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But the scientist classified it for what it is  
thus it wasn't duck.

Week 3

Part I

Lesson 1: Do we have an obligation to  
Obey the law?

Political philosophy examines the relation  
between states and their citizens.

- 1) Problem of Political Obligation
- 2) Solution to the problem
- 3) What if the problem can't be solved?

The states make multiple demands on  
us — to pay taxes, jury calls,  
for providing information and to  
fight in wars.

Do citizens have to obey the state &  
obliged to its laws?

This is answered by political obligation

The problem of Political Obligation

An explanation of why we have an  
obligation to obey the state and its  
laws

What does it mean to obey something?  
We need to understand the grounds

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of political obligation.

Obeying the law  $\neq$  Complying

law tells you to pay income tax.

$\rightarrow$  Comply = you pay the income tax

Doing what the law commands

$\rightarrow$  Obeying = paying your taxes because it is law.

Doing what the law commands because the law commands it

It's easy to have obligations to comply with the law because of the after effects you suffer by not complying with them.

like in Nazi Germany you would have obligations to comply with the law because of the bad things that may happen to them or their family.

In a problematic state, it's not the case that the laws make it legitimate and so perhaps citizens don't have obligations to obey those laws

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they don't have to act in accordance <sup>at all</sup> because the law commands it

## The Grounds of ~~Moral~~ Political Obligation

The grounds of political obligation are the facts that gives citizens the obligation to obey the law.

They generate the obligation to give rise to it.

### Gratitude & Benefit

~~stated by Socrates in Platonic Discourses~~

According to the gratitude & benefits accounts of political obligation

we're obliged to obey the state

because of the great benefits

the state bestows upon us thus,

(Utilitarian View) it is out of gratitude that you oblige the law.

### Benefit Theory of Political Obligation.

- Citizens are obliged to obey the state because of the benefits it has bestowed upon them.

plausible defense  
roads, healthcare etc

We can break this down to:

- 1) Citizens are benefitted by the state
- 2) Because of this, they have an obligation to obey it.

→ things are a little less clear

- ① Does being benefitted always generate obligations?
- ② Does being benefitted generate obligations to obey the benefactor?

### Answers

① Suppose a random person washes your car really nicely but you didn't ask them to.

Do you have any obligations?

- To pay money
- To say thank you

Bestowing any benefit upon someone isn't enough to set grounds for the obligation of another person to obey you.

② Suppose we have lunch and I pay for it. Seems clear you have an obligation to say thank you but you still don't have any obligation to obey me (unless

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I am your sugar daddy).

Thus, this claim is false as benefitting someone doesn't generate an obligation to obey the benefactor. At most, there are only obligations to express gratitude.

So if we have an obligation to obey the law, then it must be something more than just the benefits of obeying the law.

## Lesson 2

### Consent

Another account for political obligation closely associated with Thomas Hobbes & John Locke states

it is the consent of the government that generates an obligation to obey the law.

### Consent Theory of Political Obligation

We have an obligation to obey the

State because we have consented to the state and to having such obligations to it.

One thing attractive about consent is that it could mean being very powerful and capable of generating extensive obligations

When you consent to pick me up from the airport you incur the obligation to do so.

When you consent to taking part in medical research you incur various often ~~sundown~~ onerous obligations such as the obligation to refrain from eating or drinking for certain periods.

If you consent to religion then you incur the obligations of that religion

Why doubt consent theory?

① Insufficient ppl have given consent  
Plausibly, only those who gain the state through immigration have as

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adults have actively consented to being bound by a state's laws. Most ppl haven't thought of the issue so they can't say they have given their consent to the state. Thus, this obligation only applies to a limited range of people.

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- ② consent only generates obligations if one is able to withhold consent.

Restriction on consent is that it only generates obligations if one were to withhold it. When there's no possibility of withholding consent there's no effective consent.

When applied to the problem of political obligation we might worry there is no way in which citizens can withhold consent from the state so no possibility of consenting to it.

After all, what would it be to refuse consent to the state?

One can't just send a letter to the government refusing consent to being governed! So, if we have no ability to refuse or withdraw consent, then arguably we

can't consent to the state given that we have no effective alternative.

- ③ Too easy to avoid or escape the obligation to obey the law by refusing / withdrawing consent.

