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WWSD: What Would Socrates Do? The modern dilemma of obedience

Maitiu Corbett

“This is for your own good” is often the aphorism of governments and social institutions in their claims upon our freedoms. Our obedience is framed as collective self-preservation, but can it ever be so simple? Yet philosophical debate often seems to overcomplicate the issue. This article argues that the responsible protection of our rights arises, instead, with a constant reappraisal of citizenship. Freedom and obedience are ultimately two sides of an abacus with objective counters with subjective values; each individual’s calculations must be represented for there to be an accurate model of obligation.

The discourse of obedience has been ongoing for more than two thousand years. Startlingly though, the parameters of the debate have hardly altered since Plato set them out in *Crito* in 360 BC. This ancient account includes all the aspects of political obligation, including duty, gratitude and contract, which embody the arguments for and against obedient citizenship. In many ways, the conclusion of the tale is of negligible importance – it is the debate it has inspired that is its real legacy. Before the twentieth century this debate was rekindled most vividly during the Enlightenment in Europe in the late seventeenth and eighteenth century. Many modern theorists owe the clarity of the debate to consent theorists Hobbes, Locke and Rousseau.

Modern consent theory has generally found its best grounds for political obligation within the democratic model. John Rawls, Harry Beran, H. L. A. Hart, Peter Singer, J. H. Reiman and George Klosko have all supported the

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proposition that obedience to the state is the reasonable and rational price for living in a liberal democracy. Nevertheless, it would be laughable to call this a united front – they certainly aren't all consent theorists. Furthermore, there is a healthy, but no more cohesive, contingent of opposition to this view, ranging from the healthy scepticism of A. John Simmons to the devastating doubt of Robert P. Wolff.

This is far too arbitrary a division though: the debate not only has many shades of grey, but also many and varied approaches. It is not as simple as consent theory versus philosophical anarchism, rights versus duty or pluralism versus monism. In fact, it is all of these, and more, all at the same time, so gaining a foothold in the discussion requires a critical exposition of the main protagonists. Consent theorists believe they can present a convincing, if largely hypothetical, argument. This has been most notably propounded in modern times by John Rawls through his “original position” thought experiment. This is an essentially Hobbesian idea (although Hobbes believed it to be historical fact) in which each person is imagined to have made what might be called the ‘original choice’: to remain free, autonomous and at the mercy of the selfish whims of other free agents; or (what he sees as the rational choice) to forsake one’s own sovereignty, apart from human and political rights, to a protecting authority. In modern democratic terms this would entail a constitution of some sort, and obedience to its laws which draw legitimacy from a democratically elected legislative under the agreed terms of the constitution itself. Voting on this constitution would be the most obvious form of consent.

Therefore, taking this out of the hypothetical realm, Dudley Knowles cites several possible twentieth century examples of the ‘original choice’. These comprise of: De Gaulle’s Fifth Republic in 1958 (and another referendum on modifications to the constitution in 1962); a referendum on Britain’s membership of the EEC in 1975; and the establishment of a devolved parliament in Scotland following a referendum in 1998.¹

¹ Dudley Knowles, *Political Philosophy* (Routledge, London, 2004), 263-264.

However, scrutiny of just one of these reveals problems. The June 1975 referendum cannot be called consent because it was after the fact, Britain having already joined in 1973. It would have been a near diplomatic impossibility to pull out of the EEC by 1975, so the vote *had* to produce a positive result.

To this end, campaigners at the time more or less ‘manufactured consent’, releasing propaganda which skewed the evidence in favour of membership. This is cynically referred to as ‘political campaigning’ but the truth of the matter is that the electorate were not given a balanced education for their decision – major ‘down sides’, like partial loss of sovereignty, were heavily played down and the opposition didn’t have the resources to balance the debate. According to Andy Mullen and Brian Burkitt, the ‘Yes’ campaign was able to “overwhelm” the ‘No’ camp through superior funding and staffing – for publicity, ‘Yes’ officially had over £1.8 million and 163 staff, compared to the ‘No’ campaign’s 6 staff and £133,610.² As a result, between January and March the campaign achieved a 22% swing in public opinion, ensuring a positive outcome in June.³ Taking just this one example it is clear that obedience through contract can be called into question as a realistic proposition in practice – the British public essentially signed a contract without fully reading it.

That being said, although obedience to the state is often a staple point for consent theorists, and others philosophers, the position is argued as much through natural duty and fairness as it is through consent. Rawls is compelled by a natural imperative to uphold mostly-just regimes by obeying their laws. In this he is joined by Singer:

Since obeying the laws of any political system is one way of supporting that system, and any reason one has for favouring a political system is

² Andy Mullen and Brian Burkitt, “Spinning Europe: Pro-European Propaganda Campaigns in Britain, 1962-1975”, *The Political Quarterly*, Vol. 76, No. 1 (2005): 100; *ibid.*, 108.

