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POLITICAL
PHILOSOPHY

Fundamentals of Philosophy
Series editor: John Shand

**Also available as a printed book
see title verso for ISBN details**

advantage itself constitute good reason for us to accept the duties of citizenship without taking the unnecessary circuit of attesting consent? It might, as we shall see, but if in fact consent is elicited or contracts undertaken that is an important fact which the state can be expected to emphasize. In the case of hypothetical contract, there is no contract to be attested. As I have emphasized before, consent arguments are perfectly acceptable. We can expect those who have consented to recognize their force. But some will not consent. They will not expressly consent or be party to anything that resembles a contract. As soon as they suspect that tacit consent may be presumed, they will act differently or explicitly repudiate the imputation. They will not vote or otherwise participate in democratic decision procedures. And they will challenge the applicability of premisses employed to derive hypothetical contracts.

Does the state have further arguments at its disposal? Yes it does. Both of the further arguments we shall consider proceed directly from the supposition that the state benefits its citizens, in the manner Hume thought sensible. In what follows, I shall assume that Hume was right on the matter of fact. If he wasn't, the arguments that follow have no purchase. This qualification is of more than academic importance, however, to the state that wishes to claim our allegiance and the citizen who wishes to appraise its claims. It requires that the state which presses our obligations to it should demonstrate how the citizens' advantage is served. It places a burden of proof on the state which accords with the instincts of liberalism.

The principle of fairness

This argument states that considerations of fairness require those in receipt of benefits from the state to reciprocate by accepting the appropriate burdens, by accepting the duties of citizenship. In modern times it was first sketched by H.L.A. Hart:

When a number of persons conduct any joint enterprise according to rules and thus restrict their liberty, those who have submitted to these restrictions when required have the right to

a similar submission from those who have benefitted from their submission.

The argument was further developed by Rawls in his 1964 paper, 'Legal Obligation and the Duty of Fair Play'. It was mauled by Nozick in *Anarchy, State and Utopia*. It was reported, expanded, defended and ultimately dismissed by Simmons in *Moral Principles and Political Obligations* and it has been revived, developed and endorsed by Klosko in *The Principle of Fairness and Political Obligation*.⁴⁷ Hart is clear that this account of the grounding of political obligation should be sharply distinguished from those that derive obligation from consent or promises. If the argument works, it has the same power as the argument from hypothetical consent (of which it may be presented as an elaboration) to attribute obligations to those who expressly disavow consent. That said, there is a very real difficulty in distinguishing cases where the argument applies from obvious cases of tacit consent. To see this, consider Robert Nozick's well-known objection:

Suppose some of the people in your neighbourhood (there are 364 other adults) have found a public address system and decide to institute a system of public entertainment. They post a list of names, one for each day, yours among them. On his assigned day (one can easily switch days) a person is to run the public address system, play records over it, give news bulletins, tell amusing stories he has heard, and so on. After 138 days on which each person has done his part, your day arrives. Are you obligated to take your turn? You *have* benefited from it, occasionally opening the window to listen, enjoying some music or chuckling at someone's funny story. The other people *have* put themselves out. But must you answer the call when it is your turn to do so? As it stands, surely not. Though you benefit from the arrangement, you may know all along that 364 days of entertainment supplied by others will not be worth giving up *one* day. You would rather not have any of it and not give up a day than have it all and spend one of your days at it.

It is hard to reject Nozick's conclusion in respect of this particular example, not least since we are naturally wary of others' foisting

gifts on us and then expecting us to reciprocate in some fashion. How would the story need to be amplified in order for us to agree that an obligation had been created? The most obvious ways would be to describe the reluctant payer agreeing to set up such a scheme, or voting for (or against) its institution in a neighbourhood poll, or else failing to dissent when an invitation to do so had been extended. But then the argument would attest some sort of consent. Perhaps one could fill out the story so that the dissenter gets great pleasure from listening, looks forward to transmissions and then seeks to avoid doing her stint in the way fare dodgers get on buses and avoid payment. Now she looks tight-fisted with her time in the way folk who leave a pub without paying their round are tight-fisted with their wallet. We can elaborate the story to show that she is a poor neighbour, ungenerous and miserly, but unlike the non-payer in the pub, I don't think we can accuse her of being unfair to the point of failing an obligation unless we can articulate some convention that she understands and violates.

