



Multiculturalism Bites

John Horton on Political Obligation

David Edmonds:

Imagine that a government outlaws the way a particular religious group slaughters animals for food – on the grounds of animal cruelty? Or to put the scenario more generally: what happens when you belong to a minority group that disagrees with the national laws - laws that reflect majority opinion? Should you accept laws with which you profoundly disagree? It's widely assumed that members of minority groups who find themselves in this situation have an obligation to obey the law and to be loyal to the state. But why? And if they do have such an obligation, what is its source? These are notoriously tricky questions in political philosophy, questions which Jon Horton, of Keele University, has spent much of his academic life trying to answer.

Nigel Warburton:

John Horton, we're talking about political obligation. Could we just begin by saying what political obligation is?

John Horton:

Like many issues in philosophy, political obligation is open to more than one interpretation, but in essence, it's about the responsibilities or obligations that people have by virtue of their being members of a particular political society.

NW:

So are those legal obligations?

JH:

They may include legal obligations, but they also have to be understood as moral obligations in my view. To understand the legal obligation as a moral obligation is to understand oneself as not merely being legally required to undertake some action, or not to undertake some action, but to be morally required to do what the law dictates.

NW:

Could you give an example there or something which is morally obligatory?

JH:

We are required to do many things as citizens of our polity: paying our taxes, not violating all kinds of laws in our society, but it might also include other things which are not legally compelling but may nonetheless make moral claims on one to support the institutions of one's polity to perhaps support their country in times of war whether or not there's compulsory for description, these kinds of things.

If one dispenses entirely with the idea of political obligation, one is left with a serious problem, it surely is not sufficient simply to leave it to people to make their own decisions about which laws they want to obey, which authorities they want to obey when, and such like. It seems to me that such a view is clearly impossible, so there has to be something which explains why we have obligations, particularly in relation to the law, but also other kinds of obligations that we have as members of a community. Why do we support the members of our community who fall on very hard times, for example?

NW:

Where does any political obligation come from?

JH:

Well that of course is the big question. There are number of attempts to explain political obligation. I won't try and rehearse them all here, but just mention a couple of the most

important ones and the one that I favour myself. One very popular explanation of political obligation is that we have to have consented to be a member of a political society: that is, we have made some voluntary agreement to be a member of a political society. Now, if that was indeed the case that would seem to be a very good ground for political obligation. It would make it like a promise. So if you've promised to do something, you should do what you've promised to do; if you've given an undertaking to obey a state then that's what you should do. The problem is, of course, that it's hard to find in most of our lives anything which counts as an act of promising or an analogy to promising towards the state.

NW:

Obviously there are some cases where people coming in to become a citizen of a country are obliged to swear allegiance to that country. So that would be an example of an actual promise...

JH:

Yes, there certainly are such examples. Even in such examples though, philosophers have questioned whether the conditions under which such undertakings are made are really sufficiently voluntarily to count as genuinely obligation-binding. For example, because immigrants have come because their lives are threatened in their own country, or they're suffering starvation, or severe economic deprivation, in which case the choice that they have is extremely limited.

NW:

Okay. So setting aside any issue about a tacit promise or an implied promise, are there any other options in the field?

JH:

Yes. Another idea is that we have what's called a natural duty to obey a legitimate government, that is, a government that meets certain moral criteria, provides perhaps certain benefits, secures justice. If it provides these goods, then we have a natural duty to obey such a government. Morality requires us to support what is just. You have a duty to do your part in sustaining those arrangements from which you benefit; otherwise you would be what's called a free-rider, that is, someone who simply gets the benefits but is unwilling to pay the costs or make their contribution.

NW:

So the situation is that if you're part of a just society, and thriving in that, you have some kind of natural duty to give back your obedience to the state?

JH:

Yes. An obvious example would be law and order. If you benefit from the law you want to resort to the law when your property, for example, is stolen, then you should expect not to steal other people's property and to obey the law.

NW:

So how does that rate? Is that a good solution to the problem of political obligation?

JH:

It certainly has merits. But I think it's not entirely convincing because many states are flawed and some states are flawed in quite fundamental ways, and the danger here is that one sets the bar too high, one demands too much from the state, and it also perhaps leaves it too open to people to make individual judgements about whether or not the state is a good one. It's not entirely clear what reciprocity amounts to; and also reciprocity may be unequal. So some people seem to benefit much more: laws to do with property, for example, seem, perhaps, to benefit the rich much more than they benefit the poor. So the poor might think, 'Well, why should I support laws which benefit the rich much more than they benefit me?'

NW:

So I could be a victim of society and feel, well, I'm a victim: there's no natural obligation of reciprocity for me - that might be for the rich person and his car but I'm on the streets.

JH:
Yes.

NW:
So that theory isn't going to work for all cases of political obligation if you believe that every member of a society has some kind of obligation. So where do we go from there? Is there a plausible account?

JH:
It is perhaps very difficult to come up with a single account which will explain everyone's obligation because I think there are always special cases. We talked earlier, for example, about immigrants. But the most problematic cases of political obligation seem to be where people are simply born into a society, make no kind of explicit undertakings, may not be the principal beneficiaries from that society. What would ground their obligations? I favour a view which is sometimes called the associative theory of political obligation: political obligations derive simply from being a member of a political society. You do have to derive some benefits from being a member of political society. So if you're a persecuted group you would not have political obligations. But it does not have the demanding standards that are required by reciprocity. And it's very hard to argue that most members for example a society like ours do not derive significant benefits from being a member of that society even if there is much with which they disagree. They have order and security, they have an economy, there are all kinds of social goods which they benefit from. So the idea that they don't benefit at all, even if they think it, is not terribly plausible.

NW:
How would you persuade somebody who felt that they didn't have any obligations to society that in fact they do?

