Basic Political Concepts

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Towards a Systematic Conceptualization of Politics

Political science is the systematic study of governments, of the methods by which governments seek to control people, and of the techniques through which people try to influence government. It is a science that attempts to connect the "micro" level of individual lives and actions with the "macro" level of collective circumstances and consequences.

Like the other social sciences, political science focuses on all three basic types of social power: the pen, the purse, and the sword. Unlike the other social sciences, it gives special attention to the power of the sword: wielded collectively in the form of war and threats of war, wielded against individuals—ideally— in the more civilized form of laws.

Every body of knowledge has at least a few basic words that students had better understand in the fullest possible sense. For the physicist, "force" must equal mass times acceleration. Accountants must understand that "assets" are equal to liabilities plus owners' equity (capital) and must be able to classify particular transactions into the proper categories. Music theorists must know the difference between a second inversion and a secondary dominant. Political science is no exception to this general need for fundamental concepts.

Unfortunately, political scientists and lawyers—the two main professions concerned with analyzing government —have not identified a small set of simple, core concepts whose permutations and combinations get to the essence of the matter. Instead, both professions are blessed (or cursed!) with a great multiplicity of terms and concepts, all of roughly equal importance, whose mutual relations and meanings are extremely complex.

As a result of its lack of fundamental conceptual clarity, political science increasingly suffers from an inferiority complex. Chemistry and physics have produced a continuous and accelerating stream of spectacular accomplishments which are reflected, for better or for worse, in the everyday material environment: computers, synthetic fabrics, lasers, microwave ovens, TV, atomic bombs, pesticides. . . . A similar takeoff in biological science appears to be shaping up. But where do we see any signs that political science is having an impact on the world?

It is true that in the political sphere, too, many new techniques and institutions have appeared, but our professional inferiority complex is nevertheless based on an embarrassing fact. Major innovations in 20th century government have not originated in political science. The pattern is quite unlike that in the natural sciences, where breakthroughs in fundamental analysis (e.g. Einstein's E = mc squared) are placed on a practical basis by the engineers (e.g. the Manhattan Project). In public life, by contrast, the breakthroughs are made by the "engineers" (active politicians: elected officials,

administrators, revolutionaries) and later, often much later, political scientists get around to noticing them, describing them, and criticizing them.

The goal of *Basic Political Concepts* is to provide exactly what the title suggests: a small set of carefully defined and interrelated words that can be used to describe and analyze a wide range of political phenomena and issues. Chapter 1 focuses on concepts useful in analyzing individual decisions and actions, which surely are the basic "stuff" of politics. Chapter 2 introduces concepts related to associations, the relationships between individuals that are created by their actions. Chapter 3, "Developing Conceptual Acuity", illustrates some ways in which we can systematically increase our ability to think systematically about politics. It is an invitation for the student to think creatively, to join in the continual rethinking of political issues that is a prerequisite of progress.

Chapter 1 Concepts of Decision-Making and Action

1.1 The elements of ad hoc rational action

Let us consider the possibilities implicit in the following expression:

$$A \rightarrow X + Y$$

(Imagine that there is a large capital C surrounding the letter A in this expression. To simplify transmitting this book via the World Wide Web, it is not explicitly stated here.) The elements of the expression are (shown in Table 1.1):

X	a goal
A	an action
C	the circumstances of the action
Y	side effects produced by the action
$\rightarrow$	causation or expected causation

Table 1.1: Key for elements in expression

In plain English, the expression says: Action A, taken within circumstances C in pursuit of goal X, also causes side effects Y.

For example, when US President Gerald Ford took the action of pardoning US President Richard Nixon, during the post-Watergate witch hunt, to try to get public attention back on serious issues, a side effect of his action was to decrease his own chances for winning in 1976. (There are, of course, other possible interpretations of Mr Ford's reasons for the pardon.)

As the C in our expression indicates, all actions take place within specific circumstances. But initially we can ignore circumstances, since the situation at any one point in time is a given and therefore cannot be manipulated. A simplified version of our expression is therefore

$$A \rightarrow X + Y$$

leaving the circumstances within which action A is taken implicit.

Clearly there are exactly three elements which can be manipulated: the action A, the goal X, and the side effects

Y. Postulate an actor whose goal X can be attained via action A, but who strongly dislikes the side effects of taking action A. What are her options?

The first possibility is to seek a different action, A_1, which will also produce goal X but with different side effects Y1:

$$A_1 \rightarrow X + Y_1$$

Perhaps the new side effects are less unsatisfactory to the actor. The cost-benefit ratio Y_1/X of action A_1 may be acceptable where that of the original proposal A was not.

For example, US President, Andrew Jackson, discovered that John McLean, his inherited Postmaster General, did not approve of the spoils system. Yet the US Post Office was a principal location of patronage jobs in those days. One solution would be to fire McLean, but the political side effects would have been considerable. So Jackson instead appointed McLean to the Supreme Court!

The second possibility is to modify goal X to X_1. The somewhat different goal may be achievable by actions which would not deliver the original goal, and at an acceptable price:

$$A_2 \rightarrow X_1 + Y_2$$

Compromise of course is a pervasive political phenomenon in its own right, and examples are not hard to find. Take Emperor Pedro II of Brazil, say, who wanted to get rid of slavery but could not figure out how to do so without committing political suicide since slave holders were a social bulwark of the monarchy. Instead of forthrightly abolishing slavery, he therefore took steps to destroy it bit by bit, buying up and freeing some slaves, banning future importation, and making children born to slaves free at birth. (But in 1889 Pedro II went to Europe for medical treatment. His daughter, Princess Isabel, a militant abolitionist, took advantage of her regency to seek the unmodified goal: freedom *now*! Sure enough, the monarchy was immediately overthrown.)

Another apparent possibility is to take the original action A, without unacceptable side effects Y, and also take some other action A_3, one of the results of which is to cancel out the disliked parts of side effects Y:

$$A \rightarrow X + Y$$
$$A_3 \rightarrow -Y + Y_3$$
$$A + A_3 \rightarrow X + Y_3$$

For example, buy a desired Cadillac even though it wipes out your bank account, but then put your spouse to work to build it back up. But the combination of actions A and A_3 can be regarded as two components of a single, compound action. Rather than a third possibility, therefore, this is just another example of the first (e.g. find an action which produces the same goal but different side effects).

Still another possible manipulation allowed by expression $A \rightarrow X + Y$ is not just to modify the goal X but to abandon it completely. In a way this too is just a variation on a previously noted possibility: the ultimate possible modification of the goal, X_0.

The third basic option is to stick to the original project: $A \rightarrow X + Y$. If no alternative actions A_1 can be found which will produce goal X with more acceptable side effects,

and if goal X cannot be usefully modified, it does not necessarily follow that goal X must be abandoned. If the actor prefers X + Y to (not X) + (not Y) then she can hold her nose, make her "bargain with the devil", and take action A. Regret that such a price as Y must be paid to achieve X does not necessarily imply unwillingness to do so if necessary. (As King Henry IV put it: "Paris is worth a mass.")

One final possible manipulation of the basic expression requires explicit consideration of the circumstances C within which action A takes place (remember to visualize the implicit capital C around the letter A here):

$$A \rightarrow X + Y$$

Achievement of goal X always lies in the future, compared to the time of action A, though it need not be very far into that future. Although action must always take place within *present* circumstances, one possible goal that one can pursue via present actions is to secure improvements in *future* circumstances. C_1 is a possible X:

$$A \rightarrow C_1 + Y$$

Circumstances are important for two reasons. First, they make some conceivable actions possible and others impossible. Second, they affect the specific consequences which those actions which are possible will produce. Action in the present aimed at improving the future circumstances within which one will be acting is therefore an investment in the profoundest and most general sense of the term.

Perhaps US President Taft was investing when he promoted an aging, conservative southern Democrat, Edward Douglass White, to be Chief Justice in 1910, rather than appointing a younger person with views closer to his own. Taft ultimately wanted the job for himself, and this appointment created the possibility of an early future vacancy. If this was Taft's game, his investment paid off brilliantly!

Present actions can also change the future circumstances within which other people act, making some actions possible and others impossible for them. Indeed, as we will see in *** Chapter 2 of this book, a concept of social causation which is fully compatible with free will lies precisely in this: such causation consists of causing possibilities and impossibilities for others, within which they can freely choose, rather than causing their actions.

1.2 Rational action in specific contexts

Our basic expression for the elements of action and decision is not merely manipulatable. It can also serve as a model or pattern for a series of transformations, each pertaining to a different major type of action. In the context of the transformations, the original expression also acquires a special meaning which is distinguishable from its role as a general model.

The six variations of the expression (again taking the circumstances of action as implicit) are (shown in Table 1.2):

$A \rightarrow X + Y$	An ad hoc or "retail" decision
$R \rightarrow X + Y$	The act of making a rule, or a "wholesale" decision
$O \rightarrow X+Y$	Theactoforganizing,ora"superwholesale"decision
$S \rightarrow X + Y$	The "act" of speaking
$D \rightarrow X + Y$	The act of defining a word
$T \rightarrow X + Y$	The act of translating

Table 1.2: Six variations of the expression

Each of these six variations can be manipulated in exactly the same ways as the basic expressions, but we need not go into this here.

Since the examples given above, in discussing the basic expression, were all drawn from the realm of ad hoc or retail decision-making, no specific discussion of $A \rightarrow X + Y$ as one of the six variations of the general model is needed here.

1.2.1 The act of creating a rule: principled decisions

Variation two, $R \rightarrow X + Y$, refers to a "wholesale" decision, the act of making a rule. Rule-making is wholesale in the sense that one is not merely deciding how to act in a particular case, but rather in a whole set of possible cases. (The distinction between the logic of $A \rightarrow X + Y$ and $R \rightarrow X + Y$ is analogous to that made by some philosophers between "act utilitarianism" and "rule utilitarianism".)

