

## *Humanist in Canada*

Autumn 1986 Number 77 (Vol 19 No.3)

### OBLIGATION, ANARCHISM, AND FOOTBALL

By Bob Lane

It might be useful to consider the questions of political theory, and the language used in the answers offered over the centuries. “How can we explain why it is that the great majority of people seem to voluntarily accept their inequality?” is the central or crucial question in the field of political theory. This question, as Hume noted, comes from the observation that, in fact, it is so easy for the few to rule over the many. Why is this the case?

Sometimes the answer is offered that we have an obligation to obey the State. What is the nature of this obligation? Where does it come from? Can we reduce all political obligation to the application of a formula?

As Thomas McPherson puts it in his book *Political Obligation*: “The philosopher’s interest in political obligation has been mainly in the problem of the grounds of political obligation — that is, in the questions: “Why ought we to obey the government?” (p. 4) And, if we cannot find a ground in political obligation then we have anarchy.

First, notice the difference between:

(1) Why ought we obey the government? and (2) Why do we obey the government?

The answers to (2) are usually in the terms of certain facts: because the government has all the power; because it would be prudent to obey; because the government knows best; etc. But one cannot answer a question about what people ought to do simply by pointing out what they do do. And yet there is a logical relationship between the two questions, a relationship that can be stated simply: ‘ought’ implies ‘can’. We cannot claim that one ought to do something which one cannot do. Philosophers have offered many theories attempting to establish the grounds for political obligation that answer the question ‘Why ought one obey the government?’

I propose to look at several of them now and argue that all are logically flawed. The theories are:

1. Divine Right (St. Augustine or St. Paul)
2. Natural Law (Plato)
3. Contract Theory (Hobbes, Locke)
4. Social Utilitarianism (Bentham and Mill)
5. Naive Anarchism (the marshal’s wife in High Noon)
6. Theoretical Anarchism (Robert Paul Wolff)

An interesting feature of much of political philosophy is that its language is often closer to poetry than to science. Hobbes talks about a social contract but doesn’t want us to look for it. Machiavelli and Hegel tell us the State is an organism but don’t really expect biologists to go looking for a new species. Marx talks of a future time when all will be

well in the language of the prophets of old. Plato uses allegory and myth. There is often a fair amount of urging, commending, cheering as well as arguing.

One problem in discussing these theories is that it would be easy to commit a straw man fallacy in order to easily defeat them. I'm aware of that possibility and my comments do not depend for their validity on the complexity and subtlety of these arguments, but on a rather simple logical category mistake that each makes. You should read these writers yourselves for they are first class thinkers, some of whom are also first class writers.

My first point is this — if we cannot ground political obligation in some way then anarchism rules the day. If there is no answer to the question “Why ought we obey the state?” then everyone has the right to do what ever he or she wants to do since the political rules would not be binding.

To the question “Why ought we obey the state?” the divine right theory answers because it is as if God had given the command. Rulers, it says, are representatives of God on earth and one owes obedience to the laws because those laws are God's laws. We are to obey not because the law is the law but because the law is God's command. The person who has bound himself to obedience by the acceptance of a particular God would have an external ground of obligation to obey all particular laws. Oddly enough this position is not satisfactory because it is too relativistic. What God are we to obey? Khomenie's God? Bush's God? Sharon's God? Think of all the gods who are currently invoked in the bloody streets of Lebanon!

The natural law theory answers that it is as if the laws of the state were like the laws of nature. According to this theory there are certain fundamental principles of right and justice that human reason can discern merely by attending carefully to the propositions asserting those principles. These propositions are claimed to be self-evident truths or laws of nature. This theory often gets a hand by arguing from analogy to the laws of nature discovered by science. One should notice, however, that ‘law’ is ambiguous as in ‘the law of gravity’ and ‘the law which will set our taxes’ for it would indeed be strange to talk about repealing the law of gravity. While the laws of nature are discovered regularities, the laws of states are proclamations. We might counsel our friends to obey the law but we do not counsel stones to obey the law of gravity.