Of course, those who defend the principle of fairness will insist that the principle itself is the operative convention. But this can't be right. Nozick's counterexample illustrates the need for much more specificity. My instinct is that the more specificity is provided to make intelligible the particular case, the more evident it will be that we are charting understandings which are familiar to those engaged in the co-operative ventures. And the more explicit such understandings become, the more clearly we shall find that we are witnessing good old-fashioned tacit consent.

That is a hunch which would need to be verified in the discussion of particular cases. But we can save ourselves the work by examining directly the use of this argument to establish that citizens have duties. An interesting wrinkle on Hart's argument is that if citizens have such duties (he is thinking primarily of the obligation to obey the law) then these duties are owed, not to the sovereign, but to other citizens. So we can consider how well Hart's principle applies.

I think it is odd to consider the conduct of life in a state as a joint enterprise that citizens undertake. Rather like Nozick's hapless listener, or Hume's shipbound traveller, we just find ourselves here (and probably stuck here, too). Nonetheless, we may find that

living here has its benefits. The state is a great provider of services. It recruits armies to protect us from alien aggression, police forces and other instruments of law and order to protect us from criminals, health services to keep us alive and well, education services to enable us to make a living. The state may be what it claims – the servant of the people. Some of these services we find provided willy-nilly. Some of these we may endorse in a half-hearted fashion – this is how the police force views our view of them – but some of them we may actively pursue. We may queue up for social service benefits or rush into hospitals for treatment. We may require the state to build more motorways or make better provision to collect our rubbish. Some of these services we may detest, believing that they compromise both our safety and our principles. Many feel this way about the ‘nuclear umbrella’. God help us if it rains!

Suppose we do seek out what the state has on offer, we do identify specific benefits and demand them, we do request protection or assistance from the state. Are we being unfair to fellow citizens if we do not accept the concomitant burdens of citizenship? I think we might be. Certainly it is possible to describe examples which present the appearance of unfairness in the sense of folks who benefit mightily being unwilling to accept a reasonable burden. In the 1970s in Britain, there was a well-publicized case of a very wealthy family, polo players and friends of royalty, owners of great estates in the Highlands of Scotland as well as a chain of butchers, who had paid no taxation on the profits of their businesses for most of the century. (My mother-in-law, on reading this story, turned from a Conservative to a Trotskyite overnight.)

Such people aren’t paying their way. Who knows what songs the sirens of self-deception sing to them as they sign the income tax forms their clever accountants prepare? Governments approve and encourage the sentiments of disapproval, but sadly, most often, when the villains are no great gainers, being ‘welfare scroungers’ or the like. It is cases like these which lend most plausibility to Hart’s insight, where the principle of fairness is employed to identify cheats – those who aren’t playing by the rules of the game, though if they are rich enough, they will be abiding by the rule of law.

Hart’s principle is very abstract, too abstract, I suggest, for universal application without examining the details of the

circumstances in which it is employed. When it is articulated in circumstances wherein it finds plausible employment, it amounts to the claim that it is unfair if, for example, people aren't paying for goods they enjoy, if their enjoyment is secured by the payments of others on whose willingness, or mute acceptance, or inability to escape payment, they freeload or free-ride. As a justification of one's legal obligation not to steal, for example, the argument is unnecessary. Theft, as many other crimes, violates moral rights which the state affirms and reinforces. The thief is first and foremost a thief. We don't need to find him guilty of free-riding in our anxiety to specify a moral wrong as a justification of legal punishment.

Nozick's cheeky counterexample serves a useful purpose. In forcing us to examine the circumstances in which benefits are extended and enjoyed, it requires us to examine what we ask of the state, and how it is to be paid for. Hart's argument is, at bottom, sound. We shouldn't both insist on the provision of benefits and then make every effort to avoid paying for them when this inevitably puts the burden of payment on others. The principle of fairness requires that we shouldn't cheat, that we shouldn't dump the costs of services we embrace on others. I think we all understand this. I think no one believes that the services of government are costless, manna from a bureaucratic heaven. In which case, we need to explore the understandings, to find the conventions concealed within our acceptance or pursuit of the goods government provides. If we are honest we should recognize the burdens our acceptances entail. But if we are clear-sighted, we shall deny that these burdens come in a package that cannot be dismembered, as though if we buy one we buy all.

This is what governments are prone to tell us. We don't need to believe them. They say: if we want the protection of the local constabulary, we have to pay for the nuclear weapons. And we know that they have ways of making you pay. What they cannot do, wherever benefits are touted but rejected, is insist that fairness grounds the demand for payment.

