

Department of Politics and International Relations

Political Theory Core Lecture Hilary Term 2003 Elizabeth Frazer

Authority and Obligation II

To be obliged to do some thing -

- to be bound to do that thing;
- to be constrained/coerced to do that thing;
- to have no option but to do that thing;
- process/force/relationship o is independent of me and guides or determines my doing the thing

To have an obligation to do some thing:

- o is a property/possession of mine

Is there any thing special about political obligation as opposed to a moral obligation or obligation in general?

Political Obligation

- I have an obligation to do some thing and *political forces will oblige me to do that thing*
- or the facts of politics mean...I am obliged to do that thing
- or the point of political obligation lies not in the forces that construct the obligation, but rather in the kind of thing that I am obliged to do

Moral Obligation:

- it is right or good that I do some thing
 - or, within a system of values it is right or good that I do some thing
 - | I should do that thing
 - | I have an obligation to do that thing
 - ? | I am obliged to do that thing
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- Political obligation could be **constrained by morality**: if a government or state requires me to do an immoral act then I may be morally obliged to disobey.
 - It could **supervene** on morality - that is a corresponding moral principle or obligation is a necessary condition of any genuine obligation
 - It could be **founded** in morality: it can be argued that only right can generate obligation
 - It could be **sui generis**

Legal Obligation

- If the law says I should drive on the right, I am obliged to drive on the right
- There is a 'meta' legal obligation: to obey the laws of the jurisdiction to which I am subject or pay the penalty as laid down by the law

- ?What is lawful is determined by whether the relevant measure was adopted and administered according to due process in the constitutional context concerned; or whether what counts as lawful is itself a normative matter,
- ? What is lawful is determined by criteria of justice, rightness, goodness independent of the constitutional context
- Political obligation could be **sui generis** –

Why is the possibility that political obligation is independent alarming?

- *because it is possible that there will then be no constraints on power*

Don't the facts of politics mean that political power is endogenously constrained?

- *The facts of politics mean that no matter how badly a government would like me to give them active support I am nevertheless as citizen, as adult, as political person, obliged to participate in the political system in an agonistic way, including opposing the government where I think that is right or in best interests of my class or party or of the country as a whole;*
- **How can political obligation be consistent with freedom?**
- Is it the obligation, or being obliged, that causes us to act?
- If I have an obligation as a citizen to vote I may nevertheless not vote
- The obligations of citizenship are not legally scribed; the obligations attaching to offices and roles are contested.
- If obligations are contestable, then they are clearly consistent with freedom.

The argument I want to develop:

- politics is prior;
- politics involves our non-optional implicatedness in a structure of power to govern (to govern others and ourselves);
- political relations generate obligations just as kinship and other social relations do
- our capacity for obligation as opposed to simple exchange and reciprocity is a matter of our capacities for reflexivity and meta-reasoning
- the structure of the power to govern must be constrained by morality - of course
- but that this does not mean that morality is prior to politics

References

- H L A Hart *The Concept of Law* 1961
 Chantal Mouffe *The Return of the Political* 1993
 Carole Pateman *The Problem of Political Obligation* 1985
 Iris Marion Young *Inclusion and Democracy* 2000