When there is a rule R that has thus been arrived at, by evaluating the benefits and side effects that observing it is expected to produce, action A in a specific case is not determined by considering goals and side effects as it is in the case of ad hoc action. Instead, the specific action is deduced from, or at least limited by, the rule. (Note that the broken arrow in the following expressions stands for logical implication rather than the causation indicated by the "solid" arrow.)

$R \rightarrow A$ ... Under circumstances C rule R implies or requires us to take action A.

(Or)

$R \rightarrow C$ ... Rule R requires that we act within certain limits, as if there were artificial circumstances C in addition to any natural limits to our action.

As an example of the situation depicted by $R \rightarrow A$ consider the double jeopardy clause in the Fifth Amendment. As interpreted by the courts, it is an absolute bar to retrying a person who has been tried and acquitted of a given charge. If, under such circumstances, the federal government attempts to retry the person on the same charge, the judge would be obliged by this rule to dismiss the indictment.

An example of the meaning of $R \rightarrow C$ can be found in a judge who is fixing a sentence governed by rule R. His decision is not deduced from the rule, but is chosen on one ground or another from among the set of actions compatible with the rule. The legal punishment for a certain crime may be expressed as a set of upper limits, "not more than USD 10,000 fine and 5 years in jail", to what a judge can do to the convicted person. Sometimes the rule will also provide a floor as well as a ceiling to the judge's alternatives.

The differences between the action A which results from an ad hoc decision, $A \rightarrow X + Y$, and from a rule, $R \rightarrow A$, etc., are by no means minimal. For example, when a hijacking or kidnapping has occurred, the best action in the specific case may seem to be to capitulate to the terrorists' demands. Otherwise, lives may be lost. However the best rule for dealing with hijackers may be to refuse to deal, because dealing encourages more of the same bad type of actions, increasing insecurity and risk to life in general. Rule-making forces us to consider the broader picture and ramifications of our individual actions.

One further characteristic of arriving a specified actions via rules rather than from direct evaluation of their expected consequences is that the roles of rule-maker and rule-applier can be separated. The separation between the legislative and judicial powers in the US Constitution reflects a decision that in government this separation of roles ought to be the case.

1.2.2 The act of organizing: constitutive decisions

Variation three, $O \rightarrow X + Y$, refers to the act of organizing things in a certain way.

By organizing in particular ways, we create important parts of the circumstances within which future actions of all types take place. We thereby influence these future decisions. The act of organizing is thus a super wholesale approach to decision and action.

Organizations can be seen as collections of offices or roles, and roles in turn can be seen as sets of rules regarding proper and improper actions by the occupants of these roles. In this sense, also, the act of organizing can be regarded as a wholesale or indirect approach to rule-making and, thus, a super wholesale or doubly indirect approach to deciding how to act in specific cases.

The American Constitutional Convention of 1787 was one of history's most dramatic examples of acting to organize. It is thought to have greatly influenced on the subsequent course of events in America. Likewise, the decisions by Lenin and his associates regarding the pre-revolutionary organization of the Communist Party

continued to have important consequences as the Soviet Union approached the end of the twentieth century, more than 70 years later. Actually, decisions about how to organize (and reorganize) are constantly going on at all levels of society, and in all kinds of contexts. While most such decisions are not as dramatic as the above examples, taken as a whole they are a very important part of the decisions and actions going on in the world.

1.2.3 The "act" of speaking: lies as political language

The fourth variation, $S \rightarrow X + Y$, refers to the very special "action" of speaking or communicating with fellow human beings. Communications are such a special type of action, if indeed they *are* "action" in the proper sense of the term, that they require their own version of the general expression.

The implications of analyzing the act of saying a particular thing in terms of goals and side effects are troubling. If we decide what to say by projecting the costs and benefits of alternative communications S, truth and candor can easily get lost in the shuffle in the interest of expediency. Indeed, it is possible to argue that we should act in this regard according to a rule that we should not decide in this way how to speak!

Ethical considerations being placed aside, however, there is no doubt that a great deal (hopefully not all!) of human communications can be well understood in terms of the expression $S \rightarrow X + Y$ and its possible manipulations. This is not least so in the realm of politics. Phenomena such as demagoguery, sycophancy, campaign oratory, and propaganda clearly lend themselves to analysis in these terms, so does censorship, jamming, and other methods of *preventing* communications.

The special importance of the act of communicating in human life is implicit in the history of the struggle for freedom of speech. Organizationally, this has been embodied in the free speech clause of the First Amendment. Probably the single most important change in the Soviet Union in this light was the rise of glasnost after 1985.

1.2.4 The act of defining: conceptual engineering

Variation four, $D \rightarrow X + Y$, refers to the act of defining a word in a certain way. We are talking here about what is sometimes known as a "stipulative" definition. It is not a claim that this is what the word means when it is used by people in general or even how it is used by any other particular people. That is to say it is not a descriptive definition, of the type to be found in dictionaries.

Rather, a stipulative definition is merely a statement of what the decision maker intends to mean when using the word in question. "When I use this word", he or she is warning us, "*this* is what I mean, no more, no less." Of course the person creating the

definition may hope that if people find the definition useful it will catch on and pass into general usage.

Imagine that you, as a writer or speaker, have worked out a specific definition for which, it appears, there is presently no word in your language which has exactly this meaning. The concept specified by the definition is a useful one, but in order to use it conveniently you need a word with which to point to it. What are your options?

One option is to invent a new word to point to the definition, or get someone else to do so. For example, many years ago I came up with the following definition:

> *Conflict over how to divide up the benefits produced by cooperation.*

It was clear that this type of conflict is a fundamental characteristic of voluntary associations (a concept which will be explained in Concepts of Human Association (Page 12) of this book). It is especially visible and important in labor management relations. One of my students, Doug Chamberlin, kindly invented a new word to point to my definition: *coopetition*.

The other option is to borrow an already existing word whose general meaning is close to your new definition, and announce that when you use this word, this is what you mean. This is what I am doing in Chapter 2 of this book when I define *laws* as *general rules of action enforceable by sanctions*.

The point to be emphasized by including variation four, $D \rightarrow X + Y$, however, is that the act of defining is one which is in pursuit of a goal, and that this kind of decision has side effects. One's goal may be to clarify though, to help people make a distinction that is usually glossed over or ignored, or it may be the antithetical goals of confusing thought or of getting people to forget about a distinction that they are now inclined to make. Side effects are particularly important when one is defining sets of related words, since defining one of the related terms in a certain way may have side effects (and not necessarily helpful ones!) for all of the other terms in the system. Therefore alternate definitions may need to be considered, in order to achieve our goals without causing problems elsewhere in the system, goals may need to be modified or abandoned under some circumstances, etc.

1.2.5 The act of translating: hijacking authority

(The idea for this variation came to me while listening to a lecture by my colleague, George Aichele, Professor of Philosophy/Religion at Adrian College.)

Finally, the fifth variation, $T \rightarrow X + Y$, refers to the act of translating a thought from one language to another. Since literal "one to one" translations are often impossible, or produce meaningless gibberish, choices must be made, and as with all choices the usual elements of decision and action—goals, side effects, circumstances—all come into play.

The translator's goal may be to convey the meaning expressed by the words being translated as closely as possible. In this event he or she may have to decide which of several possible meanings of the words is the meaning for this purpose, and will also have to determine which alternative translations will best convey that meaning. These decisions are not, however, *political* decisions.

On the other hand the translator may be primarily interested in manipulating the behavior of people via the power of words. The authenticity of the translation then becomes of secondary importance at best, and the principal issue becomes: what words, labeled as the results of translation, will be most likely to encourage the people who read them to act in the ways desired by the translator?

The most obvious potential for this second kind of translation—translation with a hidden agenda—exists when the words being translated come from a document which people tend to regard as authoritative. [1] When the document being "translated" is in the *same* language as that it is translated into, we normally use the term *interpret* rather than translate, but here too there are abundant opportunities for a hidden agenda.[2]

Misinterpretations and mistranslations of authoritative documents, documents which are widely revered or respected, may be seen as efforts to hijack authority. They are efforts to gain automatic or unthinking approval of new ideas by portraying them as old. The use of this technique, or course, does not prove that the new ideas thus packaged are necessarily untrue or bad.

1.3 Decisions, decisions!

There are two very important questions of "ought" that come up in thinking about politics:

1. What ought to be?
2. What ought to be done?

Unfortunately, these questions are frequently confused with each other. It is very important that we recognize them as separate, even though they are often closely related.

What ought to be? refers to states of affairs, to *arrangements*, institutions, organizations. Which is the better way to arrange a legislature, unicameral or bicameral? Should there be an Eminent Domain clause in the US Constitution? Is poverty bad? Should the US be in the United Nations? These are all questions about what ought to be.

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1. The Bible is probably the most obvious target for translations based on a "hidden agenda". It is interesting to watch the current efforts to "desex" references to God in the Bible and in Bible-derived materials like hymns. But one need not assume that translations in this spirit necessarily have the effect of perverting the true meaning of an originally authentic document. In the case of the Bible, for example, it seems at least conceivable that the meanings added via deliberate mistranslation constitute a constantly improving approximation of the divine mind. Revelation can be gradual as well as sudden!
2. An authoritative document frequently subjected to hidden agenda translations is the US Constitution.

What ought to be done? refers to present or future *actions*. Should we try to send another man to the moon? Should we convict the defendant? For whom should I vote?

