

Political and Social Philosophy
Michaelmas Term 21/22
Lecturer: Christopher Cowie
Module Pack

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Office Hours: Wednesday 11-2 (drop in)

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The Problem of Political Legitimacy
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Intro and Reading

We all live in states; political bodies that claim the right to direct the lives of those who live under them. But that hasn't always been the case. States were *invented*. A 'political map' of the world would once have been empty. By most reckonings they began to emerge over five thousand years ago in what we would now call the Middle East. They emerged roughly contemporaneously with the emergence of agriculture (though this is disputed - see political theorist Francis Fukuyama's *The Origins of Political Order* or my personal favourite, geographer James Scott's *Against the Grain* for some fascinating studies). Whatever the details of their emergence, states – *our inventions* - have spread to cover the world and have proven to be one of the most influential inventions in human history – up there with fire and agriculture. We don't often think this way. We don't think that states are something that we have invented and could do away with; that they are contingent, that they are our *choice*. They can seem as fixed as the natural world (compare gender). But this is not true. In one of the most widely read popular books of the 1970's, *In Defense of Anarchism*, Robert Paul Wolff, writes:

“Death and taxes, it is said, are the only certainties in this life; a folk maxim which reflects the deep conviction that men cannot escape the tyranny of either nature or society. Death will always be with us, reminding us that we are creatures of nature. But taxes, along with all the other instruments of social action, are human products, and hence must in the end submit to the collective will... The state, in contrast to nature, [is not] *other*.” (78, the 1998 edition)

Wolff is trying to draw out attention to the possibility of living *without* a state; a possibility he thinks that we do not typically see (as evidenced by the 'death and taxes' saying). But would this be a good idea? Would it be a good idea to live without states? What would it be like? Were the states that emerged thousands of years ago - and that colonised the earth - a *good* invention? Or were they perhaps our greatest mistake? Are they a legacy of our violent past that we would be better off without? If, as the great anarchist think Robert Nozick puts it, states hadn't been invented, would it be a good idea to do so?

Our aim is to answer these questions. I will be following one of the great recent philosophers, Robert Nozick, in trying to make the case *against* states. In doing this we will think about the nature of authority and legitimacy, but also along the way about welfare, democracy, debt, ownership, labour, property, ownership, colonialism, violence, inequality and justice. In short, we'll be thinking about the whole of political philosophy using the question of authority and legitimacy as a departure point.

I am really keen on making sure that *you* are in control of what you read. This isn't A-Level and I don't tell people that they have to read one thing or another. You decide. It is really important you take responsibility. So instead of telling you 'read this for lecture 1, read this for lecture 2' etc

etc, I give you lengthy lecture notes and a guide to the books and sources I'm using. It's up to you to decide what and how to read from there. I'd say the most important thing to look at is:

- *The Problem of Political Authority*, (especially Pt I), by Michael Huemer. This is available as an e-book in the library.

This is relevant to pretty much all of the lectures, especially the first few. And it is the first part of the book that is especially important. If you're lazy, there is also a new, shorter book in which Huemer repeats some of this material and adds to it. It is:

- *Is Political Authority an Illusion? A Debate*. By Michael Huemer and Dan Layman.

That's not fair – there's some new stuff in here too. Worth a look. Alongside Huemer's book, the other source on that I'd really recommend getting a look at - relevant to pretty much all of the lectures, especially to lectures 4-7ish - is:

- *Governing Least*. Dan Moller's new book in defence of a small state view ('libertarianism'). The book is hard going, but absolutely fascinating. It's a really super book. You'll be rewarded if you put the time in on this one. Again, the lecture notes contain some useful specific page references. Most of the important stuff for your purposes is in Part I, especially chapters 3-7.

Another text that we will focus on pretty directly – or that contain stuff we will focus on pretty directly - are:

- Jason Brennan. 'The Right to a Competent Electorate' (*Philosophical Quarterly*, 2011).

This short article will be the focus of one of the early lectures and one of your discussion groups. It is about the legitimacy of democracy. Brennan thinks democracy is illegitimate and we should be 'epistocrats'. It is slightly orthogonal to the main thrust of the lecture course but is short, readable, and directly forms the basis of one lecture.

