



Exploring Philosophy - Audio

Two theories of political obligation

Winifred

In this audio recording Avia Pasternak of University College London discusses two theories of political obligation with Jon Pike, the author of Book Six.

Avia Pasternak

The problem of political obligation is a problem that is probably as ancient as political philosophy itself. We have reflections upon this issue already by Plato and the reflections on this question really go up to this very day. So and as you can imagine in this very long and debate several answers or several proposed theories to why it is that citizens have political obligations and I want to mention two of these theories that provide relatively good answers to this question although each of them has its own problems. The first theory is what is called the consensus theory and according to this account citizens have the obligation to obey the law because they have somehow consented to the authority of the State. So in a way the argument is similar to the idea of making a promise. If I made a promise to my friend that I am going to meet her at five o'clock this afternoon I have an obligation to meet her at five o'clock this afternoon and if I for some reasons did not make it to our meeting let's say I just forgot about it then I've done her something wrong. Now the fear of consent of political obligation kind of transfers this model to the level of the State and says that citizens have consented to obey the law and that's why have an obligation to obey the law. Now of course a very immediate objection to this argument is that citizens actually do not consent, at least not explicitly, to the authority of the State. I think that none of us really has ever been asked by the State do you consent before we ask you to obey the law. And there might be some exceptions to that. Maybe people who immigrate to a certain country by the act of immigration consent to the authority of that of that country they immigrated to but these are really the exceptions rather than the rule. So but the theory of consent does have a reply to that problem and the reply is to identify in the behaviour of people, of citizens in a liberal democracies identify the behaviour of certain features that amount to a consent. So one example would be to say that citizens do not leave the State. If you don't leave that means you're happy. That means you are consenting to the deal that you've been given. Another example is that you accept the benefits that the State is giving you you know. As citizens we use the roads that public authorities have paved. We send our children to the schools that the public education. We use NHS services and so on and so forth. By accepting all these benefits I might say we are in fact giving the message that we are consenting to the authority of the State and another example that is particularly relevant to liberal democracies is

participation of the political process. If I vote for a certain party, if I participate in the elections, or at least if I don't protest against the process, that means that I am consenting to the process and to the outcomes that are generated from it. So that's the consensus theory. An alternative theory of political obligation is called the fair play theory. And this approach doesn't focus so much on what citizens have consented or not consented to. It doesn't focus so much on the citizens but rather it looks at features in the State itself that justify political obligation to it. And again specifically if we focus on liberal democracies so you might say that liberal democracies systems of social co-operation in which the individuals cooperate together and this co-operation yields certain benefits of which everybody enjoys. So for example I mean very crudely you might say well pay taxes. The State uses these taxes in order to provide national security in order to provide health services and so on and so forth. Different type of public good. Law and order and so on. We as citizens enjoy the benefits of the State and therefore for that reason we should participate in paying for them. If we decide not to pay, if I say I am not paying the taxes I basically would be free riding. I would be taking advantage of those other citizens who have done their share, who have done what they're supposed to and I'll be treating them unfairly. So the argument is if you enjoy the benefits of this social corporation if you enjoy the goods that are coming out of it you have to pay. You have to give your share. Not doing that would be basically free riding, would be treating others unfairly. So that's an alternative view of why we have political obligation

Jon Pike

Okay. Thank you very much. That's very clear. So there's these two accounts and then there are some other accounts. But each of them seems to have their limits. You've said that the consent account seems to rest on us consenting to the State and the State's authority but we can't think of an occasion on which we've actually, most of us, given that consent. And then there's a fair play account where we receive benefits from the State and we are thought to owe obligations in response to those benefits. But it's the case that I receive benefits from all sorts of things from it being a sunny day and that doesn't generate obligations in any straightforward way. Leaving those limitations aside we've got an idea of some of the reasons why we might be thought to have an obligation to the State but I take it that you think that obligation isn't absolute. That there are some times when you shouldn't obey the law just because it is the law. Could you say something about what those occasions are what the limits are of our obligations?

Avia Pasternak

Yes of course. Probably any theory of political obligation whichever one you think is the most convincing it must be the case that every theory of political obligation should leave some room for cases where citizens are justified and maybe even required to disobey the law otherwise it would be too monolithic theory of political obligation. Now we can think of different cases which we can think that disobedience to the law is justified but I think the most

clear cut and probably the most important one is when the State endorses a deeply and clearly unjust law. And of course we should realise and we must accept the fact that even a reasonably just liberal democracy would make some unjust policy decision a theory of political obligation therefore obliges us to obey the law even if we think the law is unjust or we disagree with it. In fact this is the whole point of a democratic process right. We have different groups that have different ideologies, different conceptions of justice maybe and the democratic process helps to decide which of these conceptions is going to win. So there is bind to be a minority that disagrees with the decision accepted. Nevertheless there would be cases where injustice is so clear and so profound at least in the eyes of some that its justifies and might even require that citizens disobey to that law. So if citizens feel that the law is utterly wrong for example because it violates the very core of democratic ideals. Think for example a law that is ver racist against certain groups that are within the society. Or it might be a law that causes deep harm and acute harm to groups outside the political community. Think for example about the state deciding to declare an unjust war against another political community. In those cases you might say we don't have a political obligation. We don't have the obligation to obey the law. I want to give you one –

Winifred

So you define it in terms of scale, the scale of the injustice is the crucial thing and you would put attacking a foreign power unjustly as being of such a huge scale compared with the ban on fox hunting that that would provide a justification

Avia Pasternak

The scale can definitely be one of the reasons, one of the criteria for defining when the justice is so - deep and the injustice is so deep that it would justify disobedience. It doesn't have to be though on a very large scale. Think for example of if you have a democracy in which there is a very small group of a minority, a very small minority group let's say a very small proportion of the population which the state decides to severely discriminate

Winifred

So scale is the wrong word. The size of the injustice itself

Avia Pasternak

It is the size of injustice itself, yes

Jon Pike

Dr Avia Pasternak thank you very much.