The difference between what ought to be and what ought to be done can be graphically illustrated by imagining that you have been shipwrecked on a small island. The island is one on which you can survive, but not much more than that. Not far away, however, is another island. Studying it with binoculars, you conclude that it would be a much better place to live. Therefore, you *ought to be* on the other island.

But what ought to be *done*? Consider the following possible facts: First, you cannot swim. Second, there is nothing on your present island with which to construct a boat. Third, the waters between the islands are teeming with sharks. Under these circumstances, it is quite reasonable to say both:

1. What ought to be? I ought to be on the other island.
2. What ought to be done? I ought to stay right where I am.

In terms of our analysis of decision and action, $A \rightarrow X + Y$, the only immediate actions that could deliver the goal X (being on the other island) are either unavailable or are likely to produce unacceptable side effects Y. You would rather be on your present island and in good health than to drown or be devoured trying to get to the other one. And this is in spite of the fact that the other island is a much better place to be. Although the two questions appear to be very similar, deciding what ought to be does not tell us what ought to be done.

Chapter 2 Concepts of Human Association

The concepts of decision and action introduced in Concepts of Decision-Making and Action (Page 3) relate to all decisions. They can equally well be used to analyze the decisions of a Robinson Crusoe, living and acting on an obscure island in total isolation from other people, and to analyze decisions made by individuals living in a social environment, that is, in the presence of other individuals. Only in this second case, however, do we find politics.

The presence or absence of other people is certainly an important part of the circumstances C within which all decisions must be made. If there are other people present, as is usually the case, one of the side effects Y which the decision-maker may need to consider is how these other people will react to various possible actions that are being considered.

One way to try to predict how another person will react to a given action on our part is to imagine how we would act if we were in that other person's shoes, given his or her values and circumstances. Note that the complexity of such a calculation may soon become unmanageable, since the other person in turn could be taking into account how we will react to his or her reaction!

Associations as we will be defining them here arise when the satisfaction of one person is changed by the action of another person. Since not all actions produce changes in other people's satisfaction, actions do not always produce associations, but associations are one possible result of actions. We will be particularly interested in organizations, which we will see are one particular type of association, since governments—the central focal point of political science—are organizations.

Let us approach the concepts of human association cautiously and systematically:

2.1 Satisfaction, social power, and association

2.1.1 Satisfaction

Satisfaction can be defined as the ratio between an individual's perceived attainments and desires:

$$satisfaction = \frac{perceived\ attainments}{desires}$$

$$S = \frac{Ap}{D}$$

An individual's satisfaction can change as the result of several things:

1. events in the natural environment
2. that individual's own actions
3. actions by other people

Storms, earthquakes, erupting volcanoes, etc., can affect a person's attainments. By changing the person's attainments, they thereby increase or decrease satisfaction.

A person who is cold can put on a sweater or dial up the furnace, thereby increasing his own attainments which in turn (everything else being equal) increases his own satisfaction. Or the individual, holding his attainments constant, can change his satisfaction by changing what is desired. Increased desires, as the formula shows, decrease satisfaction, whereas decreases on desires increase satisfaction.

Finally, one person's attainments—and thereby satisfaction—can be changed by the actions of other people. It is this fact which renders possible human associations and organizations, including governments.

2.1.2 Social power and social causation

Since the actions of others can affect our satisfaction, one thing that we desire may be to get these other people to act in certain ways. Social power is our ability to get another person to act as we desire.

Three kinds of social power can be distinguished. Metaphorically, we can call them the power of the pen, the power of the sword, and the power of the purse.

The power of the pen grows out of our ability to say and to refrain from saying things. Of course "pen" is only a convenient metaphor. Under modern conditions it includes the power of the typewriter, the microphone, and the camera.

We can employ pen-power overtly to persuade others to do what we want. We may try to convince them that they will like the consequences of the action we have prescribed or to convince them to change their values so that consequences already expected will be attractive.

The power of the pen can also be used covertly, although the exact boundary between overt persuasion and covert manipulation is unclear. Manipulation clearly includes cases in which the power of the pen is used negatively. For example, if we delay sending a message to someone until it will be too late for him to react in a way we disfavor, that is manipulation rather than persuasion.

The power of the pen is vitally important in politics. It is not always true that the pen is mightier than the sword, but this old saying still has some validity. The power of the sword may prevail in the short run, but decisions about using it are based on ideas which have been propagated by the pen.

The power of the sword is based on our ability to act so as to reduce the attainments of another person so that they are less than they would have been if we had taken no

action at all. Diagramming the other individual's satisfaction with the aid of a "number line", point 0 marks that individual's satisfaction in the absence of any action at all on our part:

$$
\begin{array}{ccc}
& \text{o} & \\
\text{lower} & \text{----------|------------} & \text{higher} \\
\text{satisfaction} & & \text{satisfaction}
\end{array}
$$
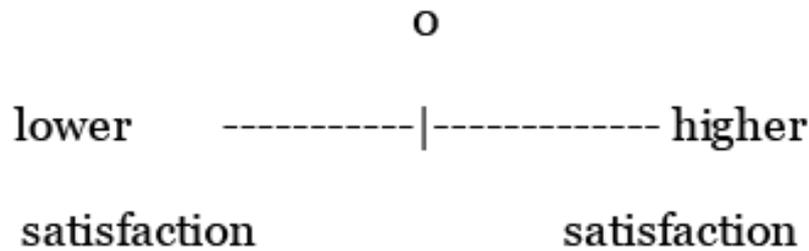
Our action reducing his satisfaction down to point L, which we will call a sanction, is social power in the following sense: He may be willing to take an action desired by us, an action which will increase our satisfaction, if we will refrain from the action which would lower his satisfaction down to point L.

$$
\begin{array}{ccc}
\text{L} \quad \text{o} & & \\
\text{lower} & \text{-------|-----|--------------} & \text{higher} \\
\text{satisfaction} & \leftarrow & \text{satisfaction}
\end{array}
$$
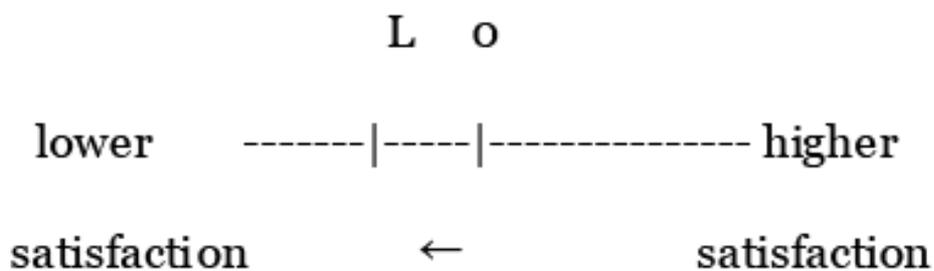
As we will see, sanctions, the power of the sword, are the distinctively political form of social power.

The power of the purse, conversely, comes from our ability to refrain from doing something that another person would like us to do. Such actions, which we will call inducements, increase the attainments of another person so that their satisfaction is greater than it would have been in the absence of any action at all on our part:

$$
\begin{array}{ccc}
\text{o} \quad \text{M} & & \\
\text{lower} & \text{----------|-------|-------} & \text{higher} \\
\text{satisfaction} & \rightarrow & \text{satisfaction}
\end{array}
$$
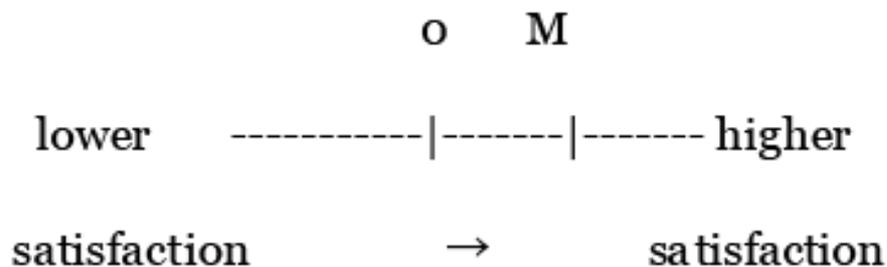
On the diagram, such an action increases the other person's satisfaction from point 0 to point M.

Social power is exerted by inducements because the other person may be willing to do what we want in order to get us to do what he wants. Inducements, the power of the purse, are the distinctively economic form of social power.

The following table summarizes the three types of social power (as shown in Table 2. 1):

Metaphor	Pen	Sword	Purse
Other terms	typewriter microphone	gun stick	dollar carrot
Nature of thing done or not done	communication	destructive action	productive action
Name of action	pure persuasion	sanctions	inducements
Example	seduction	rape	prostitution

Table 2.1: Types of social power

It should be noted that it is not meaningful to say that social power causes the actions taken by another person. Rather social power causes possibilities and impossibilities for other people, it manipulates the circumstances within which they are deciding how to act. A drawbridge operator who lowers the bridge into position makes it possible for us to cross that bridge. But lowering the bridge does not cause us to cross it, and indeed we may choose not to do so. If we do drive across the bridge, this actualizes the possibility, but the action, as distinguished from its possibility, is not caused by the bridge operator.

2.1.3 Associations

Our definition of associations is as follows: An association exists when one person's satisfaction is being changed by the actions of another person. The two persons are then said to be associated.

This definition is not as simple as it sounds. To understand exactly what it means, we need to specify what is meant by several of the words used in defining it.

