

A response to the five questions was received from Prof. Michael Huemer by e-mail in August 3, 2015.

Question #1: Is there any means by which any number of individuals can delegate to someone else the moral right to do something which none of the individuals have the moral right to do themselves?

“I don't think so. I can't think of any way for this to work.”

Question #2: Do those who wield political power (presidents, legislators, etc.) have the moral right to do things which other people do not have the moral right to do? If so, from whom and how did they acquire such a right?

“No. I think some respondents will say that it depends on what counts as 'doing the same thing', i.e., how you individuate actions. Someone might say: if you get elected to public office and then start forcing other people to obey your rules, that will be permissible. In that sense, it's permissible for you to do the same thing that the government does. If you don't get elected, then you won't be doing the same thing as the government, because they got elected. Other respondents might say that this question presupposes a rights-based ethics, but instead some consequentialist theory might be correct. The question also seems to presuppose that when someone has a right to do something, they acquired it 'from' someone.”

Question #3: Is there any process (e.g., constitutions, elections, legislation) by which human beings can transform an immoral act into a moral act (without changing the act itself)?

“Yes. Signing a contract, or obtaining consent for some action, can make an action that otherwise would have been wrong no longer wrong. I can't see how anyone could disagree with this. Unless these things count as 'changing the act itself' — but then the answer becomes trivially no, because any morally relevant change will count as changing the act itself.”

Question #4: When law-makers and law-enforcers use coercion and force in the name of law and government, do they bear the same responsibility for their actions that anyone else would who did the same thing on his own?

“This question is a little complex and depends on what you mean by 'the same responsibility'. In TPPA(), I touch on this a little bit. Lawmakers and enforcers bear responsibility for their actions, including rights-violations. Thus, they can still correctly be blamed. However, their situation is not morally exactly the same as that of a private agent who performs similar rights-*

violations. One important difference is that failure to perform the coercive action, in the case of government officials, will in many cases merely result in the same coercion, or even more, being imposed by someone else. In particular, if a judge refuses to sentence a defendant according to the law, then the prosecution will appeal, and win. The defendant will then most likely get a harsher sentence than he would have gotten if the original judge had given the legal minimum sentence. Therefore, I think a judge is justified in assigning the minimum legally allowed sentence, even if the defendant doesn't actually deserve any punishment. But in other circumstances, the government agent can avoid coercion altogether. For instance, if a police officer sees someone smoking some recreational drug, the officer could simply pretend not to have seen it, and no one else need know. I think in most circumstances, the answer to your question, in the sense you intended it, would be yes.”

(* “TPPA” refers to *The Problem of Political Authority*, Professor Huemer’s book, which can be found [HERE].)

Question #5: When there is a conflict between an individual's own moral conscience, and the commands of a political authority, is the individual morally obligated to do what he personally views as wrong in order to ‘obey the law’?

“No. A person might be morally obligated to do what the law says, but not because it's what the law says. For instance, if your conscience says that you have to kill infidels, but the law prohibits this, you should follow the law. But the reason you shouldn't kill infidels is not merely so that you'd be obeying the law (you shouldn't kill the infidels, even if doing so were legal). Note, then, that your conscience could be wrong, just as the law could be wrong. (But the latter seems to be more common.)”

Prof. Huemer also added this note:

“I've spoken to a variety of audiences, including academic audiences and libertarian activists, on the subject of political authority. In discussion periods, almost no one ever claims to have an account of the source of political authority, or to have a way to defend any of the accounts that I've criticized. They hardly ever address that at all, which might seem surprising when the immediately preceding talk was centrally about that. Instead, the overwhelming majority of the questions and comments concern how anarchy could or couldn't work.”

“Occasionally, someone wants to know the source of property rights, or something else that I didn't address in the book. This is starting to become annoying, because I'm pretty sure that almost all of the audience would have to radically alter their political positions if they can't

defend the notion of authority, yet they're not trying to defend it, but I'm pretty sure that they're also not radically altering their political positions either. (They also don't contest that the rejection of authority leads to libertarianism.)"

"I can't blame any individual, though, because each individual is justified in asking about whatever he is most interested in, or whatever he thinks is the most problematic part of my view. But if the result is that the profession as a whole never addresses my main argument, that's going to be problematic."

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