaves people standing there wondering, well, then what would we do in the absence of this institution? And then you're going on to say, this is how things might work.

The argument that I left us with last time was, what if somebody said to you: I agree with you that all these arguments for government are extremely flimsy, and they all rely on the idea that government is some entity that's entitled to behave in ways we would consider outrageous in any other situation. I get all that, but I'm afraid we can't live without it. That would be the thing that would still be in people's minds. And here's what you're going to try and take apart in the second half. I'd actually like to go to Chapter 9 and start with the classic Hobbesian claim for why it is that we need government. I think in one form or another, whether people are outright Hobbesians or not, they do adopt that view.

HUEMER: Many people feel that if there were no government, there would be this war of everyone against everyone, people constantly attacking each other to steal each other's stuff and murdering each other. Hobbes starts with the assumption that people are completely selfish. The way that I would characterize it—it may sound uncharitable, but I think it's actually correct—is Hobbes basically portrays human beings as sociopaths. That is, no moral sense, they only care about their own self-interest. Then he thinks, given that, people are going to attack each other if they don't have a government. They will attack each other partly to steal each other's stuff. You might attack other people just because you're afraid they might attack you in the future, so you have to try to kill them first.

Another thing is, he says people will attack each other "in order to force other people to express respect for you." So you feel that some other person is not respecting you enough, so you

decide to start a fight with him. Then according to Hobbes, the only way to stop this is for all of us to band together and agree to establish one person who will have total power over us or one organization that will have total power. So they get all the guns. Then they will be able to stop us from fighting with each other, and of course they will do this. This is the sovereign. The sovereign will keep us from fighting with each other, basically, because he wants to be able to exploit us to get more money for himself. The fighting will not be good for business.

I think that's basically Hobbes's argument. The argument really doesn't make a lot of sense. To start with, there's the assumption that if you're completely selfish then what you should do rationally is to attack other people whenever possible. This seems to me to be the opposite of the truth. If you're concerned with self-preservation, you should try to avoid fights with other people whenever possible. Bizarrely, Hobbes actually says that people are approximately equal in the state of nature, meaning equal in the sense of having equal power to threaten each other.

WOODS: Right.

HUEMER: If that's the case, then it's completely irrational to start fights with other people. If you start a fight with other people, that means that there's about a 50% chance every time you fight that you're going to die. Even if you think maybe you're a little bit stronger than other people, or you think you're a little bit better with a gun. Even if there's only a 10% chance that you're going to die, it's still irrational to start fights with people. One of Hobbes's reasons why there would be fights between people is that you're afraid that somebody else might attack you, so you decide to attack them first. If there are these people out there who are starting preemptive fights, who would they be starting preemptive fights with? Wouldn't it be with the people who have started the most fights in the past? If you're afraid that somebody might attack you wouldn't you be most afraid of the people who have previously attacked you?

WOODS: Sure.

HUEMER: And what that means is that if you go around attacking people then other people are going to be afraid of you, and that means they're going to decide that they have to attack you first. So it's a completely irrational strategy to start conflicts. The other part of the theory that doesn't make any sense is the theory that once you establish this organization with total power over everyone, they will be nice and respect everyone's rights and protect everyone from each other. No. Why won't they just use their power to completely exploit everyone and to kill anyone that they don't like? And sadly, this is not just a hypothetical. This is the sort of thing that actually happens when the government gets absolute power, as you see in cases like the Soviet Union or communist China or Nazi Germany.

WOODS: But what about people who say there does seem to be some plausibility to the Hobbesian argument, because I can think of examples like the collapse of state x or state y, and I

can recall it being followed by disorder in the streets and people shooting at each other. And isn't that what it is that we're fighting against? I wonder if that's not a case of people living in the expectation that a new state will eventually be formed. So it's hard for us to think outside that box, and they begin trying to establish themselves as the new state.