Contract theory answers “Obey the government because it is as if you have entered into a contract to do so.” It was intended to bring out the necessity for government to be based on the agreement or consent of the governed, rather than imposed on them from above. We are to imagine that once upon a time in pre society our ancestors got together to enter into a contract that would assist them to combat a life that was ‘nasty, brutish and short’. “We have to give up some autonomy,” they reasoned, “in order to gain security.”

Contract theory can be seen as a logical outgrowth of natural law theory. If natural law theory is correct about there being basic and unchanging principles of right and justice that are knowable, however, it does not follow that one group has the right to compel another group to obey those laws. But contract theory provides the grounds for enforcing the law. Each individual in the state of nature has the right to enforce the natural law (as best one can) and it is that right which one gives over to government when one contracts with one's fellows to put an end to the state of nature. Hobbes argues that every legitimate government is founded on such a social contract.

To the question: “What is the justification for society’s exercise of authority over its citizens?” the social contract theory replies: “This authority is derived from each man’s consent, or as if he had signed a contract.”

Social utilitarianism says that both natural law theory and social contract theory are wrong. People create governments chiefly for purposes of self-protection. In order to secure a situation in which all of us — the weak as well as the strong — shall have an opportunity to live our lives without the constant fear of attack by our fellows, we need a system of rules by which each of us accepts certain restraints upon our actions on the condition that everyone else accepts those same restraints. Social utilitarianism justifies government authority on the grounds of the principle of utility, which says that that action is best which maximizes the pleasure of the most people. Its justification lies in the consequences it brings about. If every member of society is more secure because of government authority, then authority is justified.

The naïve anarchist holds that society would be better off if there were no established governmental authority at all. It is based on an optimistic view of human nature that holds a belief that men and women without government authority or force would in fact limit their own desires in such a way that they would not be in perpetual conflict with one another. Mrs. Starrett in the great movie **Shane** articulates this position: “It would be better if there were no guns in the valley at all, Shane, even yours.”

Theoretical anarchism is the view that there is no theoretical justification for the authority of the state. Some people rule and some obey. Some have guns and some dig graves. Those with the guns are obeyed not because they have any right to be, but simply because they have the power to compel obedience. Wolff argues that the absolute moral and intellectual autonomy of the individual cannot be given away to the state and will always be the arbiter of obligation. He posits this autonomy of the individual as the external grounds for his anarchism.

Notice that all these analyses, whether they draw the anarchist conclusion or not, follow the same logical pattern. (i) A tight connection is assumed between political authority, in the rule-issuing sense, and political obligation. (ii) The issue of justifying political authority is reduced to the question of whether citizens have a strict obligation to obey laws just insofar as they are valid laws. (iii) Since obligation is given priority here, the justification of strict political obligation is made the central issue and the justification of political authority is thought to turn on it. (iv) But since obligation is logically prior to all other political concepts, the task of justifying it requires we go outside the whole system of political concepts. (v) Hence, the justification must be attempted by reference to some external, non-political system. Then this offered justification must treat these obligations as non-political and therefore all external grounds exclude political obligation in principle. We are left with but one conclusion: we can have no political obligation at all. This is what the anarchist has noticed and seized on.

Let me try a football analogy. British Columbia and Winnipeg are playing for the western final. Winnipeg is whistled for having thirteen men on the field. They attempt to justify this action:

1. God said we could.

2. Natural law said we could.
3. Contract theory said we could.
4. It would maximize pleasure, or the end (winning) would be easier to obtain.
5. We just wanted to.
6. We can decide how many players to use because we are an autonomous group of moral agents.

In each case the captain is looking to an external principle to ground his claim. But all these claims are senseless because the disobedient act makes sense only within the rules of the game. It must be justified within the foot ball league rules. The principle of utility cannot be invoked by a quarterback as justification for throwing an illegal pass.

The notion of political authority is an intrinsic one, belonging always to a particular system of political concepts.

I said earlier we are left with the conclusion that we can have no political obligation at all. Hence anarchism is true, but now you can see that this would follow only if we attempt to ground political obligation on some external ground. We need to think about political obligation as existing within a field of play, and about the game of politics as being constituted by rules which are justified from within the system. The rules change. We change them. They are not natural laws but conventions. They express not the truth forever, but reflect our limited wisdom or our desire to be just and fair and decent.