We have already stipulated that satisfaction, one of the key terms, will be defined as the ratio of a person's perceived attainments to his desires, and that it can be expressed as a point on a number line:

$$S = \frac{Ap}{D}$$

```
                    o

lower       -----------|-----------higher

satisfaction                satisfaction
```
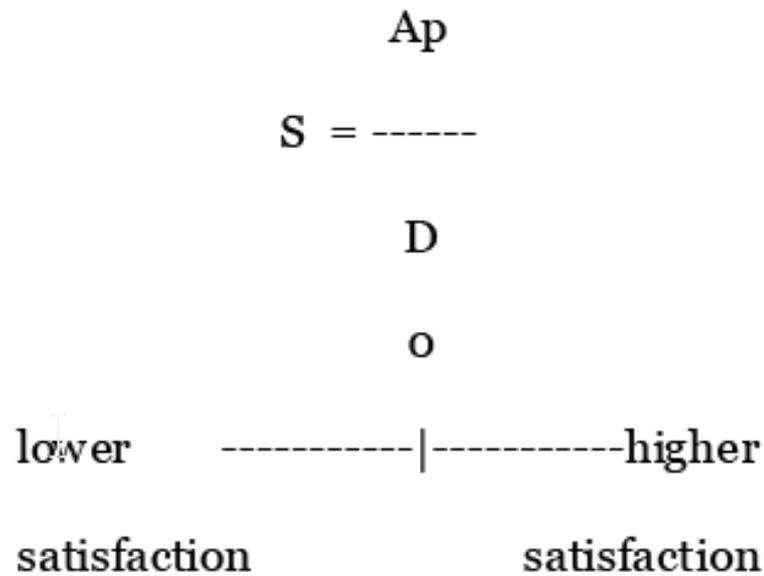
The second key term in the definition of an association is "changed". There are two possible kinds of change in the other person's satisfaction: an increase, or a decrease. For purposes of our definition, these changes are measured relative to the level of satisfaction at which there would be no association at all between the people in question, point 0 on the diagram.

Note that the 0 does not mean that the person whose satisfaction is being diagrammed has no satisfaction. Satisfaction is always a positive number, and since the diagram assumes (correctly) that the individual's satisfaction could be lower, its current value must be greater than 0. Rather, the 0 means that there is no association between the individual in question and some other specified person. (To diagram the relationship of our individual to yet another person would require an additional diagram: Jones may simultaneously be associated with Smith and not associated with Baker.)

It must also be emphasized that each diagram of satisfaction represents only a very few elements, abstracted out of a very complex situation because they and they alone are relevant to the existence and nature of an association between particular persons. As noted above, there are many people with whom a given person, Jones, might be associated. Imagine that he is associated with Smith because Smith has imposed a sanction on him, with Kennedy because Kennedy has conferred an inducement on him, and is not associated at all with Baker. All three of the following diagrams are therefore simultaneously true:

1. Jones' relationship to Smith:

L   o

lower sat.-------|--------|----------higher sat.

←
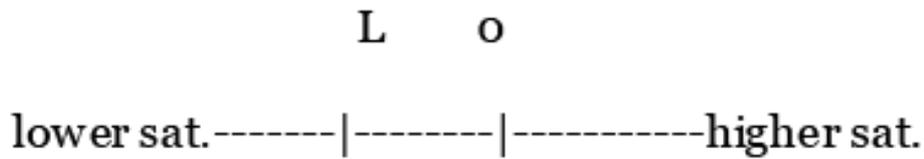
sanction

2. Jones' relationship to Kennedy:

o   M

lower sat.--------|-------|--------higher sat.

→
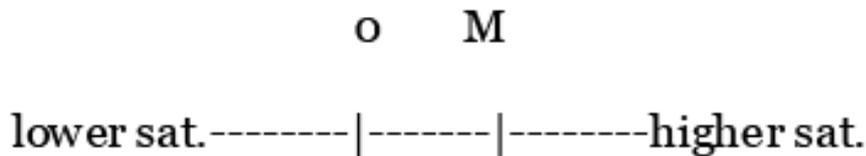
inducement

3. Jones' relationship to Baker:

o

lower sat.--------|----------higher sat.

0 = Jones' satisfaction if Baker didn't act at all.

0 = (also) Jones' actual satisfaction, since Baker hasn't acted, or if he acted it had no effect on Jones' satisfaction.

Obviously, these diagrams express only relative levels of satisfaction rather than absolute satisfaction. Absolute satisfaction after all will be a composite representing the net effects of actions by the many different persons with whom one is associated, by the person himself, and of events in the natural environment.

The third key term in our definition of an association is "actions". In its normal usage, this word can very well refer to inactions and to communications as well as to actions in a narrower sense: deliberate bodily motions whose primary significance is not their

symbolic meaning. But for purposes of our definition of an association, "actions" will refer only to things done, not to words or to inactions.

2.2 Classifying associations

2.2.1 Voluntary, involuntary, and trust associations

The fact that there are two kinds of action which can create an association with another person suggests one basis for classifying associations into different types. The additional fact that there are always at least two parties to an association (the actor and the person whose satisfaction is changed by the actor) provides an additional basis for defining types of association. The first person's action either takes place with the consent of the person to be affected, or it is unilateral, without the affected person's consent.

Combining these two considerations we find three possible types of association (and one impossible type!) as shown in Table 2.2:

	Sanctions	Inducements
Unilateral	1. Involuntary associations	2. Trusteeship associations
Mutual consent	(Impossible!)	3. Voluntary associations

Table 2.2: Types of Association

An involuntary association is created by the unilateral imposition or the threat of sanctions. They may be extremely gross or high subtle. A grossly involuntary association exists, for example, when the victim hands over his wallet in response to the robber's threats. This association involves a sanction that will be imposed unless the victim cooperates, and if the victim could have nothing at all to do with the robber he would gladly do so. But there is no such choice, for their relationship has been unilaterally established by the robber.

Air pollution exemplifies a more subtle involuntary association. Here, the sanction is imposed but not threatened, and the polluting companies, for example, have no desire to manipulate the actions of others. They merely want to achieve cheaply what otherwise would be more costly. They dump waste products from their enterprise into the atmosphere. The pollution is a sanction because it reduces attainments of the people who breathe the air—their long-term health and longevity and the general attractiveness of environment. If the magnitude of the sanction is great enough to be perceived, then an association is created between the company and the people breathing the air and that association is involuntary.

A second type of association, which we will call trusts, is created by unilaterally conferring inducements. The most familiar example is the association between parents and children in the nuclear family. Children, especially when very young, are in no position to give or to withhold consent to associate with their parents. The association is created unilaterally by the parents, but their actions—creating, housing, feeding, clothing the child—are inducements from the child's point of view.

Voluntary associations, a third type, are created by the exchange or transfer of inducements or expected inducements by mutual consent. Traditional difficulties fitting the family into general social analysis may derive from its two-dimensionality. Although it is a trust association between the parents (jointly) and their children, it is a voluntary association between husband and wife. Voluntary associations can be far larger than a family. Four of the predominant institutions in modern America —corporations, labor unions, political parties, and churches—are basically voluntary associations.

The fourth combination of types —sanctions by mutual consent—can exist only when sanctions are falsely expected to be inducements by the party who consents to them. (Since sanctions reduce another person's net satisfaction below what it would be if the actor did nothing at all. Naturally, no one who sees it for what it is would consent to such an action.) Instead of recognizing a fourth type of association, "mistakes", we will regard these as a special type of voluntary associations. Hence, the definition of voluntary associations is in terms of inducements or expected inducements.

2.2.2 Private, public, and compound associations

Any set of objects can be classified in more than one way. For example the people in a room can be classified into groups in terms of the following characteristics: those who wear glasses and those who do not; male and female; political orientation: Democrat, Republican, Independent, Libertarian, Socialist, and so forth; income per year; height. Clearly, classifying associations as involuntary, trusts, or voluntary does not begin to exhaust the possibilities; nor need we assume that only one approach to classifying associations is important or useful. We will now examine a second way in which associations can be sorted into categories.

A private association is one which is not a government and is made up of parties none of which is itself a government. We refer here to "parties" rather than to persons because once a simple association of two or more individuals exists this association itself may enter into still other associations. "Parties" is simply a convenient way of recognizing that the constituent elements making up an association can be either individuals or associations.

Governments, clearly, are not private as defined here, and this is obviously as it must be given the usual connotation of the word "private". Nor are associations between another one government and another private. The association between husband and wife is private, since (a) neither of them is a government, and (b) their marriage does not constitute a government.

Public associations are defined by any one or more of the following characteristics:

1. One of the parties is an organization that imposes sanctions on people who have violated general rules of action laid down in advance.
2. It is an association between a government and the public. (The relevant public consists of all individuals subject to the jurisdiction of this government.)
3. All of the parties to the association are themselves governments.

The US government is public by virtue of characteristic number one: Some of its laws are general rules of action in the sense that they apply to anyone who takes the prohibited action. And the available punishments— deprivations of "life, liberty, or property", are clearly sanctions as we have defined them above. The United Nations, on the other hand, qualifies as public under characteristic number three, even though it is not itself a government. Its Charter is a multilateral treaty or contract between a number of governments.

A compound association is any to which at least one party is a government and at least one party is not a government (and is also not the public as defined above). Thus the US government may hire an individual to work for the Department of Justice or it may buy jet fighters from a private corporation. The resulting association is not private, since one of the parties to it is a government, and it is not public, because the other parties are not governments. It is, instead, compound.

2.2.3 A periodic table of associations

More than one way of classifying associations can be used at the same time, extending our analysis into a second dimension. Outside the context of politics, two-dimensional classifications are in fact quite common. For example, locations on the earth's surface are described in terms of two numbers, one representing classification by latitude and one indicating classification by longitude. The roomful of people mentioned above can also be grouped on the basis of more than one consideration. For example, its individuals can be classified both in terms of gender and in terms of whether they are wearing glasses. Four categories of people are thus created. It is always possible, of course, that no members of a possible subgroup may be found in a particular population we are classifying. For example, only bespectacled males may be present, so that in mathematical terms the category "males not wearing glasses" would be the "empty set".