Hart's principle of fairness is silly if it purports to justify those restraints on my liberty which would prevent me harming others, as though it would be quite wrong for me to assault them or steal from them only in so far as I require the state to protect me against the predations of others. Such behaviour would be wrong even if

one made no such claims and announced that one regarded himself as in a Hobbesian state of nature with everyone else. Think again of Militia Man. This is the sort of independence he is likely to assert. It would be a futile exercise to try to track down the state services he accepts. We are likely to find ourselves trying to pin him down to accepting the Department of Defence and the nuclear umbrella. He is likely to take us seriously and buy more ammunition. Those who think this argument has strength, as I do, should draw in their horns. If folks solicit benefits, they should recognize that these have a cost and they should accept that the cost is civility, a willingness to otherwise pay their way.

I say this is a good argument. This doesn't mean that it applies to everyone or that anyone to whom it does apply should accept all the burdens the state is eager to impose. It suggests a caution: don't seek out the the goodies that the state dangles before you without exploring the small print. In a sense this advice is otiose: there is no small print governing our transactions with the state. Unless the understandings are written up explicitly and published in print large enough for even, or to be literal, especially, the blind to read, we are not committed to them, and should not find ourselves presumed to accept them. The state should welcome Hart's argument; it captures a wider segment of the population than heretofore could be enlisted as dutiful citizens. But obviously there will be some who announce that they will take all that is offered so long as this does not entail any obligations on their own part. They are oblivious to considerations of fairness since they pronounce themselves willing to do without the touted benefits. Perhaps, being Militia Men, they are well armed.

Gratitude and good government

I can think of one last argument the state may advance – and perhaps the last should have been first, since this argument was outlined by Socrates in Plato's *Crito*. This argument claims that citizens ought to be grateful for what they have received from the state, and, further, the gratitude should be signalled by the citizens' acceptance of their duties. Again, the first step in the argument is a claim that the citizen has received benefits, so to proceed

we must assume that this is true. Clearly, if the citizens do not receive benefits from the state, there is nothing for them to be grateful for. The next step in the argument is the claim that citizens ought to feel grateful to the state. The final step is the claim that acceptance of the duties of citizenship is the appropriate expression of gratitude. We can see the distinctness of steps two and three in the details of a recent immigration case, reported in the newspapers, which captures this structure nicely.

An army officer's life was saved by one of his Gurkha soldiers. Properly, he felt grateful and expressed his gratitude by promising to educate the soldier's son in Britain. As these things go, the son was refused the necessary immigration credentials, so the former officer (a wealthy man) said he would leave the country, too. I think (but am not sure) that the story had a happy ending. In the first place, the officer was right to feel grateful. In the second place he chose to express his gratitude by taking on an obligation to the father, and to the boy, to see to his education. Having taken on board this obligation, the officer judged correctly that he was morally required to fulfil it. One can think of other ways in which the officer could have expressed his gratitude, ways which did not place him under an obligation – indeed, this is a nice example of how acts of gratitude can be as generous as the services that give rise to them.

It is important that steps two and three in the argument are distinguished. They can easily become conflated when we speak of 'debts of gratitude' as though the government pursues payment of these debts when it holds us to our obligations. Rousseau stated that 'gratitude is a duty to be paid, but not a right to be exacted': not exacted, that is by parents against children or by the state against its citizens.⁴⁸ Since many of the duties of the citizen are enforceable, Rousseau thought they could not be derived from gratitude. As we shall see, this is a mistake. For the moment, though, we should register the philosophical oddity of speaking of *debts* of gratitude, of announcing feelings of gratitude in the language of 'I owe you one'. The payment of debts can be insisted on as an obligation of the debtor, whereas however appropriate or felicitous gratitude might be, it can't be the proper object of a demand or claim, the issue of a special right.⁴⁹

It is perfectly clear, on the other hand, that we can insist that

persons *ought* to be grateful, taking gratitude to be a distinctive feeling or attitude appropriate in one who has received a benefit. We teach our children that gifts cannot be claimed as rights and that they ought to feel appropriately grateful. We train them to feel grateful by making them act out the rituals of gratitude, minimally saying, 'Thank you', and undertaking the chore of writing conventional 'Thank you' letters following birthdays and Christmas. We trust that in these ways we teach them what to feel as well as how to behave. We teach good habits as a way of inculcating good dispositions of character.