HUEMER: The thing that I was saying a minute ago is that it's irrational in the sense it's not in your interest to start fights with other people. However, it might take a little time for people to figure that out. So they might not realize that the first day, but after you've been going around for a few months starting fights with people, and you've gotten your arm broken, or you've gotten shot a couple of times, then you might start thinking, maybe I should stop doing this. The real point is, the anarchist view is not to just get rid of the state and then that's it. It's not replace the state with nothing. It's not that nobody should be protecting anyone's rights. The anarchist view is that the services that are provided by the state should be provided, but they should be provided by somebody else. Namely, they should be provided by businesses for profit.

WOODS: You have here in the book a claim that when you're dealing with the question of violence, the question of violence between human beings, it's a relevant consideration to bear in mind that violence between states is much more difficult to deter than violence between individuals. What do you mean by that?

HUEMER: Typically, if you start a violent conflict with somebody else, you yourself and the other person are personally at risk. If I go fight with my neighbor, there's a pretty good chance I'm going to be seriously physically injured or killed. On the other hand, if Obama decides to send more troops to Afghanistan, he doesn't have to worry that he's going to be personally injured or killed. When George W. Bush started the war in Iraq, he had no fear at all that he was going to get shot in the war. So the people who are making the decisions when it comes to war between states are not personally at risk, so they don't really have the incentive to avoid the conflict that you would have if you're personally involved.

WOODS: So that's an incentive that also works, and also you have here some discussion of—again, it's not enough to say as long as there's no state, that solves your problems, or that there are no institutions that replace it or anything like that. But you also note that there are cultural values that can make a society with or without a state more liable to be violent or crime-prone than otherwise.

HUEMER: There is some research on this that there are some societies in which there's less social trust, so if people in the society, in general, don't trust each other as much, in those societies if you do these prisoner's dilemma experiments, people are more likely to defect. In other societies, with more social trust, people will cooperate. There will be an assumed norm of cooperation.

I have a friend who recently came back from Africa and was telling me about his experiences there. One of the things he was saying was that it's a very communal sort of society, and in some ways that could be good but in some ways harmful. It makes it very difficult for somebody to build capital, because as soon as you acquire a little bit of money, you're expected to start giving it away to extended family members. That's not even a matter of the government. That's just a matter of the custom in a culture. That could make a big difference to their economic progress.

WOODS: That's been one of the arguments that Peter Bauer used to make for many years, that there are some factors that have to be dealt with on a cultural level. It's not just enough to send foreign aid to particular places. If the cultural preconditions don't exist, then there could be perverse results.

I think we can all see what happens in a totalitarian state. That's obvious to people. What's not so obvious is predation under democracy. It's easy to see in an anarchic system: let's say you have a system, a condition in which somebody does get killed, and there is no government. There's only private sector institutions. We can all see somebody get killed, and the institution failed to prevent this. We can all see that. But under democracy, I think people have absorbed the idea that we govern ourselves. We are the government. We are making the decisions. So the idea that there could be any predation is excluded by the very way people frame the argument of democracy.

HUEMER: There's a sense in which in a democracy, that people are under control of the government. But it's a much weaker sense in which in the capitalist economy you affect the market. The way that you control the government is you have a vote which gives to a one in 10 million chance of affecting who is in office. But the problem is for a one in 10 million chance of affecting the outcome of an election it's not worth doing anything. I mean, it's not worth any measures to make sure that your decision is correct. It's not worth spending any time doing research to find out who the best candidate is, to find out what their voting records are. It's not worth taking the time trying to eliminate your political biases. It's not worth making any effort if you only have a one in 10 million chance of affecting things.

WOODS: If people are inclined to reject this idea, compare this to the amount of time and research you put into buying a car. You look into all the different models and all the different features and what exactly you need, because you know that you will affect that outcome. As soon as you slap down that money, you will get that exact car, and you'll get it immediately. And you will enjoy the flow of benefits that come from it, or the flow of headaches that come from making a bad choice of car.

I want to do a lightening round here. You've got a number of subheadings under predation, under democracy. I want you to give me no more than a 30-second summary of the problems of democracy as I tick them down one at a time. Are you ready?

