

Coronation, social contract



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Like the famous book *1066 and All That*, a mockery of the simplifications and howlers of such popular history that its title recalls, this essay shows scant respect for the popularly accepted views of political obedience, collective choice, and the role of government.

It seeks to clarify our thoughts about these matters by exploring the logic that, if it resisted criticism, would support the received wisdom about the legitimacy of government and justify the credit that it enjoys. Before the state and obedience owing to it, there was the tribe composed of clans. There was little social stratification and the rules restricting individual autonomy were mainly customs and taboos rooted in the past. Development of new rules was sparse. The tribal chief had very limited authority to infringe on individual freedoms and had to seek near-unanimity for his say-so. This kind of nearly non-government was by and large viable when conflicts within the tribe could be settled by recourse to customary law and conflicts with other tribes were limited to minor incidents not affecting vital stakes in territory or reputation. Major conflict, however, called for more peremptory authority than the tribal chief possessed. In war, there could be no indecision between two battle plans, one clan wanting to advance, the other to retreat, each destined to be defeated in turn.

Collective choice may prevail when unanimity is lacking. The tribal chief was replaced or complemented by the war leader, a future king. Out of conquest" of conquering but more often of being conquered" the state emerges. It is the master of collective choice, by which the decisions of one part of society are binding up on all. The peculiarity of collective choice lies in an asymmetry. It overrules individual choices but individual choice does not

overrule collective choice. At most, it can disobey it with all the risks that doing this implies for the disobedient.

Collective choice claims for itself a rather elastic competence and power that goes well beyond the obvious needs of war and the preparedness for war. It is widely asserted that there are a multitude of functions in peacetime social life that only the state can fulfill or that it can fulfill better than private initiative. The production of public goods is at the centre of these assertions. National defence is only one of many public goods, some of which are manifestly easier to provide by private initiative than is national defence. Needs for state action are essentially matters of belief, empirically unverifiable, and open to contradiction. You may believe them and approve an expansion of state power, or disbelieve them and oppose it. Even if greater scope for collective choice were correlated to greater overall efficiency, it would not follow that it is legitimate for collective choice to overrule individual choice and even use the threat of physical coercion to suppress disobedience. The legitimacy of such power invested in the state remains a question at the heart of political philosophy and remains unsolved.

From the early Middle Ages, the legitimacy of the king's rule was readily believed to be proven by the support of the Roman church, which sacralised the king by the coronation and invested him with divine right. Except for incidents that set the church against the king for passing periods, the god-fearing man and the loyal subject were one and the same. This convenient unity began to be disrupted as the Enlightenment caused Christianity to fade out and be replaced by an incipient lay religion, the belief that equality is both a moral imperative and a source of the greatest possible happiness for

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all. The gate was thus wide open for the legitimacy of the state, whether kingdom or republic, to spring from the consent of the subjects. Social contract theory wiped out divine right. Even if it wished to, and God knows that it doesn't, collective choice can hardly avoid creating gainers and losers in absolute or at least in relative terms.

It seems therefore strange that political obedience is understood to be universal, losers accepting it without resistance. This would-be counter-preferential behaviour is somewhat inconsistent with our usual conception of rationality. The fault line between counter-preferential behaviour and rationality is meant to be filled in by the social contract, by which people commit themselves in advance not to resist collective choices that they fear or dislike. Social contract is not real, nor figurative or symbolic, but an explanatory device by which we understand why losers from the collective choice do what they do. They try to do well for themselves in conformity with basic rationality, by agreeing in advance to any adverse outcome that may hit them in exchange for the future benefits that will accrue over the life of the individual and his heirs. At least tacitly, social contract theory lays a claim to moral excellence because if it is in some sense valid, it removes the stain and the vice of coercion from social coexistence, since it leaves nobody in a position where he must do something under duress. Moral excellence is supported by non-coercion, but also by the less absolute claim that the social contract is a proposition that cannot reasonably be refused, hence it is justified to consider it as unanimous, with no part of society being forced to accept the choice desired by the other part. There is no reason whatever to give in to this affirmation, and good reasons for resisting it.

By the contract the individual commits himself to buy a pig in a poke, or indeed possibly a very long sequence of pigs in pokes, and do so at a price fixed later by collective choice. The sensible assumption is that some people might well accept this offer, but others would not. And to insist that the offer is one that cannot be reasonably rejected is extravagant and presumptuous. The claim to moral excellence of the social contract goes up the spout, because the alleged unanimity is not credible and cannot be sustained.

Collective choice selects an event, a rule governing many events, or a rule that governs the making of these rules. Logically, there is no reason to stop at this point, because the rule of rule making may itself need a further rule for making it and so forth along an infinite regress. Following the advice of philosophers, we deal with the infinite regress by stopping it, and we will stop it at the third level, the rule of rule making, which we call a constitution. The constitution sets the limit within which collective choice may act. It may set strict limits to certain classes of choices, notably those dealing with judicial matters, and very loose limits to matters concerning the power of collective choice over the material resources of individuals.

In other words, the constitution typically leaves open the limits of taxation which is left very much to the play of sub-constitutional politics. If a constitution set limits to the extraction and transfer of resources, it is nearly certain that it would bend itself in response to demands of the common good. It would meet no real obstacle to bending itself because the rules governing the bending would be self-referential. From the ad hoc constitutions that were mainly concessions by the monarch to the nobility, or to the towns, or both, we have come a long way. As of now, the rule of rule

making has all over the world much the same basic features: one man, one vote, universal suffrage, the giving of the right to choice for the collectivity to a majority, and limits to collective choice in some respects and almost no limit in others, so that governments become nearly omnipotent in the matters of the use of resources, subject only to their retaining majority support. This basic construction is now widely called a " liberal democracy." See the EconTalk podcast episode Easterly on Benevolent Autocrats and Growth for more on Francis Fukuyamas ideas. Our astonishment at the two words being regarded as good bedfellows should perhaps be tempered by Humpty Dumpty teaching Alice the meaning of words.

" Liberal" Humpty Dumpty would say, means what we want it to mean. Americans want it to mean something very different from Europeans. " Liberal democracy" was after the collapse of the Soviet system declared to be the End of History. Francis Fukuyamas 1989 essay² is more circumspect than this title might suggest, but the common understanding it has left is that with liberals upholding democracy and democrats protecting liberalism, society now proceeds on smooth roads and calm seas. This uneventful future will have no history.

The ceaseless pressure for redistribution that collective choice exerts on society foretells the precise opposite, with potholed roads and rough seas. Majority vote is gained by one competitor among others with a winning offer in an auction. The offer of distribution of a given amount from rich to poor always dominates an equivalent distribution from poor to rich, because it buys fewer rich votes than loses poor votes. An increase of government spending on public goods and welfare pleases more poor voters than it

displeases rich voters. There is therefore a long-term trend, driven by periodic electoral auctions, towards greater government spending and redistribution, especially one favouring the poorer half of society, as well as favouring the old over the young because the excess spending spills over into increased debt, which is a future charge on the young while being beneficial to the old. This basic undertow in society towards greater spending and living beyond its resources maybe interrupted periodically when bankruptcy is too close and creates panic, but it is resumed when the panic passes because there is nothing to change the basic direction of the underlying trend. This can only be the end of history, which is supposed to take the form of a stable and stagnant situation. It is, on the contrary, a dynamic system working at its own destruction, made possibly more spectacular by a revolution of the younger against it all.

Such outcomes belong to fantasyland. Any realistic expectation of the future must be one of an end to this chapter and the opening of a new one. What this new chapter is likely to bring is beyond any educated guesswork.;;?