These commonplaces are worth bringing to mind because they effectively refute one line of argument against the claim that political obligations may derive from gratitude. The bad argument goes as follows:

If political obligation is an obligation of gratitude, and if an obligation of gratitude is an obligation to feel certain things, there can be no political obligations (on these grounds, at least) since we cannot make sense of obligations or duties to feel certain things in a certain way. Feelings cannot be the objects of obligations. In any case, political obligations are obligations to act, not to feel, to act obediently, for example, rather than to feel obedient.⁵⁰

This argument runs together the different steps in the argument that I have been at pains to distinguish, but at the heart of it is a claim that should be disputed to the effect that we cannot be required to have specific feelings since feelings aren't the sort of things we can be expected to control by way of trying to have or inhibit.⁵¹ This is a blunder of a crudely Kantian sort. Feelings can be taught and learned, modified, sharpened or quietened by effort on the part of the sufferer and her educators – and this includes feelings of gratitude. Indeed, if feelings were not, in some measure, in the control of those who exhibit them, it would be odd to criticize folk for the lack of them. In the case of ingratitude this is particularly obvious. I accept that it is odd to speak of obligations to feel gratitude but that is not the claim that I am trying to establish. Rather I seek to show that one can claim that people *ought* to feel gratitude without committing a philosophical blunder.

The next claim that needs to be defended is that it is philosophically acceptable to say of citizens that they ought to feel grateful for the goods and services they receive from government. I don't want to claim that any such judgement is true – who knows which government is being discussed? – just that the proposition makes sense. This claim needs defence because there are objections in the field. The first objection begins with the plausible thought that feelings of gratitude are only appropriate as a response to benefits which have been conferred with a suitable motive. If you give me a fast motorbike in the hope that I will soon come a cropper, I will feel no gratitude as soon as I learn of your devious plan. To generalize, the identification of goodwill in the provision of the benefit is required before gratitude is appropriate.

In the case of gratitude for the services of the state, we must therefore be able to impute motives to the state. But 'the attribution of motives to a government may be impossible or incoherent'.⁵² The only possible reply is that we do it all the time. And we are equally cavalier in our imputation of motives to other institutions. This firm cares (or doesn't care) for its staff, this university takes seriously (or ignores) its task of teaching students, this hospital is helpful to (or hates) patients' visitors. One could reply that this talk is metaphorical, but this would not be a statement of the obvious. Rather, I suspect, it would indicate a strong and controversial philosophical position, most likely some variety of methodological individualism. We can shelve these discussions and move on, supposing that when, for example, it is claimed that 'This government really cares for old age pensioners' the claim may be true or false but is not incoherent.

Let us accept that motives can be fairly attributed to the state. A further difficulty is encountered. In attributing, minimally, motives of goodwill to the state, we are thinking of the state as Lady Bountiful (or more likely Big Brother), viewing its disposing of goods and services in the manner of gifts. On the contrary, the state is our servant; it has nothing but duties to fulfil. And we should not be grateful when it complies with its duties to its citizens. We should not be grateful to the policeman who rescues us from the football fans who are just about to beat us up; he is doing his job.

This, too, is an error, but it is understandable. We should resent

the posture of the statesman who speaks as though he is spending his own money. Nonetheless, the ancient analogy with the family can be usefully employed here. Parents have duties to their children willy-nilly, as children nowadays are prone to remind them. 'I didn't ask to be born!' you might have heard. This does not disqualify the thought that children should be grateful for what they have received of right. The duties of the parent can be fulfilled with love and grace, but even a grudging concession to a legitimate demand can merit gratitude. After all, as we know too well, some parents can't manage even this.

Isn't the same true of governments? Don't we recognize the difference between an ethos of genuine service and a time-serving reluctance to respect claimants? And shouldn't we be grateful even to heartless bureaucrats who are efficient and conscientious in the delivery of goods they are appointed to distribute? I can imagine – indeed have heard – arguments pro and con, but I don't believe that the logical space for such disputes is the product of fallacious reasoning. I don't see, in principle, why one who does their duty should not merit our gratitude.