³ *Ibid.*, 109.

*a reason for supporting it, any feature of a political system of which one approves is a reason for obeying that laws of that system.*⁴

This stems from Singer's view that obedience to a democratically elected authority is the "fair compromise" for not having to live in a more oppressive system. Applied to voting, this means that refusing to accept defeat undermines the very process through which liberty is upheld as "disobedience... implies willingness to *impose* one's views on the association".⁵ In effect, he urges citizens to accept democracy as the best of all available systems, despite occasional (but still significant) injustices. In this he is supported by Beran, who declares that the problem of an unsatisfied losing side "applies to only a small proportion of citizens... if the state in question is sufficiently welfare-promoting, then there will be a natural obligation to obey its law".⁶ Singer is not quite as steadfast as Beran in this conviction, conceding that in cases of civil disobedience, philosophy is too abstract to give an irrefutable judgement.⁷ Reiman too merely urges potential actors to consider the deep moral implications of disobedience.⁸

This default position in favour of obeying a democratic state does not, however, sit well with Wolff. He argues for a paralyzing tension between the duties of state and the duties of each person. His rather monist Kantian position is that it is each man- or woman's moral duty to act autonomously, according to reason.⁹ Conversely he sees the main feature of any state as being authority, by his definition the moral right to direct another person. Thus he sees a conflict of two moral rights because any degree of authority undermines autonomy,

⁴ Peter Singer, *Democracy and Disobedience* (New York: Oxford University Press, 1974), 60.

⁵ *Ibid.*, 36. My emphasis.

⁶ Harry Beran, *The Consent Theory of Political Obligation* (New York: Croom Helm, 1987), 72.

⁷ Singer, *Democracy and Disobedience*, 33-34.

⁸ Jeffrey H. Reiman, *In Defence of Political Philosophy: A Reply to Robert Paul Wolff's 'In Defence of Anarchism'* (New York: Harper Torchbooks, 1972), 57-59.

⁹ Robert Paul Wolff, *In Defence of Anarchism* (New York: Harper Colophon, 1976), 14.

Wolff's sovereign virtue, and therefore "... there would appear to be no state whose subjects have a moral obligation to obey its commands".¹⁰

Taking conscription as a practical example, Simmons is in agreement that the final choice to contribute must be taken by the citizen:

*The responsibility of government in a democracy is not to conscript against an inevitable emergency; it is rather to make military service attractive, to make clear to citizens the value (if any) of a strong deterrent force, and to leave the results to the voluntary decisions of the people whose nation it is.*¹¹

Nevertheless, Simmons is prepared to accept modern democracy as a system merely in need of some new guidelines. Wolff on the other hand completely rejects democracy. Calling to mind Kenneth Arrow's Impossibility Theorem, he argues that unless MPs intend to accurately represent the views of each and every citizen, they are every bit as illegitimate as dictators.¹² To this effect, he argues that "... anarchism is the only political doctrine consistent with the virtue of autonomy".¹³ This view invites a criticism which calls to mind Michael Heseltine's memorable aphorism "*A man alone in the desert is sovereign. He is also powerless*".¹⁴

So, on the one side is the argument to obey the state, on the other that to obey only oneself. Then again, equally valid arguments come from the positions of gratitude and fairness. This contribution was made most notably in Plato's *Crito*, wherein it was argued that obedience to the will of the state was a way of

¹⁰ Ibid., 19.

¹¹ Alan John Simmons, *Justification and Legitimacy: Essays on Rights and Obligations*, (New York: Cambridge University Press, 2001), 64.

¹² Wolff, *Anarchism*, 30.

¹³ Ibid., 18.

¹⁴ Philip Stephens, "Britain and Europe: An Unforgettable Past and an Unavoidable Future", *The Political Quarterly*, Vol. 71, No. 6 (2005): 18.

showing appreciation for the protection the state has provided you, and the rest of society, even if you (in the case of Socrates) are deemed to be just such a threat. As summed up by Knowles, "... gratitude should be signalled by the citizen's acceptance of their duties", including for Socrates the acceptance of his own death as an outcome of the state's promise to protect society.¹⁵

H. L. A. Hart is the most notable modern advocate of the sister philosophy to gratitude, that of fairness, arguing that:

*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 benefited from their submission.*¹⁶

This view, essentially one of contract, is endorsed by Klosko in a less contractarian sense. He envisions obligation as fairness, not as a moral question:

*political obligations stem ultimately from the receipt of such [state] benefits provided by the efforts of one's fellow citizens, rather than from moral requirements binding on all human beings.*¹⁷

This is a direct counter-argument to that of Rawls, who charges citizens with the moral obligation to uphold just regimes. Klosko sees this obligation not as a moral imperative, but as a calculated mark of gratitude towards society and therefore the benefits received must equal or out-weigh the cost incurred on autonomy. Rawls, along with Reiman, argues that it is moral duty, not personal costs, which should be weighed. Singer, in concert with Rawls, encourages the citizen to accept and endorse democracy as their best option.

