```
[09]
      Markets and Morals ~ Military Service
      we were discussing Locke's idea of government by consent
0001
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
      in the case of property rights
0009
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
      what about the idea that we own ourselves
0031
      is the idea of self possession violated
0032
0033
      if the government
0034
      can through coercive legislation and enforcement powers say
     you must go risk your life to fight in Iraq
0035
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0036
      what would Locke say? does the government have the right to do that?
0037
      yes
      in fact he says in one thirty nine
0038
0039
      he says
      what matters
0040
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
      to go right up to the face of a cannon
0048
0049
      where he is almost sure to die
0050
      that the sergeant can do
      the general can condemn the soldier to death for deserting his post or for not obeying
0051
      even a desperate order
0052
      but with all their power over life and death
0053
      what these officers can't do
0054
0055
      is take a penny
      of that soldier's money
0056
0057
      because that has
0058
      nothing to do with the rightful authority
0059
      that would be arbitrary
0060
      and it would be corrupt
      so consent winds up being very powerful in Locke, not consent of the individual to the
0061
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
     that's Locke.
0071
0072 well this raises a question
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0073
      about consent. Why is consent such a
0074
      powerful moral instrument in
      creating political authority and the obligation to obey
0075
      today we begin to investigate the question of consent
0076
      by looking at a concrete case
0077
0078
      the case of military conscription.
0079
      now some people say
0080
      if we have a fundamental right
0081
      that arises from
      the idea that we own ourselves
0082
      it's a violation of that right
0083
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
      let's take the case
0090
      the united states fighting a war in Iraq.
0091
      news accounts tell us
0092
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
     are drawn
0108
     go to fight in Iraq,
0109
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```
0110
      system number three
0111
      outsource, hire
      what traditionally have been called mercenaries
0112
      people around the world who are qualified,
0113
      able to do the work, able to fight well
0114
      and who are willing to do it
0115
0116
      for the existing wage
      so let's take a quick
0117
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.
      what about the outsourcing solution?
0124
      okay so there maybe
0125
      about two, three dozen.
0126
      during the civil war
0127
     the union
0128
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
      people ran ads in
0145
0146 newspapers in the classified ads
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0147
      offering
0148
     five hundred dollars
      sometimes a thousand dollars
0149
     for a substitute who would go fight the civil war
0150
0151
      in their place
      in fact
0152
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
      about this civil war system call it the a hybrid system
0160
      conscription but with the buyout provision
0161
      how many think it was a just system how many would defend the civil war system?
0162
0163
      anybody?
      one, anybody else?
0164
      to three
0165
      four five.
0166
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.
     well who has an answer
0182
0183 for Liz
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0184
      you defended the civil war system
0185
      what do you say?
      if you don't like the price then
0186
      you have the freedom to
0187
      not be sold or for so it's
0188
      up to you and I don't think it's necessarily putting
0189
      a specific price on you and if it's
0190
      done by himself I don't think there's anything that's really morally wrong with that.
0191
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
      and he should have the freedom to choose to do that. exactly.
0198
0199
      what's your name? Jason.
0200
      Jason thank you.
      now we need to hear from another critic of the civil war system. yes.
0201
      it's a kind of coercion almost of people who have lower incomes
0202
0203
      for Carnegie he can
0204
      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
0205
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
     I want to hear if someone has a reply
0219
0220 to Sam's
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0221
      argument
      that what looks like a free exchange
0222
      is actually
0223
      coercive
0224
     who has an answer to
0225
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
      of his ability to reason properly
0231
      okay and what's your name? Raul.
0232
0233
      ok so Raul and Sam
0234
      agree
      that what looks like a free exchange, free choice voluntary act
0235
      is actually coercion it involves coercion
0236
      it's profound coercion of the worst kind because it falls so disproportionately
0237
      upon one segment of society
0238
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.
      and tell me your name. Emily.
0256
0257 alright Emily
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0258
0259
      and Raul you're going to have to reply to this so get ready
      Emily says
0260
     fair enough
0261
     there is a coercive element
0262
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
      shouldn't that also trouble you
0269
0270
      about
0271
      the volunteer army today?
      and let me,
0272
      before you answer, how did you vote on the first poll,
0273
      did you defend a volunteer army?
0274
0275
      I didn't vote.
     you didn't vote.
0276
0277
      either way
     you didn't vote
0278
      but did you sell your vote to the person sitting next to you?
0279
      no, all right
0280
      so what would you say to that argument?
0281
0282
      I think that the circumstances are different and that
0283
      there was conscription
0284
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
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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

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0332
      did I state that challenge fairly Emily?
      ok, so we need to hear from
0333
      a defender
0334
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
      you're being hired not by the government but by individuals
0340
      and as a result different people to get hired a different individuals, get paid different
0341
      in the case of the all-volunteer army everyone who gets hired is hired by the government
0342
      and gets paid the same amount
0343
      it's precisely the universalization of all
0344
      of essentially paying your service you pay your way to the army that makes the all
0345
0346
      volunteer army just.
      Emily? I guess I'd frame the principal slightly differently, on the all-volunteer
0347
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,
      so what system do you favor
0363
      conscription
0364
      I would be hard to say but I think so because it makes the whole country feel a
0365
      sense of responsibility for the conflict instead of you know having a war that's maybe ideologically
0366
      supported by a few but only if there's no
0367
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0368
      you know, real responsibility.
0369
      good. who wants to reply, go ahead.
0370
      so I was going to say that
      the fundamental difference between the all-volunteer army
0371
      and then the
0372
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
      accepting the pay aren't necessarily doing it
0378
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?
      Like patriotism for the country.
0382
0383
      patriotism
      well what about pay. And a desire to
0384
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?
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patriotism absolutely is not necessary in order to be a good soldier because mercenaries
0405
      can do just as good of a job of
0406
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
      what about that Jackie?
0414
0415
      so much for patriotism
      if you've got someone who's heart is in it more
0416
      than another person's they're going to do a better job
0417
      when it comes down to the wire
0418
      and there is like
0419
0420
      a situation in which
      someone has to put their life on the line
0421
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
      the primary motivation for military service
0440
0441
      not money?
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```
0442
      does that argue in favor
0443
      of the paid military that we have
      or does it argue
0444
      for conscription
0445
      and just to sharpen that point building on Phil's case for outsourcing
0446
      if you think
0447
      that the all-volunteer army, the paid army
0448
      is best
0449
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
      doesn't the
0458
0459
      the idea of expanding freedom of choice
0460
      in the market
      doesn't that lead you all the way if you followed that principle consistently
0461
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
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```
0479
     the use of markets
0480
      and exchange
      in the allocation of military service
0481
      one was the argument raised
0482
      by Sam and Raul
0483
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
      if there is
0491
      severe inequality in this society
0492
      so that people
0493
      who buy their way into military service
0494
0495
      are doing so
      not because
0496
0497
      they really want to
      but because they have so few economic opportunities that that's their
0498
      that's their best
0499
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
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0516
      duties and rights
0517
      by the market
      now we've identified two
0518
0519
      broad objections
      what do we need to know to assess those objections
0520
      to assess the first the argument from coercion inequality and fairness, Sam,
0521
      we need to ask
0522
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
      what are the obligations of citizenship
0532
0533
      is military service
      one of them
0534
0535
      or not
      what obligates us as citizens what is the source of political obligation
0536
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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