

Phil 116, January 22 and 25, 2010
Simmons, *Moral Principles and Political Obligations*

Political obligation = a moral requirement to support and comply with the political institutions of one's country of residence.

Qualifications:

- The fact that I have a political obligation to X does not entail that I ought to X, all things considered...
 - *Example:* Running a red light to get my child to the hospital.
- ...and the fact that I do not have a political obligation to X does not entail that I ought not to X, all things considered.
 - *Example:* Murdering innocent, German, non-Jewish children in Nazi Germany.
- Political obligation does not need to have a *single justification*; it may have several.
- Political obligation does not need to be *universal*. It may turn out that some residents of a state have political obligations, whereas other residents do not.

The particularity requirement: political obligations are *to a particular* set of political institutions.

- *Example:* Why don't I have obligations to pay taxes to or serve in the military of the Swedish government?
- This means that political obligation depends not (only) on the *character* of the government (e.g., whether it is just), but (also) on *my relation* to it.
- What constitutes that relation: choice, residence, personal history?

Consent theory: a citizen's political obligations arise from his or her performance of a voluntary act: such as a promise, contract, express or tacit consent.

- Consent is not necessarily a *sufficient* condition of political obligation. There may be inalienable rights; one may be unable to obligate oneself to an arbitrary power, sell oneself into slavery. (Simmons suggests that there is a tension between inalienable rights and consent theory, but it is not clear that there must be a tension. *Example:* Hobbes.)

Historical Context:

- Opposed to *divine right theories*: political authority, and so political obligation, determined by God's will, not by choice.
- "*Naturally*" free: no one is obligated to any man-made authority (contrast divine authority) unless he or she chooses to obligate him- or herself.
- Consent *protects one's interests* from the state: Either because one will choose to obligate oneself only when this serves one's interests, or because the fact that one has consented means that one is doing it to oneself.
- The state is an *artifact*, created by consent to serve the interests of the citizens, rather than something natural.

Appeal of Consent Theory:

1. “Consent theory respects our belief that the course that a man’s life takes should be determined, as much as possible, by his own decisions and actions”
2. Promising is clearly a ground of requirement.
3. Satisfies the particularity requirement.

Tacit Consent:

The basic problem: “Most of us have never been faced with a situation where express consent to a government’s authority was even appropriate, let alone actually performed such an act.” So try *tacit consent*.

Example: “I’m cancelling the final. Any objections?”

Tacit because nothing is done: one simply *doesn’t* dissent.

Consent because:

- (1) one knows what obligations one is undertaking by not dissenting,
- (2) one knows how to express dissent and be given an opportunity to do so,
- (3) one knows the deadline for expressing dissent,
- (4) it is easy for one to express dissent, and
- (5) it is not too costly for one to express dissent.

Locke’s account of tacit consent: “Every man, that hath any possession, or enjoyment of any part of the dominions of any government, doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government.” In other words, *merely being in the territory* counts as tacit consent.

Objection: Violates (1)–(3). In particular, most people don’t know that they are giving consent.

Reply: Why not give people a formal choice to stay or go (like speaking up if one wants to keep the final)?

Objection: Would still violate (4)–(5).

Hume: “Can we seriously say, that a poor peasant or partisan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her.”

Reply: What if the government pays the costs of emigration?

Objection: But many of things that one most values—family, friends, culture—can’t simply be moved or compensated for.

Rawls' natural duty of justice:

“First, we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves.”

- Does not require consent.

What does “apply to us” mean?

Example: the “Institute for the Advancement of Philosophers”

- Benefits philosophers.
- Costs are justly distributed among those who bear them.

Applies weakly: I meet a morally neutral description. I am a philosopher.

- But “I am not morally required to go along with just any institution which ‘applies to’ people of descriptions which I happen to meet, even if these institutions are just.”

Applies territorially: Like a state.

- Again, I am not morally required to follow its rules. “For the thing which makes the institution apply to me here is the simple fact of my birth and growth in a territory within which the institution’s rules are enforced; but my birth is not an act I perform, or something for which I am responsible.”
- Does this beg the question?

Applies strongly: I have done things that tie me to the Institute: express consent, or accepted of benefits.

Dilemma:

- Either it applies territorially, in which there is no obligation...
- ...or it applies strongly, in which case it doesn’t apply to many people.

Why not drop “applies”?

- There *is* a natural duty to support just institutions everywhere, whether or not they apply to us.
- But this natural duty isn’t *political obligation*, because it doesn’t fulfill the *particularity requirement*. For that we need a special relation, like “applying to” us.

Anarchy?

Recall, the fact that one has no *political obligation* to X does *not* imply that it is not the case that one *ought* to X. Other reasons to X:

1. Natural duty to support just governments.
2. Duties to do what the law requires, whether or not the law requires it (e.g., not to murder, rape, etc.).
3. Duties or reasons to do what most people do (e.g., drive on one side of the road), and what most people do may depend on what the law requires. (Coordination problems.)

But we have these *same* reasons to obey *foreign* laws (e.g., the laws of Sweden).

There are certainly better and worse governments: governments more or less just and beneficial to their citizens. *But* if there are no political obligations, then there are no *legitimate* governments: no governments with a right to command its citizens and whose citizens have a corresponding obligation to obey.

The fact that a government *lacks a right to command* does not imply that government is *not permitted to act*:

- “rights violated by its actions may not be as important as other considerations, such as the need for order.”
- And does government action, such as coercion, *even violate rights*? From the fact that the government does not have a right to command (i.e., citizens have no obligation to obey), it does not follow that it does not have a right to coerce (i.e., government is required not to coerce).

Simmons’s last word: “If we have blindly complied [with the state] in the belief that by doing so we discharged our obligations, we have erred doubly. For, first, most of us have no special obligation of obedience. But second, even if we had such an obligation, the citizen’s job would not be to blithely discharge it in his haste to avoid the responsibility of weighing it against competing moral claims on his action.”