Dmitri Mendeleev's periodic table of the chemical elements is probably the most famous example of a two-dimensional classification in the history of science. It established the frame of reference within which chemical research has produced a dramatic increase in understanding and practical accomplishments during the last century. It even suggested the existence of new elements that were, in fact, later discovered or synthesized. It can and has been argued that the science of chemistry did not even exist before the periodic table.

A "periodic table" of human associations can be constructed by combining the two one-dimensional classifications which we examined above (as shown in Table 2.3):

1. Horizontal dimension: involuntary, trusts, voluntary
2. Vertical dimension: private, compound, public

	Involuntary	**Trusts**	**Voluntary**
Private	1. robber-victim	2. parents-children	3. husband-wife
Compound	4. Government-as-bandit	5. Government-as-trustee I	6. Government-as-contractor I
Public	7. Government-as-legislator	8. Government-as-trustee II	9. Government-as-contractor II

Table 2.3: **"Periodic table" of human associations**

The resulting diagram contains room for nine basic types of association, eight of which—for better or for worse— already exist:

1. Private-Involuntary. Your relationship with the robber who sticks you up as you walk through a park is a private-involuntary association. It is private because neither you nor the robber is a government. It is involuntary because the robber unilaterally creates the association by threatening you with a sanction if you do not hand over your money.
2. Private-Trust. The example given earlier of a trust, the parent-child association, is also private, since neither the parents nor the children—the parties to the association—are governments. Remember that a trust is an association where one party unilaterally confers inducements on another party.
3. Private-Voluntary. The examples, as noted earlier, of voluntary associations are legion: marriages, corporations, unions, parties, churches. As it happens, these examples are all private too, since they are not governments and none of the parties that make them up are governments.
4. Compound-Involuntary. When a government threatens particular people with sanctions, a compound-involuntary association is created. It is involuntary because sanctions are involved, and it is compound because one party is a government and the other party is neither a government nor the public. (The public includes everybody, but here only particular people are subject to the sanctions, not everybody.) Examples of such associations are, unfortunately, not difficult to find: the German regime's extermination of Jews during World War II is

only a particularly egregious case. We will discuss this type of association more fully, below, when we examine pseudolaws. The aspect of government which is involved in this type of association can be called government-as-bandit.

5. Compound-Trust. Here government unilaterally confers inducements on particular people. Since these particular people are not themselves governments and, being less than everybody, are not the public, the association is compound rather than public. Government-as-trustee I, as we will call this aspect of government, acts as residual trustee for children whose parents have abused their responsibilities as trustees or who are seeking a divorce. Government-as-trustee I also presides over Indian reservations. (Unfortunately, there is no residual trustee in case government abuses its responsibilities.)

6. Compound-Voluntary. Government-as-contractor I enters voluntary associations with non-governmental parties, which may be individuals or associations. The relationship between government-as-contractor I and an individual employee of the Department of the Interior is a compound-voluntary association. It is compound because one party is a government and one is not; it is voluntary because it is established by mutual consent of the parties to the exchange of inducements. The inducement conferred by the worker on the government is the services he performs, say, as an accountant. The inducement conferred by the government on the worker is his salary and other benefits. When government-as-contractor I buys jet bombers from a private corporation, the other party to the resulting association is itself an association.

7. Public-Involuntary. A public-involuntary association is exactly like a compound-involuntary one except that here government threatens everybody with sanctions, not just particular people. This difference, however, is crucially important. When government threatens sanctions against anyone who deliberately kills another or against all who fail to pay 24 per cent of their income to the Internal Revenue Service, it is not selecting particular people or groups of people to threaten. Since everyone is in the same boat and subject to the same rule, no one has an interest in imposing rules that are intolerable such as, say, a 97 per cent tax. This power to threaten the entire public with sanctions is the essence of government, and we will call this aspect of government government-as-legislator.

8. Public-Trust. There are no known historical or actual examples of this type of association, although it is clearly a possible type. Government-as-trustee II, if it ever were to exist, would be like government-as-trustee I except that it would act as trustee—i.e. unilaterally confer inducements—for the entire public, not just for selected individuals or groups of individuals.

9. Public-Voluntary. Another aspect of government, government-as-contractor II, enters into voluntary associations with other governments. These associations are public because all of their parties are governments. The two governments may be coequals, or they may have a superior-inferior arrangement. Treaties are an example of voluntary associations between coequal, independent governments. Within the US, public-voluntary associations often exist between two or more states. These states are equal and independent of each other, but subject to the national government in Washington D.C. The Constitution requires that such "interstate compacts" go into effect only with congressional consent.

There are also many voluntary associations between the national government and those of the states.

2.3 Laws, pseudolaws, and by-laws

The most important distinction to emerge from the categories created by the periodic table of human associations is between three different meanings all commonly pointed to by the word law:

1. A general rule of action enforceable by sanctions (government-as-legislator)
2. A non-general rule enforceable by sanctions (government-as-bandit)
3. A statement of the terms on which, and with whom, a government is willing to enter into voluntary associations (government-as-contractor)

Since these three meanings are so very different, using the same word to indiscriminately refer to all of them can only produce confusion. We will therefore stipulate that the word law will be used only to refer to the first meaning: a general rule of action enforceable by sanctions. For the other two meanings we will assign the following terms (as shown in Table 2.4):

Pseudolaws: a non-general rule enforced by sanctions.

By-laws: a statement of the terms on which and with whom a government is willing to enter into voluntary associations.

	Involuntary	Trusts	Voluntary
Private	1. robber-victim	2. parents-children	3. husband-wife
Compound	4. Government-as-bandit pseudolaws	5. Government-as-trustee I	6. Government-as-contractor I by-laws
Public	7. Government-as-legislator laws	8. Government-as-trustee II	9. Government-as-contractor II by-laws

Table 2.4: Enforceable sanctions

The two key elements in distinguishing laws, pseudolaws, and by-laws are generality and sanctions. To be a general rule of action, it must apply to everybody without any exceptions whatever. It is because the public is defined precisely as everybody who is

subject to a given government that laws are an expression of government-as-legislator and constitute public-involuntary associations. Since generality is not an issue one way or the other with by-laws, the first question to be considered, when translating the word laws as it is used by the general public into our more precise terms, is whether there is a sanction involved at all in the rule. If there is not, then the rule is a bylaw, which is "enforced" by withdrawn or denied inducements rather than by sanctions. If there is a sanction, however, we must still ascertain whether the rule is a law or a pseudolaw, and this is where we must consider generality. The following are examples of rules which are not general, and which therefore are pseudolaws rather than laws:

Any black person who does not ride in the back of the bus shall be fined USD 100.

Any Jew who does not wear a yellow star shall be punished as follows....

No woman can receive a license to work as a bartender unless the bar is owned by her husband or father.

Anybody under 21 years of age who consumes alcoholic beverages shall be fined USD 200.

Any male who does not register for the draft upon reaching age 18 shall be fined and/or imprisoned.

Rich people shall pay a 70 per cent income tax, other people shall pay 24 per cent.

Generality requires that the rule apply to the equivalent of "anybody who", and all of the above examples discriminate on the basis of race, sex, age, or wealth. People are treated not merely on the basis of how they act, but also on the basis of who they are. Pseudolaws are enacted by government-as-bandit, a term suggested by St. Augustine's famous observation: "Justice being taken away, then, what are kingdoms but great robberies?"[1] The only difference between a compound-involuntary association and a private-involuntary one is that government is a party to the former. In both, individuals are arbitrarily singled out and sanctions imposed or threatened against them. If anything, government-as-bandit is even more intolerable than private robbers, for it wields the resources of the entire community and one cannot seek government protection from it. The word "by-law" reflects the fact that when Congress determines the terms on which and with whom the US government is willing to enter a voluntary association, it is doing no more and no less than is done by the boards of directors of any private corporation. By-laws apply both to compound-voluntary and to public-voluntary associations. Examples of by-laws applying to compound associations include portions of the Bacon-Davis Act, the Hatch Act, and the Philadelphia Plan. The Bacon-Davis Act prohibits the federal government from making contracts with private firms paying their employees less than "prevailing wages" as determined by the Secretary of Labor for each occupation and region of the country. The Hatch Act prohibits the federal government from retaining civil servants who engage in certain types of politicking, including addressing a political rally or holding office in a political party. (Any law prohibiting such actions and enforced by sanctions would clearly violate the First Amendment; the Supreme Court, however, has twice upheld the Hatch Act, which is enforced by withdrawn inducements.) Under the Philadelphia Plan the federal government contracts only with private construction

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1. City of God, Book IV

firms that agree to hire at least a certain percentage of minority employees. The Plan is an effort to overcome racial discrimination by the building trades unions and acquiesced in by employers. By-laws applying to public associations include the Hickenlooper Amendment and the federal enactment producing the 65 (originally 55) miles per hour national speed limit. The Hickenlooper Amendment cuts off foreign aid to any country that nationalizes property owned by US citizens without paying them fair compensation. It tries, via the power of the US government purse, to extend the protection against uncompensated seizures provided domestically by the Eminent Domain Clause of the Constitution. When US President Nixon proposed a national speed limit during the 1973 Arab oil embargo, Congress lacked constitutional authority to enact a law requiring people to drive more slowly. The state governments had the power to enact such laws but were not disposed to do so. Acting on Nixon's proposal, Congress merely enacted a by-law cutting off all federal highway funds to any state whose legislature did not enact a law making the speed limit 55 or less. If any state had refused to comply, its action would not have been illegal. It would merely have been a violation of a federal by-law. But the states, sometimes with great reluctance, knuckled under unanimously—few local politicians were willing to climb off the federal gravy train.

