

Hang Together

"We must indeed all hang together, or most assuredly we shall all hang separately." Benjamin Franklin

It's Involuntary As Long As I Say It Is

Posted on February 28, 2013 by Daniel Kelly



Clever questions, Riddler, but there are answers. Let's start with this: The good news is that I'm not saying that the federal government's primary activity is establishing and maintaining a system of involuntary servitude. I'm just saying that that's what consumes 2/3rds of federal expenditures. The primary *activity* of the federal government is still – for now – legitimate: national defense, national infrastructure, administration of justice, interstate commercial regulation (though not everything that's *called* interstate commercial regulation actually *is*), etc.

The bad news is that federal wealth transfer programs constitute involuntary servitude regardless of whether we traditionally characterize the recipients of the programs as "strong" or "weak." To the extent strength and weakness have anything to do with the analysis, it is in the relationship between the producers and the ones compelling the uncompensated transfer of value. In this play, the federal government stars in the role of the strong, while the producers – regardless of how much wealth they have – are the weak. Why? Because in relation to the federal government, *everyone* is weak. Just because the "strong" decide to give the fruits of your labor to someone comparatively less strong than you has nothing to do with whether you are on the wrong end of involuntary servitude. So . . . on to your numbered points.

1. I'm not changing my position on the question of whether elections are imperfect indicators of the public's policy preferences. As I agreed in the comments to your post (see here, here, and here), elections can't tell us anything about the public's policy preferences unless the policy in question was a significant part of the candidate's message. Involuntary servitude, or the lack thereof, hasn't been part of anyone's campaign in living memory.

But more importantly, this doesn't really matter after all. Elections cannot legitimize involuntary servitude any more than they could legitimize slavery in antebellum America. If slaves had been given the franchise and voted overwhelmingly to continue slavery, it would have been no less an abomination than before. And that's because although an individual may choose to give himself over to another person, he may not choose to give over his neighbor. So while those who vote to sell themselves into slavery (or involuntary servitude) may be scored as having voluntarily chosen their fate, the same cannot be said of those who voted to the contrary. And even though there may be only one standing alone with his dissenting ballot, the majority's decision to make him an involuntary servant cannot change the fact that, for him, it is still involuntary and therefore illegitimate.

This is the essence of Locke's insistence that we assess the legitimacy of government action in terms of whether individuals in the state of nature had a pre-existing quantum of authority that they could delegate to the state to exercise on their behalf. No one in the state of nature has the right to force me to serve him without compensation. Although all society decide I must do so, it acts only with power, not authority. And in acting without authority and against my will, it acts tyrannically.

You say holding the position I do means I must wrestle with the implication that almost no Americans are libertarians. You are (as I like to say) quite right. I mentioned in my original post that if involuntary servitude were put to the people as a constitutional amendment it would likely pass without much trouble. I've already struggled with the dearth of libertarians in this country. There just aren't that many. Involuntary servitude has seeped so far down into the foundations of our society that, for at least one of the major parties, it is actually a moral mandate.

This is an admittedly broad brush (though perhaps not quite so broad as you imagined), and accurately so. But it doesn't mean we have crossed the line dividing a legitimate government from criminal enterprises masquerading as a government. We must, perforce, speak in terms of degree. It would be rare indeed to find a government free of any illegitimate activity whatsoever. Although most federal expenditures are made in service to the institution of involuntary servitude, it still does not comprise the core of what the government is about.

2. Coercively collected taxes do no violence to my thought experiment. I'll begin by acknowledging that if taxes were strictly voluntary, the government would collect next to nothing. The key here is understanding the link between the collection of taxes and the uses to which they are put. It is one connected transaction. When the government spends money on tasks properly within its portfolio, it may legitimately coerce taxes to pay for them. Why? Because you must pay for what you receive, whether you wish it or not. For example, we may be compelled to pay for our armed forces because the right to self-defense is something that can be, and was, properly

delegated by the citizenry to the federal government. If someone refuses to pay for that properly delegated function he's not a libertarian, he's a deadbeat.

3. Perhaps we are saying something similar here, but in different terms. You say that moral consensus can be the basis for defining the proper subject of government authority, but only "within the bounds of moral law." If by moral law you are referring to Locke's concept of delegability, then we might be on the same page.

But still I think you might be asking too much of moral consensus. So let me ask a question in return. Whether we have a vegetarian diet or not has no obvious moral implications. Would you say that if society came to the moral consensus that vegetarianism is superior that it could legitimately prevent meat-eating? It seems that moral consensus is incapable of ruling out this gross governmental overreach, unless we say that the moral law incorporates the Lockean concept of delegability (which in turn is premised on the natural law of equality). And if that is what moral law includes, then we are essentially saying the same thing.

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