The final objection to the idea that one may be grateful to the state for the goods and services it provides draws attention to the constitution of the state. It asks, in the first place: to whom or to what should one be grateful? Some, abhorring the possibility that an exotic metaphysic may be imputed to them, insist that the citizen who has grounds for gratitude should be grateful to her fellow citizens.⁵³ This strikes me as an evasion. One should not be grateful to all of one's fellow citizens severally. Some, as we have seen, have resolutely avoided paying their share towards the provision of services of which they have been massive beneficiaries. Others, perforce, have been recipients only, being too poor to make any payment towards social provision. Shame on the first, damn shame for the second – but in either case, feelings of gratitude would be misplaced. So if we should be grateful to our fellow citizens, we have to think of them collectively, which on my reading amounts to our being grateful to the state.

There is something creepy about sentiments of gratitude being directed towards the modern state, but part of this may be due to a reluctance to see the state as 'other'. Aren't we all democrats nowadays? We shall have more to say about democracy in the final

chapter, but for the moment we should recognize that one element in democratic thinking is the claim that we all have equal political standing. Regarding the state as other and in some measure alien to us, seems to presuppose a hierarchical relationship between state and citizen which does not sit well with the democratic ideal. The instinct which grounds the suspicion that there is something undemocratic about institutions to which one may direct gratitude expresses a truth which is hard to weigh.

The only form of state in which gratitude seems to be inappropriate would be a direct democracy which takes all decisions by plebiscite, a simple Rousseauian model wherein all are equally citizens and subjects. In this model, citizens should be viewed as providing goods and services for themselves. Like members of a winning football team, they should feel pride rather than gratitude for their success in self-provision. But even in these circumstances, gratitude might not be entirely out of place. Citizens may think of their democracy as a unity which serves all its members. Players in winning teams may feel grateful to the team and their fellow members for granting them the opportunity of success, as well as pride for the part they have played in achieving it. In any event the modern representative forms of democracy do not work like this. The structures of decision-making and the bureaucracies created to put policies into effect are sufficiently alien to citizens that gratitude may be appropriate when they perform their assigned functions conscientiously and well.

I conclude that one who feels grateful for the provision of state services has not committed a philosophical error, though in particular circumstances gratitude may be misplaced, may indeed be witness to the citizen's capture by a successful ideology. If this is right, we can now move on to the final question: what does gratitude require of the citizen who properly feels it? Here, there are two routes we can take. The first is indirect, arguing that one who fails to comply with the duties of citizenship harms the state. The focus is not so much on the requirement of gratitude but on the evil of ingratitude. As Hobbes saw, ingratitude is often imprudent; the fourth law of nature thus requires that 'a man which receiveth benefit from another of meer Grace, Endeavour that he which giveth it, have no reasonable cause to repent him of his good will'.⁵⁴

But as many have taught us, as well as being imprudent, it is also a great vice to harm a benefactor.

Is this what we are doing when we fail in our political obligations? We certainly may be. The state is harmed directly if we evade payment of taxes, commit treason or encourage others to break the law. But not all law-breaking is like this. It is surely a matter of fact whether the state is harmed when citizens break the licensing laws or drive beyond the speed limits, and often such acts will be harmless. I don't see any argument that could take us to the conclusion that all law-breaking amounts to ingratitude since it harms the state or one's fellow citizens.

The direct way of arguing will serve us just as well. All that gratitude to the state could require is that citizens do their duty by it. It is entirely disingenuous to suggest that we might willingly take the benefits the state provides, send a 'Thank you' letter, then dodge the demands of the state, refusing to take compliance as an obligation. But on the other side, as I stated before, we should not be too po-faced about these duties, identifying them as an all-or-nothing requirement that citizens obey all the laws all the time. The good society and the sensible state can afford to be relaxed about the incidence and severity of law-breaking. Individuals should not be worried that their standing as good citizens is impugned by an episode of after-hours drinking or opportunistic speeding on an empty motorway. The duties of citizenship under good government should not generally weigh in as an onerous burden or tight constriction, though on occasions, for example, a call for military service, the demands may be severe.

Finally, it may be suggested that it is odd to think of compliance as a grateful response, since the state exacts compliance, most of the citizens' duties being enforceable, demanded under threat of penalty. But demanding isn't getting. However forceful the demands of the state, the liberal insists that they have no legitimacy until they are endorsed by the citizen. It is in the process of inspecting the demands of the state that the citizen should take account of the fact, if it is a fact, that he has benefited in a fashion for which he should be grateful.