Chapter 3 Developing Conceptual Acuity

3.1 Evaluating and justifying government

Our basic relationship with government is an involuntary association, and in this sense we are justified in saying that government is an involuntary association. Actually, as we have seen, people are associated with the organization called government in many different ways. Some of our associations with government are voluntary, others are trusts, and still others are involuntary. But the involuntary associations are fundamental.

Through involuntary associations, government obtains most of the resources enabling it to induce people into voluntary associations with it. The policeman is hired by government-as-contractor I; as an employee, his relationship with the government is a compound-voluntary association. But government obtains the money used for his salary via the power of the sword. People who refuse to pay taxes are forcibly deprived of liberty or property, though not, in the current US, of life.

The idea that government is basically an involuntary association is neither new nor generally rejected. True, social contract theorists have argued that government is a voluntary association, as if it were a voluntary association, or ought to be a voluntary association. Social contract theory has been influential in America ever since the "Mayflower Compact". However, contract theorists have always foundered on the fact that not everybody subject to a government consents, or has consented, to be governed by it. A contract, like any other voluntary association, requires mutual consent of all the parties, not just a majority of them. But when a government imposes sanctions it does not require unanimity. To execute someone in the US requires unanimity of the jurors and judge but not the unanimity of all parties, which would include the defendant!

Various philosophies recognize that government is essentially an involuntary association. Mao Tse-tung, Chinese Communist leader, wrote: "All political power grows out of the barrel of a gun."[5] Anarchists, assuming that all involuntary associations are bad and seeing that governments are involuntary associations, conclude that there should be no government. St. Augustine, quoted earlier, bears repeating: "Justice being taken away, what are kingdoms but great robberies?" [1]

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1. City of God, Book IV

3.1.1 The four functions of government

The belief that all involuntary associations are bad is hard to refute. For most people the general undesirability of private-involuntary associations (robber-victim, air polluter-victim) and of compound-involuntary ones (the Nazi extermination campaign against Jews, military conscription, arbitrary economic regulations) is implicit in the examples we have adduced. One is tempted to tidy things up and conclude that public-involuntary associations are bad too. Before jumping to rash conclusions, however, let us think briefly about four functions or services provided by government:

1. minimizing private sanctions
2. facilitating private-voluntary associations
3. allocating scarce natural resources
4. protecting citizens from other governments

3.1.1.1 Minimizing private sanctions

First, government protects us from private-involuntary associations. Through law, it attaches artificial side effects to private actions constituting such associations, thus making them less attractive options. Drunk driving carries the risk of accident, injury, property loss, and death. Government increases the risks by threatening fines, imprisonment, and license revocation. The existence of law presumes that people are less likely to commit murder if the side effect of such will be the electric chair.

Law can also be regarded as a price system calculated to run private-involuntary associations off the "market" by making them too "expensive".

Of course, laws are not entirely successful. Sanctions provided for violators may be inadequate to discourage the prohibited action—mere "slaps on the wrist". If the chance that a sanction will actually be imposed is low, people may discount its severity by its improbability. Indeed, increasing the required sanction for breaking a law may reduce the likelihood it will ever be imposed: electrocution deters no jaywalkers if juries refuse to convict flagrant violators because they find the punishment excessive.

No legal system can eliminate all crime. The only way to put a complete end to crime would be to repeal all laws, a "solution" which does not have much appeal. Thus government's function is not to eliminate private-involuntary associations but to minimize them. While repealing all laws would be counterproductive, "decriminalizing" some actions may be desirable if costs of outlawing them outweigh the benefits. As St. Thomas Aquinas noted many centuries ago, it is impossible for government to outlaw all sins[2]. Government should not spread its limited enforcement capabilities too thin, neglecting to enforce more important laws while prosecuting less important ones. "Decriminalization" is most frequently discussed in the context of personal drug use,

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2. Summa Theologica, Part II, Article IV

sexual activity, and so forth, which supposedly concern only the "consenting adults" involved.

3.1.1.2 Facilitating private-voluntary associations

A second function of government is to facilitate private-voluntary associations. A contract is a legally enforceable agreement, and government encourages private-voluntary associations chiefly through laws regarding contracts. Of course, not all private agreements are enforceable. A co-ed agreeing to go out on a date with her boyfriend, for example, cannot be compelled to do so by a court if she tries to back out. Nor will any court order her to pay money damages to her friend even, if relying on her agreement, he obtains theater tickets or rents an automobile. But the fact that some agreements are legally enforceable increases our options, as Gordon Tullock explains:

It is clear that situations in which making such an enforceable promise is desirable are fairly frequent. I wish to buy a house and do not have enough money to do so. Borrowing the money will improve my satisfaction, but in order to borrow I have to convince the lender that I will repay. Perhaps I can get away with an unenforceable promise, but for most people such loans are only possible if there is some mechanism to enforce the repayment.[3]

Government not only makes enforceable agreements possible but it provides neutral judges to resolve disputes about such agreements. Some parties bypass the judge by jointly sending disputes to an arbitrator, but the courts are always available when less extreme measures fail. Without government, terms of voluntary associations would only be enforceable by the parties and their private associates, a messy and inefficient process at best. Government thus allows voluntary associations on a scale otherwise impossible. It is no exaggeration to say that private enterprise rests on public foundations.

3.1.1.3 Allocating natural resources

The third function served by government is allocating scarce natural resources. This function can only become more important as population increases while raw materials—at best—remain constant. Once something is someone's property, the usual rules of contract can be used to determine whether it has been duly transferred to somebody else. But endless problems arise regarding how something becomes the property of somebody to begin with. How do resources become the property of their first owner? The philosopher Pierre Joseph Proudhon answered this question with his famous aphorism: "Property is theft!" Somebody simply assumes ownership of the resources and it is his property as long as he can hang on to it. There are many terms for this process of creating ownership: "conquest", "squatting", "claiming", "staking

3. Gordon Tullock, ,The Logic of the Law, N.Y.: Basic Books: 1971, p. 36.

out", and so forth. But might is not right, and property in resources (as in everything else) can only be determined by law, not by just grabbing it.

It is often assumed that natural resources that are not already owned automatically belong to the government. This assumption, however, is totally arbitrary and certainly cannot be done by government-as-legislator, which must express its basic decisions in the form of general rules. Although government-as-contractor, like any private person or association, can certainly own property, it has no more right to ownable but unowned resources than anybody else. Government-as-trustee I is trustee only for particular people or groups of people. Since determining which people shall own resources is the problem here, not the solution, government-as-trustee I is no help.

All existing or historical governments have determined ownership of natural resources (land, minerals, etc.) arbitrarily. It is equally arbitrary to assume the government is the owner and then give the resources away or sell them (e.g. in the US, the Homestead Act) as it is to assume the government is the owner and always will be (e.g. in classical "Communist" countries). A solution to this dilemma, however, does exist, at least in theory. It is not arbitrary to assume that the public owns all previously unowned natural resources, since the public is by definition inclusive. Government-as-trustee II, acting for the public, could lease selected portions of these resources to the highest bidder, and the net receipts disbursed in equal amounts to all members of the public in the form of a social dividend. (Government-as-trustee II, for the public, is like the chemical elements whose possible existence was indicated by Mendelyeev's periodic table. It has not been seen yet, but it could turn up at any time.)

3.1.1.4 Protecting citizens from other governments

A fourth governmental function is to protect us from other governments. One part of this function, defense against external attacks, may not always be necessary. If there were a world government, external defense would be unnecessary. But the fourth function would remain, for it includes defense against potential governments that might try to replace a current one.

It is quite possible for two or more governments to rule over the same area at the same time. In the United States at least three governments usually legislate for any one place: the federal government, a state government, and a city or county government. Often there are many more than three. During revolutions several governments generally exercise some control over the same area. In 1917 Russia was governed from February to October both by the Provisional Government under Alexander Kerensky and by the Petrograd Soviet, dominated by Lenin. Both centers of authority issued orders that were obeyed to some extent. Likewise, large areas of South Vietnam were under both the Saigon regime and that of the Vietcong during much of the time the United States was involved in the war there. In many villages it was said that Saigon ruled by day, the Vietcong by night.

Subjection to more than one government is tolerable, however, only if there is a clear pecking order among them, as in the United States. When one government makes an

action illegal and another in the same places makes avoiding that action illegal, their subjects are damned if they do and if they do not. They cannot protect themselves against sanctions for obeying the law, for obeying one law requires violating the other. The Supremacy Clause of the US Constitution is designed to avoid placing citizens in exactly this predicament:

> *This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made ... under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.*

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A government unable to protect its subjects from the sanctions of other or would-be governments is, to say the least, not a completely viable one.

3.1.2 Justification of government

The dilemma faced by those seeking to justify existence of government can be summarized as follows: It is not unreasonable to assume that all involuntary associations are bad; and government is basically an involuntary association.

Some social contract theorists try to resolve the problem by asserting that government *is*, in fact, a voluntary association. If true, this would simply make the belief that all involuntary associations are bad irrelevant in evaluating government. But there is no historical evidence of an "original" contract, and even if there were an original contract it could not—by the logic of contracts—bind later generations.

Other social contract theorists, following Rousseau, argue that government *ought* to be a voluntary association. But this does not justify existing governments, which are not voluntary associations. Rousseau's ideas were highly revolutionary, for no government could meet his test and still remain a government. None of the four government functions discussed above could be performed by an organization that enters only into voluntary associations, that is to say by one which has no laws.

Another way out of the dilemma is to capitulate and say that governments being bad, none should exist. The anarchists take this position, sometimes in the strongest possible way: there should be no government, period, now or ever.

