

1. What is political obligation?

A provisional question: what obligations do I have as a citizen?

Am I obligated to obey the state, its laws, and those who enforce the laws?

By “state” I mean: a central governing body and its subsidiary institutions that have the authority to coerce compliance to law from a community of people within a given territory

Consider: are acts of civil disobedience always wrong?

Trivially true answers to these questions are not what we’re looking for
e.g. “I have an obligation to comply with police because it would be illegal not to”

We are looking for the answer to a more fundamental question: is compliance with the state not just legal, but in some more profound sense “the right thing to do”?

2. Hobbes’ state of nature

One way of approaching the question of PO is to ask: what would life be like if we didn’t comply with the law?

The social contract tradition asks: what would life be like if there was no law at all? Such a life is known as the “state of nature”

Hobbes’ picture of the state of nature has 5 important features:

1 *SCARCITY* – resources necessary for survival are scarce enough to generate competing claims to those resources

2 *EQUALITY* – all people are sufficiently equal in power to prevent anyone from feeling invulnerable to threat

3 *FEAR* – all are constantly afraid of attack

(Objection: is this grim view of human nature warranted?)

Counter: consider the measures we take for security *within* the protection of the state)

4 *WAR* – all people are constantly prepared for violence

1 – 4 amount to a condition in which life is “solitary, poore, nasty, brutish, and short” (Hobbes, *Leviathan*, Part 1 Chapter 13)

5 *LAWS OF NATURE* – principles of rationality, the most fundamental of which is:

“that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war” (Hobbes, *Leviathan*, Part 1 Chapter 13)

3. Hobbes’ argument for the state

Surely there is reason to want out of Hobbes’ state of nature!

But why is the state the answer?

Hobbes’ argument:

- The state of nature is a state of perpetual threat of mutual destruction
- The fundamental law of nature compels us to find a way out of this situation
- The natural way out of this would be to make an agreement in which all commit not to take up arms against others
- But why would anyone make such a contract if they are suspicious of everyone else?
- Answer: collectively authorise an institution with the power to enforce the contract
- That institution is: **the state**

4. Hobbes and Political Obligation

Hobbes argues that the law of nature compels us to seek safety
And that safety is found with the state

Since the law of nature is a principle of rationality

Hobbes’ argument for even having a state is an argument from rationality

i.e. according to Hobbes, **living within the constraints imposed by a state is right because it is rational**

NB: Hobbes does not argue that states have in fact been founded on the basis of social contracts

Hobbes’ social contract is hypothetical

His thesis is: **if** we were in a state of nature, it would be rational to consent to the creation of a state, and to authorise that state to use force to uphold the law

5. What kind of state?

Hobbes argument concludes not just with any state, but with **absolute monarchy**
The state is established to keep the peace by enforcing the agreement to peace
The state best placed to do this must have two features:

1. No separation of ruling powers

If there was a separation of powers the possibility of intra-governmental conflict – and with it civil war – is ever present

2. The government must not be accountable to the law

If the sovereign is accountable then challenges to their authority are always possible, and could bring civil war

(If you think this is mad: remember the historical context)

6. Objections to Hobbes' social contract theory

Objection 1:

Foreign non-citizens passing through the territory of the state have not been part of the agreement

Therefore the state has no right to force non-citizens to keep the peace

Counter: the contract is hypothetical, and it is enough that it would be rational also for the non-citizen to consent to the authority of the state

Objection 2:

The state might be biased in how it interprets and enforces the law

Counter: lack of objectivity in the state is preferable to the state of nature

Objection 3:

Hobbes' proposal replaces a war of all against all with a war of tyrant against citizens

As John Locke would have it, to think that we would accept absolute monarchy would be to think...

“that men are so foolish that they take care to avoid what mischiefs may be done them by polecats or foxes, but are content, nay, think it safety, to be devoured by lions.” (Locke, *Two Treatises of Government*, second treatise, chapter 7, section 93)

Counter: it is in the state's interests to not “devour” its citizens

Recommended further reading on political obligation:

The 'Political Obligation' entry by Richard Dagger in the *Stanford Encyclopedia of Philosophy*, available online:

<https://plato.stanford.edu/entries/political-obligation/>

Plato's *Crito*, a translation of which can be read online at 'Perseus':

<https://bit.ly/2B1vX47>

Wolff, Jonathan, *An Introduction to Political Philosophy*. 3rd ed. (Oxford: Oxford University Press, 2016), chs. 1 & 2.

Recommended further reading on Hobbes:

Hobbes, Thomas, *Leviathan*. Various ed., chs. 13-18. Oxford World's Classics ed. available online at:

<https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=12309&site=ehost-live&scope=site>.

Rawls, John, *Lectures on the History of Political Philosophy* (Cambridge, MA: Harvard University Press, 2008), pp. 23 – 40 Also available online at:

<http://doi.org/10.1017/CBO9781139047388.003>.

Next week: social contract cont., Locke contra Hobbes, critics of social contract theory

Recommended reading related to next week (*inter alia*):

Locke, John, 'Second Treatise of Government', in P. Laslett, ed., *Two Treatises of Government* (Cambridge: Cambridge University Press, 1960; 2nd ed. 1967; Student ed. 1988, or Everyman ed.), chs. 1-4, 7-11, 18 & 19

Hume, David, 'Of the Original Contract', in K. Haakonssen, ed., *Hume: Political Essays* (Cambridge: Cambridge University Press, 1994), ch. 23. Reprinted in E.F. Miller, ed., *Essays: Moral, Political and Literary* (Indianapolis: Liberty Fund, 1985), pp. 465-87. Also available online at: <http://econlib.org/library/LFBooks/Hume/hmMPL35.html>.

Pateman, Carole, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988), ch. 1 'Contracting in'. Also available on Moodle.

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