HUEMER: I'll try.

WOODS: Here we go. This one shouldn't be too hard. The tyranny of the majority. I think people are aware of this.

HUEMER: Obvious problem is that the majority might just vote for something that is against the interest of the minority. For example, white people voting for laws that are prejudiced against black people.

WOODS: How about the second one: the fate of nonvoters.

HUEMER: There are various people who don't get a vote but are affected by the government's policies. There are children, there are criminals, and most importantly there are foreigners who are affected by the government's foreign policy, by our trade policy. When we go to war, we could kill hundreds of thousands or even millions of foreigners, and they don't get a vote on that.

WOODS: The news media, the sleeping watchdog. You say that it's not in the interest of the news media to keep close watch over the government. Really?

HUEMER: That's right. For one thing, the audience doesn't know the facts, so they won't know whether the news media's doing a good job or not. The news media's trying to sell advertising time, so what they really need to do is make entertaining programs. It doesn't so much matter whether it's true or not. If they criticize the government there's a possibility that the government will retaliate on a very relatively minor level. Government officials will refuse to give interviews or give information to a reporter who they suspect might be critical of the government.

WOODS: How about constitutional limits? We could put a Constitution in effect, and that will limit the government to certain activities.

HUEMER: You could just look empirically at how this has worked.

WOODS: Right.

HUEMER: In my judgment, over 90%, probably 99% of all the activities of the U.S. government are obviously unconstitutional. For anyone who doesn't realize that's the case, read the 9th and 10th Amendments, where the 10th Amendment says basically that anything that's not listed in the constitution is something that the government cannot do. And virtually nothing that the

government does currently is actually listed in the Constitution as something that they can do. The problem is that there's nobody to enforce the constitution other than the government. So it's like saying we're going to stop bank robbers by having the bank robbers police themselves. The bank robbers will just arrest themselves.

WOODS: You have a section here that might be relevant. What about citizen activism? Can't they keep an eye on what government is up to?

HUEMER: They might, but again, you only have a one in 10 million chance of affecting the outcome of an election, so it doesn't really make sense for you to become informed about it. You can maybe slightly increase your influence by writing to your congressman, right? But you're still only one of 500,000 people in the district or something. And there are so many different issues, a normal person doesn't have time to stay informed on all the different political issues where politicians are voting.

WOODS: Of course, I do this every single day of my life. I have a show. I talk about all kinds of issues—and I'm sure I haven't covered the tiniest sliver of the things that government is up to, and this is from a guy who does it all the time, every single day.

What about checks and balances, though? I learned in elementary school that checks and balances keep the government somehow on an even keel. It's not clear to me why checks and balances would keep government limited, by the way. There's no reason to think that. But what are they supposed to do, and why don't they do it?

HUEMER: The theory there is unclear. The theory appears to be that the different branches of government would restrain each other to make sure that none of the other branches abuse their power, but there is no explanation at all of why they would do that. Why can't each of the branches of government use its powers to interfere with the correct execution of the other branches, or why can't they collude with each other to expand the power of the government? No account was ever given of how these different branches of government would be in competition with each other rather than making common cause in extending the power of government at the expense of the liberties of the people.

WOODS: Jefferson actually said this in the mid-1820s. He said the three branches will just gang up on the public. It seems to him likely that that would be the result, so the much-vaunted checks and balances were unlikely to have the results that people hoped for. What about your section "The Rewards of Failure"? How could government actually benefit from failing to solve the problems it purports to?

HUEMER: I have a favorite example under this heading, which is the 9/11 terrorist attacks. Right after the 9/11 terrorist attacks, George W. Bush's approval rating went through the roof. In fact, I

think it was the highest that anyone has ever had since they started doing those polls. Imagine if you had a security company that you hired to protect your business.

WOODS: I know where this is going.

HUEMER: You just found out that your business was bombed during the night, and they destroyed a bunch of property. Then somebody asks you, what do you think of the job that your security company is doing? What do you say? Best security company ever.