Says Benjamin Tucker:

Protection they look upon as a thing to be secured, as long as it is necessary, by voluntary association and cooperation for self-defense, or as a commodity to be

purchased, like any other commodity, of those who offer the best article at the lowest price.[4]

Classical Marxists also conclude that government—"the state"—is unjustifiable. But they believe that it is neither desirable nor possible to get rid of it immediately. Rather, there must be a revolution in which the tables are turned and the previously exploited workers (proletariat) grab control of the state away from the capitalists (bourgeoisie). During a transition period, the "dictatorship of the proletariat", the bourgeoisie is gradually "liquidated", an ambiguous term which might mean anything from physical extermination of its members to their absorption into the ranks of the proletariat. Only when this process is finished is there no longer any need for the state, which can then "wither" away and disappear. The justification given by ruling Marxists for their government is therefore similar to defending a war on the grounds that it will end war: Their rule is said to be hastening the day when government will no longer be necessary. The more negative one's view of government, therefore, the more defensible is the government whose leaders claim they are seeking to destroy government.

Our analysis of associations suggests that governments are justifiable for reasons similar to whose used by ruling Marxists. Rather than denying that involuntary associations are always bad or that governments are involuntary associations, we need merely recognize that a world without any involuntary associations is impossible. And this fact is not just temporary, as the Marxists would have it, but permanent. One function of government is to minimize *private*-involuntary associations. Without government, these private-involuntary associations would proliferate. Even Tucker's proposed "voluntary association" for securing protection would have to impose sanctions in order to protect its clients. If the worst that could be done to a robber were to boycott him (withdrawn inducements) and denounce him (power of pen), the price of robbery would not be high enough to deter it. Tucker's proposed organization would therefore produce involuntary associations, violating the anarchists' own rule that there should be no such associations in a decent society.

Anarchists, of course, might reply that *these* involuntary associations—produced in protecting people from robbers—are not as bad as those that would otherwise be produced by the robbers. But this argument, which is true, lets the cat out of their philosophical bag. Once one admits that a society without any involuntary associations is impossible, and that all involuntary associations are not *equally* bad, then the premise that all involuntary associations are bad does not automatically lead to the conclusion that government is unjustifiable. Government may then be justified as a lesser evil than the private-involuntary associations that would otherwise multiply.

Government is justifiable only as a lesser evil! This conclusion may border on praising government with faint damnation, but we need not regard it as derogatory or unpatriotic. Lesser evils are rather standard political logic, for circumstances often exist where the best thing we can do is to do the least bad thing possible. When US President Truman had to choose between ordering the use of the A-bomb or invading Japan to end World War II, neither alternative had many positive attractions. Both

4. Benjamin Tucker, State Socialism and Libertarianism," in Irving L. Horowitz, ed., The Anarchists, N.Y.: Dell, 1964, p. 181.

would cause large numbers of fatalities. Winston Churchill once that said that "democracy is the worst form of government, except for all the others that have been tried from time to time"[5]. Or as James Madison, speaking of the "auxiliary precautions" built into the US Constitution, put it:

"It may be a reflection on human nature, that such devices should be necessary; to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature. If men were angels, no government would be necessary." (Federalist, Number 51.)

For more than 2000 years, philosophers have tried to find a satisfying positive justification for government. To the last man, they have failed. We can now see the reason for this failure: no such justification is even conceivable. But it also, in our imperfect world, is not necessary.

3.1.3 The rule of law

If all political power grows out of the barrel of a gun, this can only heighten our concerns about how that power is organized and employed. Government is a system for keeping the lid on problems posed by private-involuntary associations. Government-as-bandit can be seen as a problem of the solution. Government-as-bandit imposes sanctions on people in an unprincipled way, and all of the arguments against private-involuntary associations apply even more strongly when the bandit is government itself. There can be no assurance, when government can single out some people and impose sanctions on them, that the power will not be abused. Good government, therefore, requires elimination of government-as-bandit.

It follows that the only generally defensible involuntary associations are the public ones created by government-as-legislator. The classical formulation of this said that we should have "the rule of law". A more specific modern way of putting it is: Laws, si; pseudo-laws, no!

3.2 Index numbers: a vital tool for clear thinking

As we have seen in Concepts of Human Association (Page 12), above, the word *law* as commonly used expresses three wildly different meanings when observed from the perspective of the periodic table of human associations. But this word is hardly unique in its ambiguity, and we need to remember that many of the words used in politics and in the analysis of politics may mean quite different things from time to time and from person to person. It is therefore useful to find techniques which can help us to sort out the different meanings expressed by a single word.

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5. House of Commons speech on Nov. 11, 1947

One such technique is to add different index numbers to a word when it is being used to mean different things. An index number is merely a small number placed just after and slightly lower than the word being indexed. For example, we could distinguish between $door_1$ (pronounced "door sub one") and $door_2$ (pronounced "door sub two"), if we noticed that sometimes the word door refers to an opening in a wall through which one can go, and other times it refers to the object used to block up that opening so that one cannot go through!

3.2.1 Overcoming stereotypes

Stereotyping is surely one of the most pernicious and troublesome temptations of human thought. Its danger is probably implicit in the very nature of language. Language appears to be rooted in classified experiences, *different* events or things lumped into the *same* "class" or category, which in turn is expressed by a word.

"Cow", for example, is a noun which refers to a large number of different individual animals which share certain characteristics in common. It is a useful term because it points to the existence of these general characteristics, but it is dangerous to the extent that differences between individual cows—Bessy and Bossie—are ignored even though they may be important. (Bossie may be good-natured; Bessy may be inclined to kick or bite people; Bossie's milk may be contaminated, while Bessie's is pure and safe to drink.)

The semanticist S.I. Hayakawa suggested that it is good to remind ourselves periodically that "cow_1 is not cow_2", that merely knowing what cows have in common is not all we need to know, that individual differences can be all-important. He went on to note that keeping this fact in mind is even more important when dealing with words relating to types of people: Jew, black person, Communist, Republican, etc. [6]

When we stereotype, we ignore individual differences and assume that knowing *one* thing about somebody tells us *all* we need to know: "When you've seen one Jew, you've seen them all." "All men are alike!" "Black people are lazy!" "You can always tell a Harvard man, but you can't tell him much!"

As Hayakawa notes, if a man assumes that all Jews are the same, and that all they care about is money, he may be so busy watching his wallet that he does not notice that this particular Jew is about to run away with his wife. Or he may lose the opportunity to make a wonderful friend. By adding index numbers to our thinking, we can remember that stereotypes and prejudice are based on the demonstrably false assumption that all individuals who share one characteristic also share another one.

Let us frequently, therefore, take time out to remind ourselves that:

Jew_1 is not Jew_2

black $person_1$ is not black $person_2$

$Communist_1$ is not $Communist_2$

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6. S.I. Hayakawa, Language in Thought and Action, N.Y.: Harcourt, Brace and Co., 1939, p. 293.

capitalist$_1$ is not capitalist$_2$

(Just to keep ourselves on our toes, though, we might also want to ponder the implications of the following T-shirt slogan: "When you've seen one atomic war, you've seen them all!" I believe, however, that this is not a case of stereotyping.)

3.2.2 Clarifying ambiguous words

An example of how the indexing technique can be applied to separate the different meanings of words can be seen in the following analysis of "segregation" and "integration", surely two of the most contentious terms in today's political vocabulary. Although clarifying the meaning of terms will not automatically bring conflicting political positions into harmony, clarifying what the various camps are fighting about may be an important step towards a mutually agreeable settlement.

The basic distinction I have found that is relevant to sorting out "segregation" and "integration" is that between a *way of acting* and a *state of affairs* or situation. Employing this distinction, we can generate the following Table 3.1:

	Segregation	**Integration**
State of Affairs	segregation$_1$	integration$_1$
Way of Acting	segregation$_2$	integration$_2$
		integration$_3$

Table 3.1: Distinction between segregation and integration

Segregation$_1$ is a state of affairs, a situation. It exists if in a place where the ratio of the races is 85 per cent white to 15 per cent black [7]but in some smaller institution (a school, factory, office, club, etc) in that place the percentages of blacks and whites are very different from those in the general population, say white 95 per cent, black 5 per cent. This kind of segregation is sometimes called de facto, in itself an acknowledgment that the word does not always mean the same thing. Sometimes it is called "racial imbalance".

Segregation$_2$ is a way or basis of acting. It is racially discriminatory treatment for the purpose of keeping the races separated. If a personnel officer or admissions director generally rejects black applicants with personal qualities such that they would be accepted if they were white, we have segregation$_2$. This kind of segregation is sometimes called de jure.

Obviously, if segregation$_2$, racially discriminatory treatment, is going on it will tend to produce the state of affairs that we call segregation$_1$. But racial imbalance (segregation$_1$) can exist even when there is no racially discriminatory treatment

7. We are assuming here an extremely simplified situation, which will rarely or ever actually be the case, in which all people are either black or white.

(segregation$_2$) currently going on. It may reflect the fact that discriminatory treatment used to take place, or it may have entirely different reasons.

Turning to integration$_1$, we find that like segregation$_1$ it is a state of affairs. It is the opposite of segregation$_1$.It is sometimes called racial balance. The ratio of the races in some smaller institution is roughly the same as it is in a larger general population.

Integration$_2$ is a way of acting, but oddly enough it is not entirely the opposite of segregation$_1$. Like segregation$_2$, integration$_1$ involves treating people on the basis of their race. Unlike segregation$_2$, integration$_2$ treats people on the basis of their race for the purpose of promoting racial togetherness. Its goal is to bring about integration$_1$, racial balance, which is the opposite of the goal of segregation$_2$. Words which appear to be connected with integration$_2$ include "racial quotas", "bussing", and "affirmative action", in one of its possible senses. [8]

An issue arises at this point as to means and ends and ultimate values. Is it segregation in its statistical sense, racial imbalance, segregation$_1$, that is morally evil? Or is it segregation$_2$, racially discriminatory treatment of individuals without regard for their individual merits that is the basic problem, with segregation$_1$ being alarming only to the extent it indicates that racially discriminatory treatment is going on?