Before we leave this question, there is one qualification that ought to be made. Gratitude is the appropriate response to good government, not merely government that provides us with the

goods and services we value. Suppose a state has two classes of citizens, those who receive benefits and those who are excluded from benefits. Should those in the lucky class feel grateful and endorse the political obligations which are thereby incumbent on them? My inclination is to conclude that they should not. To use the analogy of the family (which gives me particular pleasure, given the derision it has met with from modern contributors to this debate who dismiss swiftly the lessons Plato derives from it): Should the Ugly Sisters feel grateful to their parents for the benefits they have been granted (and thereby accept an obligation to follow their parents' wishes or obey their commands) if they know that their good fortune has been achieved at Cinderella's expense? Nothing has been spent on poor Cinders, and the only reason the Ugly Sisters have time to paint their faces and primp their hair is because Cinders is busy doing the chores. Probably the Ugly Sisters feel grateful, but ought they to?

For all that the duties of parents have their foundations in love and other sloppy sentiments, they can be partly specified as duties incumbent on them in virtue of a role, a role or position of moral responsibility in which they stand to all of their children equally. Something has gone wrong in a family where there is a grossly inequitable division of labours and favours. Whereas parents can't be commanded to love all their children equally or in the same fashion, all the children should recognize that something has gone drastically wrong if it is always one of them who has to sweep the hearth. The Ugly Sisters should be ashamed of themselves, and this shame should qualify their gratitude. They should feel unworthy of the favouritism they enjoy.

I shall take it that this example finds a consensus of approval, having found that in pantomimes, we all 'Boo' in the same places. I claim something similar should be working with respect to our attitudes to the state. If some (in a democracy, it will generally be a majority) receive benefits which others do not enjoy, or receive benefits in conspicuously and comparatively generous measure, they should regard the benefits as a poisoned chalice, morally tainted by the inequity of its distribution. They should regard themselves as morally compromised, shamed in a fashion the Ugly Sisters ought to recognize. This is an intuition; I can't think of any arguments that might support it beyond the thought that gratitude

is not appropriate for benefits with an unjust or immoral provenance.

Conclusion

We have examined a variety of arguments that purport to give grounds for citizens accepting the duties of the citizen, construing these widely. With the exception of the hypothetical contract argument which needs much careful expansion and defence, all of these arguments are conditional on the citizen *doing* something – swearing allegiance, being party to a constitutional settlement, behaving in such a way that one may fairly conclude that he accepts a convention which entails obligations, including perspicuously conventions which ground the practice of voting in democracies or conventions or moral rules associated with the acceptance of benefits, concerning fairness or gratitude.

These are all useful arguments, so long as they are not advanced in the expectation that they must be accepted by everyone, so long as they are not taken to be universal in scope. This looks to be a weakness from the point of view of the state that advances them. It seeks to capture all citizens in its net, but if citizens don't do the things from which their obligations may be deduced to follow, they can't be captured. It looks as though it is possible that there will always be citizens who can properly repudiate the duties imputed to them by the state.

The conclusion we may be tempted to draw is that dubbed 'philosophical anarchism', which openly accepts the limitations of the arguments cited. The 'philosophical' anarchists, as against the real variety, are content to cite the philosophical deficits in the arguments of the ambitious state. They are a gentlemanly lot, not too bothered by the thought, which the real anarchist will detest, that prudence for the most part dictates compliance with the state's demands. They will be disposed, not so much to protest or wave the black flag in insurrection, but to say, 'Excuse me, your arguments aren't quite as good as you believe them to be'. This conclusion may well be false. A hypothetical contract has some prospect of success (and some utilitarians believe that they can establish the rules which govern the duties of the citizen).

A wise state will see the philosophical anarchist, and even Militia Man, as a challenge. It will seek to seduce them rather than trample them underfoot, by providing benefits they cannot resist and making clear how far their receipt invokes conventions or moral principles which require the acceptance of obligations in consequence. As the arguments in favour of political obligation have been reviewed, I have characterized the stance of the state as adverse, as seeking to 'capture' the allegiance of the citizen, as being able to announce 'Aha! That's you dealt with' to the citizen who would naturally be a reluctant recruit. It's easy to amplify Hume's example of the shipbound traveller and identify the state as the Press Gang.

This would be a mistake. We do better to think of the state as seducer and the clever citizen as raising the stakes, requesting more and more blandishments, insisting that the goods be delivered. The conservative will hate this talk, recognizing the introduction of a customer or client mentality into the sacred domain of allegiance. But then the conservative is always out of date, defending the intuitions of the last-but-one epoch against advances which are already securely in place. The state which is eager to claim that its citizens have obligations to it does best if it works out how to serve them well. It may well find that there is no philosophical deficit, that Militia Man is fleeing his own good. More fool him.