If consent is the ground of political obligation and we can revoke or withdraw consent, then it seems very easy to avoid the obligation to obey by simply revoking consent or by withdrawing it. Such an obligation can easily be sheng off.

How would a consent theorist defend

- ① Problem : Insufficient ppl have given consent.

Reply : There are 2 kinds of consent :  
(how consent is communicated).

- Expressed consent : openly & directly by explicitly saying one consents to something.
- Tacit consent : within a context it is understood that that constitutes giving consent

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Ex: you're told that going into the classroom is to consent being filmed in the classroom, then going into it you've given consent.

When too few ppl actually consented but if to political obligation but if one can tacitly consent to being governed by the state and acquire the obligation to obey the law then perhaps ppl have in fact consented.

It may be true that they haven't explicitly consented or sworn allegiance but perhaps in our actions we give tacit consent to the state.

These actions we like voting in elections, using public services or our continued presence in the state.

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② Problem: Consent only generates obligations if one is able to withdraw consent.

Reply: Refraining from actions is a way of tacitly withholding tacit consent.

This can be alleviated by saying you participate in actions like voting, public services etc. etc.

And perhaps one can revoke consent by refraining from those actions.

③ Problem: Too easy to avoid or escape the obligation to obey the law by refusing/ withdrawing consent.

Reply: Not easy to revoke tacit consent.

If consent is given by voting in elections or remaining within a territory then it isn't easy to revoke your consent.  
f.

Tacit consent might never be a way of backing the consent theory

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but to fully assess the situation we need to know why how tacit consent is given & what might constitute tacit consent to the state?

So far we've said elections, public services or being within the state. But each of these poses a problem.

① Most ppl don't vote.

And in states that never have high turnouts they are compulsory democracies.

In virtue if ppl don't withhold consent then they aren't really giving tacit consent.

Then, this consent would only apply to the few citizens that vote.

② Public Services.

Here we face the problem that even though most of us use public services we are given very few choices of whether to do so.

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One can't easily avoid using the roads.

### ③ Remaining within the state

Here we get a similar problem as in the case of public services. Many people have no effective alternative to remaining within their state like financial restrictions, strong ties to their current state. And even if you can leave your current state, they might have little or no alternative of being in another state.

Thus, tacit consent doesn't hold

## Fairness

### Fairness theory

Citizens are a part of cooperative schemes that are mutually beneficial & fair.

Because they are part of such schemes

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they have the obligation ~~then do~~ to obey the rules of those schemes or enterprises.

Ex: Say washing up scheme.

You stay in a house with 6 other people. Each person washes the dishes one day of the week.

It's Sunday, you have an obligation to working up because you're part of a fair scheme of cooperation and doing the dishes is a necessary part of that scheme to assure its continuation.

### Fairness theory

- Has similarities to the benefit theory

it differs from benefit theory as its benefits are only delivered through mutually beneficial cooperative schemes

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This theory can explain why we don't have any obligation to obey in unjust states even if such states happen to benefit us.

We lack the obligation because such states credit themselves fair, just, cooperative schemes.

## Weaknesses of Fairness theory

- ① One typically joins cooperative schemes by choice.  
(like in the washing up scheme)  
you give consent to washing once every week).  
But states aren't like this at all. We're born into states and have no choice whether or not we want to be a part of them. As we saw earlier in the consent theory...
- ② we're limited in our ability to leave the state.

Fairness theory in political obligations is "inapplicable in the case of states as obligation - generating cooperative schemes

are things that one must actively join whereas one automatically becomes a member of a state at birth.

~~None~~

We discussed 3 theories and none of these theories have been decisively objected, each has its merits and objections.

What if the problem (of political obligation) can't be solved?

If it can't be solved then philosophical anarchism is true.

Philosophical anarchist

→ Not the same as a political anarchist. They are much less revolutionary.

Political anarchists typically think that states are illegitimate and should be overthrown. By contrast, philosophical anarchist simply hold that ~~obligation~~ we don't

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have an obligation to obey the law. They needn't have a view about whether we ought to resist or overthrow the state and they typically grant that we might have really good reasons to comply with the law.

→ We may have good reasons and obligations to comply with the law.

Reasons like it would cost ourselves and other ppl if we break them.

→ But we don't have an obligation to obey the law because the law commands it.

Could there even be a state where there is an obligation to obey the law. This shows how questions about political obligation are tied to interesting political obligations about the nature of states and why & when they are legitimate.