WOODS: Exactly, that's right. With a fist pump. I don't think so.

HUEMER: For some reason, when the government fails, they actually get more resources and more power. This is partly because there's no competition. As another example, if we have a crime wave, people are going to call for there to be more resources given to the police, more money and more power. What that means is that it's actually in the interest of the police for there to be a crime wave. That means that government agencies, it's in their interests for the problems that they're supposed to solve to get bigger, not to actually be solved.

WOODS: Then finally, the miracle of aggregation. Talk about that for a minute if you would.

HUEMER: There was a theory that some people have had in economics literature that democracy could possibly work even if the majority of people are totally uninformed. Say you have 90% of the voters, and they're totally uninformed. So their votes are completely random. If 10% of the voters are well informed, and they vote for the best candidate, the result is going to be the best candidate is going to win 55 to 45, because the ignorant voters will just split 50/50, and the informed voters will all vote for the better candidate. The better candidate is still going to win.

WOODS: Right.

HUEMER: The only problem with this is when people don't know what the best candidate is or the best policy, they don't just pick randomly. If only they did, then we'd be okay, but in fact, they are more likely to vote on the basis of biases. There's actual literature. There's empirical evidence of some of the specific biases people have, so incumbents benefit from ignorance. Basically, if you don't know anything else then you're more likely to just vote for the incumbent. Also, there's a slight bias in favor of Democrats. If you know anything else, you're more likely to vote for the Democrat.

WOODS: I know Bryan Caplan summarizes some of the literature on this in *The Myth of the Rational Voter*, on the subject of the so-called miracle of aggregation. Turns out it's not a miracle, because it doesn't exist.

HUEMER: Right. Actually incumbents in congress almost always win. Their win rate is something like over 85%, I think. So this means that if you're in Congress you can kind of get away with almost anything other than a sex scandal, which will get you in the news.

WOODS: Then you'll have to retire for two years, and then you come back. What interests me, though, is you would think given that people tend to be dissatisfied with things, in general, they always wish that they could be earning more income or whatever, and sometimes they'll blame the political system, rightly or wrongly, for their own personal situation, you would think that ignorance would lead them to go against the incumbent. Angry ignorance would lead them to just go down the line and vote for whoever is the challenger. It surprises me, and I don't even see the logic in why this would favor incumbents.

HUEMER: I'm not really sure. I think it's a common attitude that we need to get the bums out of Congress, but not my bum.

WOODS: Yeah.

HUEMER: They want the people in the other districts to get rid of their congresspeople, not their own. You might think the fact that this person won an election might mean that they're charismatic, or just that they're connected, but they have a good campaign machine that they have contributors that give money. And the challenger will frequently not have these advantages. They will not have the connections. They won't have the campaign money.

WOODS: We're going to call it quits for today, because I've kept you about as long as I can get away with, but I guess I'm just going to have to have you on a third time. I wanted to cover these arguments, because we've all heard the Hobbesian claim again and again. We've all heard arguments for why democracy solves our problems or at least solves them in a tolerable way. I wanted to go through some of these. Then what we have to do, of course, is the key thing. Again, people thinking I steal your TV, and the court that I want to go to says that it's okay to steal your TV, because you're a wicked capitalist exploiter.

HUEMER: Right.

WOODS: And your court says that no, I'm violating your property rights. And how can we ever resolve it other than we have a duel in the middle of the street? So next time, if you'll consent to come on yet again, we'll get to that part. But in the meantime, I want to urge people, *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey*. If you're worried that Mike Huemer is a philosopher, and therefore you can't understand a word he's saying, first of all, I hope our discussion today has disabused you of that false notion. But also, I can attest that this is an eminently readable, thoroughly enjoyable book, and as you're reading it, you're going to feel like this is a book that has seriously advanced our understanding,

advanced the quality and caliber of our arguments, and it will certainly improve your ability to spread these ideas when you are inevitably faced with naysayers and objections.