If segregation$_2$, racially discriminatory treatment, is the basic evil here, then integration$_2$ appears to be a perverse remedy, for it too entails treating people differently depending on their race.

This is where integration$_3$, a third possible meaning of the term, comes in. It too is a way or basis for treating people, but unlike integration$_2$ it does not treat anybody on the basis of race. Instead, integration$_3$ is colorblind treatment; integration$_3$ is thus the opposite both of integration$_2$ and of segregation$_2$.

Even if we assume that a society in which everybody treats everybody else in a colorblind way would be ideal, however, it does not necessarily follow that integration$_2$—racially discriminatory treatment for the purpose of promoting togetherness (integration$_1$)—is an unacceptable strategy. It is possible that only the degree of personal contact between people of different races made possible by integration$_1$, the goal of integration$_2$, can bring about the attitudes necessary ultimately to have a colorblind society. But it is also possible that techniques such as quotas and bussing will cause resentments among whites and self-doubts among blacks to such an extent that progress towards colorblindness is slowed rather than accelerated. Perhaps the only thing we can be sure about is that there is room for legitimate disagreement here as to the best possible strategies for exterminating racism.

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8. In its other sense, which appears to have been the original intention of Congress in enacting legislation requiring it, "affirmative action" meant special actions to bring job and other opportunities to the attention of minorities so more would put themselves forward to be considered as applicants, but it did not require or perhaps even contemplate preferential treatment of particular individuals on racial grounds.

3.3 Inventing new and useful words

If we are going to think productively about politics, we need an adequate vocabulary. Given the rapid changes in today's political situation and central issues, it is unlikely that a static political vocabulary can be an adequate one. We must therefore be sensitive to opportunities to develop new vocabulary when that will help us to think more effectively.

Imagine a citizen of ancient Greece, contemporary of Plato or Aristotle several hundred years B.C.E., before whom a modern multi-speed bicycle suddenly materialized out of a time-warp. This person lacks words such as chain, tire, derailleur, cable, brake, handlebar, axle, gear, pedal, you name it, and he also lacks the concepts or ideas to which these words now point. How well could this observer describe what he has seen to someone else? Lacking the above concepts, how well could he even perceive the bicycle himself?

The advantages and disadvantages of creating particular definitions can be evaluated using the various transformations of our standard model of rational decision and action, $D \rightarrow X + Y$: the act of defining a word in a certain way in pursuit of goal x also produces side effects Y. (See Concepts of Decision-Making and Action (Page 3) of this book.) There is one more issue, however, that needs to be considered, and this is whether the new definition should be attached to an existing word or to a new word coined expressly for this purpose.

No general answer can be given to this question, because either approach has both advantages and disadvantages, and the ratio between them in a particular case will depend on the circumstances. Much will depend on whether any existing words are close enough, in their common meaning, to the new definition to make them plausible pointers to it, on the one hand, and on how good a new word can be knocked together from meaningful roots, on the other hand.

We have seen examples of both approaches to new definitions in this short book. The word laws—defined herein as general rules of action enforceable by sanctions—is an old word with a new, precise meaning. The word coopetition—defined as conflict over how to divide up the benefits produced by cooperation—is a new word invented specially to use with the new definition.

The history of the term pseudolaws, incidentally, is an interesting example of the gyrations one may go through before settling down on the best word for expressing a given meaning. Originally, I had no special word for this meaning. I used the word law to refer to the meaning now expressed by pseudolaw, but held my nose with my fingers (as if there was a bad stink!) when I used the word law in this sense. This not only made clear the fact that I meant something other than law in its sense as a general rule of action, but it also expressed the disgust which I feel is appropriate when we encounter such things.

When I began to write down my thoughts, I originally put the world law in quotation marks, "law", to indicate that they were only so-called laws. During the pre-publication editing of my previous book, *Thinking About Politics: American Government in Associational Perspective*, however, the publisher suggested that my distinction might escape the reader if I only used the quotation marks for this purpose. Instead, she proposed that I use the term quasi-laws.

It was clear that my editor was correct in her belief that something needed to be changed. But unfortunately there were two problems with the proposed term: First, quasi-did not have the needed negative connotation, the feeling that disgust is called for. Second, there was a danger of confusion with the concept of quasi-legislative powers as this expression is used to describe the work of administrative agencies. I did not want to confuse the origin of the rules with their nature.

However the editor's suggestion was helpful in that I immediately saw the possibility that her recommended prefix quasi-could be replaced by the alternative prefix pseudo-, thereby simultaneously solving both problems. There is no danger of confusing pseudolaws with the quasi-legislative powers of regulatory agencies. And pseudo-has an eminently satisfactory negative connotation. (Just try calling someone a pseudo-intellectual, pseudo-athlete, or pseudo-anything and you will see what I mean!) Thus I finally arrived at the word pseudolaw, which appears to be completely suitable to its intended purpose.

3.4 Watching out for metaphors

Political science, as noted in the Introduction to this book, is a science that tries to connect the "micro" level of individual lives and actions with the "macro" level of collective circumstances and consequences. The distinctive focal point of political science is government, and the distinctive thing about the organization we call government is that it can legitimately threaten sanctions against all individuals who violate its laws.

Although our original definition of an association assumed that individual people are the parties making it up, we then observed that once associations exist, they become parties which can then in turn enter into still further associations. But given our definition of an association, thus generalized—the relationship existing when one party's satisfaction is being changed by the actions of another party—we must be careful to note that we are now using terms like "action" metaphorically rather than literally.

Indeed, if we talk about "actions" by organizations and other associations, we are implicitly using a lot of other words metaphorically too. Does an organization literally have goals, or does it just "act" (sometimes) as if it had goals? Does it have "satisfaction" (defined as a ratio, remember, between perceived attainments and desires) or do we infer existence of an organizational equivalent to satisfaction from its "actions"?

We should be very careful not to take metaphorical language of this type too literally. Up to a point, the analogies expressed by metaphors can be useful, but beyond that point they can be extremely misleading. We should always remember that literally, organizations cannot act—only individuals can act, including acting on behalf of an organization. We must not confuse the organization—which is made up of many individuals—with an individual, we must not confuse the macro with the micro.

As an example of the dangers of taking political metaphors literally, let us consider the concept of freedom applied not at the micro level but at the macro. We all know how important freedom is for us as individual human beings. Therefore, we generalize, freedom is good! But if freedom is good, then it seems to follow that all countries should be free, all nations should be free, all "peoples" (as it is sometimes put) should be free.

There is, however, at least one important difference between countries, nations, and "peoples", on the one hand, and individual people, on the other hand. These macro level entities are made up of large numbers of individual people, but it is usually far from obvious just which individuals "belong" to which countries, nations, or "peoples". And there are no adequate democratic or legal procedures for determining where one country, nation, or "people" leaves off and another begins when there is disagreement about this, which there always is! You can not resolve democratically the issue who will be included in just which electorate, which is precisely the issue in international boundary disputes. Thus there is always an issue as to just what are the macro-level entities that ought to be free, while no similar problem exists at the micro-level of individuals.

A second important difference is that individual claims to freedom are not unlimited. Rather, individual freedom is presumed to exist in the context of a government whose laws by definition are intended to limit the extent of that freedom in the interest of the general welfare. No similar limit on freedom is generally acknowledged when it comes to the claims of macro-level entities to freedom. Yet if law and order are necessary to a decent life at the local or national level, it would appear that they are equally necessary at the world level. Unthinking extrapolation of the value of freedom from its literal and limited application to individuals to a metaphorical and unlimited application to countries, nations, or "peoples" prevents us from seeing the need for the rule of law at the world level, the need for a world government.

Another way of stating this point is that there is a conflict between national freedom and maximizing individual freedom. With national freedom comes restrictions on individual freedom in the name of national defense: high taxes, military conscription, prohibition of travel to some countries, limits on immigration and emigration, obstacles to the flow of capital, goods, and ideas.

Let there be no doubt about it: individual liberty cannot be maximized in a world in which national freedom exists. Rather than uncritically hailing the virtues of national freedom, serious thinkers must therefore ask how much are we willing to pay for it?

A world government is not in the works in the very near future. Conducting foreign affairs with other independent governments will continue to be a regrettable necessity for some time. Things cannot be improved overnight. But this is no excuse for failing to ask ourselves where we want to be going, or how to go about getting there.

3.5 About the author

Paul F. deLespinasse was born in Ontario, Oregon in 1939. He graduated from Willamette University in 1961, and completed a Ph.D. in political science at The Johns Hopkins University in 1966. He spent a sabbatical year as Fellow in Law and Political Science at the Harvard Law School in 1970-1971. He has been a National Merit Scholar, a Woodrow Wilson Fellow, and a National Defense Education Act Fellow.

His interest in Soviet politics led him to learn Russian, to read Pravda daily from 1962 to 1991, and to spend the summer of 1989 in the USSR. His other interests include American constitutional law, political philosophy, economic regulatory policy, and race in American law and politics.

His college textbook *Thinking About Politics: American Government in Associational Perspective* was published by D. Van Nostrand in 1981. His op-ed columns have been published in a number of US newspapers.

After a 36-year career at Adrian College in Michigan, he is now Professor Emeritus of Political Science and Computer Science at Adrian and lives in Corvallis, Oregon. He can be reached at pdeles@proaxis.com.