Day 11: Solutions: Facts and Rights

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Road map

- Discuss how facts (persuasion) and rights are presented as solutions to policy problems
Solutions

- Incentives
- Rules
- Facts
- Rights
- Powers
What makes for a persuasive argument?

When was the last time someone persuaded you? How did they do it?
Two Faces of Persuasion

**Enlightenment**
- Educating, discussing, informing
- Conflict over facts

**Indoctrination**
- Manipulation and loss of agency
- Conflict over values
A Continuum

Enlightenment

Indoctrination

Where do we draw the line between legitimate and illegitimate persuasion?
Facts in the Polis

- Socially produced
- Competing representations of reality
- The scientific ideal and pseudo-science
Strategies for presenting facts

Negative:

**Moral crusade-as-science**
Use of pseudo-science to support moral assertion

**Put-research-in-doubt**
Purpose-driven presentation of facts/research
Strategies for presenting facts

Negative:

Moral crusade-as-science
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Positive:

Information disclosure
If citizens given the proper information, they will make good decisions

Present social norms
May have greater impact than information
Indoctrination

Definition

1. Carried out by single gov’t authority
2. Intentionally manipulative
3. Designed to secure interests of the indoctrinator
4. Deprive citizens of their capacity to make independent, reasoned decisions

Stone’s Alteration

- Strike gov’t
- Business and government examples
Indoctrination in the Internet Age

Think about these questions for a few minutes, then discuss with another student:

- What are Stone’s claims regarding business and government indoctrination (pgs. 324-330)
- Does the Internet undermine her claims?
- If so, how and to what extent?
- If not, why?
Rights

What is a right?
Right to Privacy?
Two Traditions

Rights claims are ubiquitous in politics

Positive Rights
A right is a claim backed by the power of the state

Normative Rights
Rights derive from something higher — morality, religion, rationality, natural law — and do not need to be claimed
What rights do people ask for?

Procedural rights
- Define the process for making important decisions, but not the outcome

Substantive rights
- Define specific actions and entitlements
- Negative: Freedom from restraint; no second party required
- Positive: Provided by a second party
How are rights claimed?

1. Official statement of the right
2. Establishment of a grievance process
3. Selection of a remedy and enforcement
Modes:

- Statutory law
- Administrative law
- Common law
- Constitutional amendment
Grievance adjudication

- Litigation in the courts and bureaucracy
- Two sides and a “neutral” third party

“Judges are like umpires. Umpires don’t make the rules, they apply them. ... And I will remember that it’s my job to call balls and strikes and not to pitch or bat.” (John Roberts)
Remedy and Enforcement

- Responsibility of rights-holder to claim harm
- Needs backing by threat of force
The Basis for Legal Rights

Normative
- Claims need moral weight

Sociological
- Right justified by moral change

Political
- Power and resource disparities between the sides
- “Repeat players” vs. “One-shotters”
Do Rights Work?

Rights are about playing the long-game. May not appear to work right away, but can have profound change on society.