It is vital that we see clearly the moral stance taken by the state towards its citizens, so the details of the constitution matter when we investigate the obligations of the citizen. We have seen how a democratic constitution can give rise to its own specific reasons for adducing such obligations in the case of the quasi-consent described by Singer. The fact that such an argument is available is a mighty reason for endorsing democracy. But there are other reasons, too, for us to commend this family of methods of decision-making (as well as objections). It is to the examination of these arguments that we now turn.

Chapter 7

Democracy

Introduction

Thus far we have examined normative theories, notably utilitarianism, in their application to political questions, we have investigated central political ideals, liberty, rights and justice, and we have tackled the problem of political obligation. Much of this discussion has been conducted in a manner that supposed that there were two central characters: the state and the citizen. The question of the proper constitution of the state has arisen in a variety of contexts: political liberty requires that citizens be able to take part in the decision-making processes of the state, the right of citizens to participate is a crucial human right and, in Rawls's theory of justice, is a vital element of the liberty principle. The form taken by government may well make a difference to the issue of whether citizens have good moral reasons to obey the state, since if they participate in democratic procedures, this may witness a measure of consent to the outcome. It is fair to say that the background to many of the arguments we have pursued has

invoked a subscription to democratic principles. These principles, which apply directly to the mechanisms of taking political decisions, need a more careful and explicit investigation. In discussing democracy, we shall be gathering together some of the leading themes of previous chapters.

So far as the rhetoric of decision-making goes, it may seem that democracy is the only game in town. As with human rights, the rhetoric is so powerful that there are few tyrants so benighted that they will deny the ideal of democratic institutions. It may be that the society they govern is not yet ready or mature enough for democracy. It may be that democracy exists in a peculiarly apt local version, like the democratic centralism of the former Soviet Union, which located democracy within the mechanisms of one-party rule. But few would follow Plato and denounce democracy as an inefficient and corrupt mechanism for taking political decisions. In the face of a value so ubiquitous, not to say politically correct, the philosopher wakes up and starts to ask the questions begged by the overwhelmingly positive connotations of the term. We need to begin afresh and examine the questions raised by universal subscription to this mode of decision-making, to this universal constitutional ideal.

Thomas Hobbes, as is well known, upset everybody. Republicans accepted his conclusion that the citizens' reason to obey a sovereign lay in their judgement (portrayed as a covenant or agreement) that a sovereign was conducive to their best interests. Thus the authority of the sovereign derives from the citizens' agreement with each other to recognize a sovereign and their subsequent selection or endorsement of him or her as their representative. Republicans, however, did not like his considered judgement that they would do best to select one person, a monarch, to perform the tasks of sovereignty. Monarchists, by contrast, applauded his view of monarchy as the most efficient form of sovereignty, but hated the thought that the monarch's sovereign authority derives from the will of the people.

Hobbes believed that three types of sovereign were possible: monarchy, that is, government by one person; democracy, that is, government by an assembly of all subjects; lastly, aristocracy, an assembly of some nominated part of the commonwealth. His preference for monarchy was dictated by his low opinion of the

capacity of assemblies, whether of all or the few, to deliver the goods to the citizens. But Hobbes's view of the efficiency of monarchs can be challenged and forms of assembly can be constructed with a view to their better procurement of the goods of sovereignty – personal safety and commodious living. If one accepts Hobbes's methodology and premisses it is but a short step to the endorsement of some form of democracy, as James Mill saw. Slyly noting that the typical English gentleman ('a favourable specimen of civilization, of knowledge, of humanity, of all the qualities, in short, that make human nature estimable') acts as a tyrant when he emigrates to the West Indies and becomes a slave-owner, he rejects Hobbes's claim that the shepherd will not feed off his flock, finding his own interests best served by the 'riches, strength and reputation of his Subjects'. What is required is an assembly which the subjects tightly control, that is, a representative democracy.¹

John Locke, too, disputed Hobbes cheerful acceptance of monarchy (and by extension, indissoluble assemblies), noting that

there is danger still, that they will think themselves to have a distinct interest, from the rest of their Community; and so will be apt to increase their own Riches and Power, by taking, what they think fit, from the people.²

Locke is a proto-democrat, accepting that men (and nowadays, we insist, women) who are born free and equal will demand a sovereign power which will reliably put their own will into effect through legislation and the application of executive and federative (roughly, foreign policy) powers. This requires a representative assembly, though the principles of representation are not worked out in detail.