JH:
I think one way of getting people to reconsider such a view would be to think of a comparison with the family, for example. Overwhelmingly people accept that merely by virtue being born into a family they have obligations to that family: they have obligations to care in some ways or other for their parents, for relatives, and such like. Almost nobody treats members of their family in exactly the same way as they treat people who are not members of their family. I think to some extent one can view a polity similarly. We are a member of this polity, we derive very specific benefits from being a member of this polity, and therefore we have certain corresponding obligations or duties.

NW:
In the context of multiculturalism though, lots of people don't feel like that: lots of groups within society feel that they are oppressed by the laws of Britain and actually their consciences demand that they oppose some laws which from that perspective seem unjust.

JH:
Yes. I think though we shouldn't necessarily think of this exclusively as a multicultural issue, that you don't have to be a member of a cultural minority to find some of the laws of your own society unacceptable in some way. But you're right that this issue often becomes particularly acute with some cultural groups or religious groups within society. But even those groups, there's a danger again of exaggerating the extent to which they feel detached from or different from the society. Most Muslims, there's ample evidence, do feel part of British society, but it's a kind of complex feeling. There are clearly elements of British society that they find alienating and there can be policies that the British government pursue, for example, that they also find unacceptable. But I don't think it's the case that they see themselves as entirely detached from the British state. In so far as they do, or if they do feel that, then I think there is indeed a serious problem.

NW:
But there are classic examples like the case of Sikhs wearing - or not now wearing - motorcycle helmets where there was a direct conflict between a religious belief about dress and the laws of Britain. Take something like gay marriage: many liberals think that's a logical

extension of giving legal protection to heterosexual couples. We should get to the point where gay marriage is accepted in British law, and yet many religious groups feel that it's complete anathema.

JH:

Many of these issues can be negotiated in a way that can be found satisfactory both to the dominant community and to the minority community. In the particular case that you mentioned, a way forward at least has been found through the idea of civil partnerships which give gay couples essentially the same rights as married couples, but do not directly involve the institution of marriage which is thought to be particularly sacred by some religions. I think there also has to be a place in society for communities, religious groupings, to have their own rules in relation to those groups.

NW:

Why? Lots of religions have absurd customs that have been generated historically but have no rational underpinning.

JH:

Groups can be constituted for all sorts of reasons. They can engage in all kinds of activities. Some people think that going to watch football is an absurd activity: watching 22 men kick a ball around. Is that an irrational activity? I don't know. But it certainly generates intense loyalties and such like, and I wouldn't want particularly to seriously interfere with it. We do not have mixed football for example. It seems to me that it's perfectly legitimate for the authorities that regulate the game to make decisions in this matter; and I think it's entirely appropriate for the Catholic church to make regulations relating to certain relationships that are constitutive of the Catholic church itself.

NW:

That sounds like form of relativism where every view is equally acceptable. But here's an example: some kinds of slaughter of animals which is prescribed by religion is far more cruel and causes greater suffering to the animals than conventional slaughterhouse methods. Now, seems to me that that's a good reason for outlawing it. Forget that it's religious: it doesn't matter.

JH:

I think you're right there's a problem in that kind of case. I'm not so clear that the answer is obvious. I think you have to make some judgement about the relative significance of animal suffering and the significance of the relevant religious belief. I'm not, incidentally, committing myself to some kind of general relativism. If the Catholic church were suddenly to decide that child sacrifice were to become an acceptable practice, it would not be an implication of this view that therefore one must just let the Catholic church go ahead with child sacrifice.

NW:

Now, I can see that those moral obligations and legal obligations could easily come into conflict with somebody's conscience. And in Britain particularly, as a multicultural society, we have groups within Britain who disagree about some of the laws that they are actually compelled to obey. What happens there? Do you just say 'Look, you are a member of this society, you simply have to obey the law of the society.'?

JH:

I guess there are a range of options that are available. It has, for example, in the past been possible for some people who have conscientious objection to fighting in wars to be given some legal exemption to this after some rigorous test of the veracity of their conviction. But obviously that will not always be possible.

This raises is the important question of exactly what our political obligations are. The standard view is that political obligation is straightforwardly an obligation to obey the law. I think we need a slightly more sophisticated account. I think generally political obligation will take the form of obeying the law. But there are ways in which one can acknowledge, in some sense, the authority of the law, that it's legitimate, it's properly made, and so on, but still believe that one has a higher duty for whatever reason not to obey that particular law.

This account is quite consistent with people having other obligations. How ultimately they are to weigh their political obligations with these other obligations or more duties, however they want perceive them, is ultimately a judgement that has to be made from their point of view. But if they do decide for example that their religious duty is more important in a particular case than their political obligation, this does not of itself show that they're rejecting the whole idea of political obligation.

NW:

Well what happens, then, if you have religious minority who constantly feel that their duty to God trumps any other kind of obligation, and that brings them directly to conflict with the law?

JH:

If such a conflict is persistent and ongoing, one has a very serious political problem. There have, of course, been instances of societies which have been fundamentally divided and there are ways of dealing with that problem politically, secession for example: you simply divide people off in to different societies. But of course that can only be done really where there's some geographical distinction between the groups.

NW:

From a practical point of view in most countries in the world there are a range sub-cultures within each country and secession isn't a practical possibility. What happens there?

JH: But in most countries the extreme situation that you described earlier doesn't hold. The communities are not persistently and on a wide range of issues in conflict with the wider society. It tends in truth to be a relatively limited range of issues which create the conflict. If there is this ongoing fundamental conflict then I think there just is a serious problem, and I'm not immediately clear that philosophy can provide the answer to it.

NW:

John Horton, thank you very much.

JH:

Thank you very much. It's been a pleasure.