The last two lectures will be about the value of equality. This is important because small state views (anarchism, libertarianism) are often accused of ignoring the value of equality. So we'll ask 'is equality really valuable after all?' To do so, we'll use this classic:

- *Equality or Priority*. Derek Parfit's article on the value of equality. This is probably a 'must read'. Easily available here: <https://www.philosophy.rutgers.edu/joomlatools-files/docman-files/3ParfitEqualityorPriority2000.pdf>

Read this if you're interested in the stuff on equality.

Ok, that's quite a lot of material. There are a lot of good references in these pieces too. You can follow your nose – see what you find interesting and read it. But for sake of completeness, I will also be quoting or helping myself to bits from:

- *Against Democracy* by Jason Brennan. This is the book version of his article (references above).
- *Anarchy, State, Utopia*. This is Robert Nozick's classic book in defence of a small state. The lecture notes contain some useful specific page references but the core material for

your purposes is probably chapters 3-7, with a special emphasis on the first half of chapter 7.

- *Libertarianism without Inequality*. Michael Otsuka. OUP 2003. A defence of 'left libertarianism'. Each chapter is really a stand-alone paper. The first few are really good. I've quoted from chapter 1 in the lecture notes (on whether we own our own property) and recommended chapter 2 for one of the discussion groups. Chapter 6 is also worth a look.
- James Scott. *Two Cheers for Anarchism* and *Seeing Like a State*. These fabulous books are really works in social geography, not philosophy. But they're really readable.
- Robert Paul Wolff. *In Defence of Anarchism*. A classic book on anarchism from 1970.
- Dan Layman. *Locke Among the Radicals* (OUP. 2020). Approaches questions about the legitimacy of the state and property from a historical perspective. There's no need to read this or to worry about the history of philosophy, but I found it interesting and think the author is a good philosopher and a nice person. And I know some of you like being able to name-drop dead philosophers.

Personally, I wouldn't worry much about reading the seven or eight books listed above (unless you're interested in them in which case do). Instead, if you want to go into a bit more detail on libertarianism and anarchism – and the problems with them - you might be better to spend your time looking at any of these instead:

- 'Libertarianism After Nozick'. Jason Brennan. *Philosophy Compass*. 2018. Really nice, short, summary piece of the state of current work on the subject. You can get it with your library login permissions. Try following whichever references you think look most interesting. Follow your nose.
- *The Routledge Handbook of Libertarianism* (Routledge 2018). This is a nice edited collection with lots of high quality short pieces that you can read quickly and mine for references and ideas.
- *Libertarianism*. Eric Mack (2018). Intro. Good.
- *Libertarianism: What Everyone Needs to Know*. Jason Brennan. (2012). A simple intro.

The material on equality in the last few lectures is a little bit different to the other stuff. If you're going to look at this I'd maybe try these.

- 'How to Value Equality'. Jeremy Moss. *Philosophy Compass*. 2015.
- *Equality, Priority and the Levelling Down Objection*. A response to Parfit's 'Equality or Priority' (referenced above) from Larry Temkin. Available here: https://archive.law.upenn.edu/institutes/cerl/conferences/prioritarianism_papers/Sesson2Temkin2.pdf
- Elizabeth Anderson. What's the Point of Equality? (*Ethics* 1999)

Although we're talking mainly about whether there should be a state or not, I'd like you to use this course as a kind of entry point to political philosophy more generally. There are *thousands* of general sources on political philosophy with discussions of state legitimacy. Read as widely as you can. Find sources that interest you. One of my favourites is a now-old classic – but very well written and very readable:

- John Simmons. *Moral Principles and Political Obligations*. First published in 1979. It provides nice summaries of key issues and proponents of commonly-referenced views.

A more up-to-date text that does a similar job and is aimed at the introductory level is:

- Jonathan Wolff. *An Introduction to Political Philosophy*. OUP. (multiple editions). Chapter 2 is especially relevant for you.

Another comparable source is:

- Will Kymlica. *Contemporary Political Philosophy: An Introduction*. See chapter 4.

I hope that's ok. With reading, the more you more you put in, the more you'll get out.