Rousseau, writing seventy years after Locke, had worked out from scratch the constitutional implications of the thought, not quite common wisdom at the time, that men are born free and equal. For Rousseau the only legitimate sovereign was a direct democracy, each citizen being a law-making member of the sovereign as well as being subject to its laws. We shall begin our discussion of democracy by presenting Rousseau's contribution to democratic theory. This contribution is so seminal that one might fairly conclude that much of contemporary democratic theory is a

series of footnotes to Rousseau. ‘Much’ but not ‘all’ since, as we have seen, utilitarian thought has made a distinctive contribution to our thinking about democracy.

Rousseau: freedom, equality and the general will

Rousseau accepts that we have a natural care for ourselves (*amour de soi*) as well as a natural feeling of compassion (*pitié*) for the suffering of others. We have also come to acquire, in the course of the dreadful history of our species, a concern for private property. In addition though, we attach a particular value to our own independence. Or rather we would value independence if we had not been corrupted by the social institutions we have created. Rousseau can describe this natural independence because the traces of it still remain in his own obdurate, genuinely and acknowledgedly anti-social personality. We could see it, if, as in the thought experiment he conducts in *Emile*, we were to insulate a child from all the influences of society and educate him in a fashion that develops rather than smothers his natural capacities. We could see it, too, if we were to observe the origins of our species as solitary but healthy and well-satisfied hunter-gatherers, as he conjectures in the *Discourse on the Origins of Inequality*. Rousseau’s visions of natural man are tantalizing, but hopeless starting points for an argument.

We do better if we simply state the conclusions licensed by his speculations and see how these work as premisses in the argument that follows. We may well be sympathetic to them, recognizing how they incorporate insights familiar from the liberal tradition in which he is working. Since for the most part they represent conclusions we have already drawn in previous chapters, we can take them as familiar and plausible premisses for the argument to follow.

Independence has two related dimensions – liberty and equality. If we are independent of each other, we are free in the sense that we do not depend on the assistance or goodwill of others in order to satisfy our desires. Dependency is also a condition of inequality. In fact, Rousseau believes everyone becomes dependent under conditions of inequality: ‘each became in some degree a slave even in becoming the master of other men: if rich, they stood in need of

the services of others; if poor, of their assistance.³ For Rousseau, these are natural values. It follows that those who value survival, and could not live well unless their liberty and equality were not protected, would not accept the state unless it were necessary to promote these goods. The state, Rousseau believes, is required when life, property, liberty and equality are threatened. This is entirely a formal condition. If, as a matter of fact these goods are secure, there is no need for the state.⁴

Suppose then that a state is necessary; what form should it take for those concerned with the protection and promotion of these goods? In the first place, it should protect life and (some measure of) property, but it should seek these goals in a way that respects (perhaps maximizes, perhaps renders optimally coherent) principles of liberty and equality. The natural versions of these values are lost in the recesses of history, and, more importantly for those who think history beside the point, are inconsistent with the necessity of the state. The optimal state will institutionalize some analogues of natural liberty and equality; it will command our allegiance if it can reproduce in its constitution and ongoing life social conditions which are faithful to these values.

Before we look at the details, let me reproduce the essentials of the constitution of the republic of the *Social Contract* so that we can better understand ‘the principles of political right’ (the subtitle of the book) in the light of their institutional embodiment. Citizens are active members of the sovereign. The state is composed of subjects. All citizens are equally subjects, obliged to obey laws they enact collectively by majority decision in an assembly, so ‘the sovereign’ designates the active, law-making power of the republic, ‘the state’ designates its rulebound character, these terms being different descriptions of the same institution.⁵ The republic is a direct democracy since rational agents would not delegate their law-making powers to a representative.

In what ways does an institution of this form respect the liberty of the citizens? In the first place, moral liberty is secured. Moral liberty has two elements: it amounts to free will, which Rousseau tells us in the *Discourse on the Origins of Inequality* is the distinctive ability of humans, as against animals, to resist the beckonings of desire, to reject temptation. ‘Nature lays her commands on every animal, and the brute obeys her voice. Man receives the same