¹⁵ Knowles, *Political Philosophy*, 288.

¹⁶ H. L. A. Hart, "Are there any Natural Rights?", quoted in Knowles, *Political Philosophy*, 283-284.

¹⁷ George Klosko, "Political Obligations and the Natural Duties of Justice", *Philosophy and Public Affairs*, Vol. 23, No. 3 (1994): 253.

One problem with arguments like those of Singer and Rawls is, however, that they seem to admit that philosophy has failed to find an answer. They both amount in sense to ‘hedging your bets’ with democracy and thus place a limit on philosophy, as Singer freely admits.¹⁸ Even still, the main challenge to this, from Wolff, suffers an inverse philosophical haemorrhage, placing such exacting standards of autonomy on the system that even anarchism cannot answer the call. After all, surely autonomy of choice must entail freedom from fear; an anarchistic system (or rather, non-system), which relies so heavily on sound moral judgement on the part of every human being, is wide open to abuse and thus fear of violence. At this point consent theory is extremely attractive.

Even still, actual consent for a political system is hard to come by – not only are modern examples suspect (as in the 1975 referendum) but even explicit consent can be the result of lack of choice, through the development of a dictatorship of the majority. This is illustrated by Knowles in reference to voting. Taken on the basis of one vote, he argues, democracy is relatively sound. Not getting the result you wanted “... is not tyranny; it is just defeat”.¹⁹ The real problems arise, however, from systems of in-built division, usually along religious or ethnic lines, wherein the losing-side of an initial election become increasingly marginalised as the winners pass legislation and appoint sympathetic judges, intent upon entrenching their victory. In this sense “... democracy may serve as a mechanism for quickening as much as expressing social conflict”.²⁰ In support of this he sites trouble in the states of former Yugoslavia. More currently, Kenya displays the same problem, where the prospect of another entrenched Kikuyu government has driven Luos to violence.²¹

¹⁸ Singer, *Democracy and Disobedience*, 33-34.

¹⁹ Knowles, *Political Philosophy*, 319.

²⁰ Ibid.

²¹ “More Mayhem than Mediation”, *The Economist* (London), 2 February 2008, 55-6.

Arguments from fairness and gratitude also suffer problems, not least because they presume that all benefits of democracy are avoidable. Someone with a life-threatening illness but without the money to pay for private care will be forced to embrace the benefits of the NHS. This is not to say they shouldn't be grateful but, as put best by Jean Jacques Rousseau, "*gratitude is a debt to be paid, not a right to be exacted*".²² When it comes to building armed forces therefore, the cultivation of a 'national spirit' of duty is the extent to which a government can morally pursue enrolment, as argued by Simmons. Wolff's proposition of anarchy, however, is a step too far. Nonetheless, it raises important questions to the extent personal judgement should be limited. Referring in this light to political representation, Alec Walen comments that:

*even in an ideal democracy there will be reasonable pluralism, the law may reflect a false view of justice. If it does, then justice may call for the use of illegal force.*²³

Curiously, with the exception of Beran, the majority of those discussed as proposing obedience see cases of civil disobedience as acceptable, given certain provisos. Rawls agrees that if a certain group finds itself consistently the victims of injustice, they have the right to protest in an illegal manner. Singer argues that the violation of rights, political and human, "... invalidates the reasons for obedience" as do certain extreme situations, such as Vietnam.²⁴

There are other tensions here though. Firstly, what if these same reasons were applied to one person only – just to one person conscripted to fight in Vietnam? Wolff would argue that a sole dissenter has as many rights as a group – something which few others properly address. How, in Rawls' model for example, is one person to appeal effectively to the sense of justice of the majority? The problem here is that it is highly impractical (limited access to

²² Rousseau in Knowles, *Political Philosophy*, 289.

²³ Alec Walen, "Reasonable Illegal Force: Justice and Legitimacy in a Pluralist, Liberal Society," *Ethics*, Vol. 11, No. 2 (2001): 366.

²⁴ Singer, *Democracy and Disobedience*, 68; *ibid.*, 63.

money, time, media coverage etc) for a sole dissenter to follow through on his or her feelings in all cases, even if they are proved right. Singer illustrates this difficulty in the court system of the United States. Since the judges of the Supreme Court are appointed alternately by Presidents of two deeply entrenched political parties, the Court itself is majoritarian and thus "... has generally followed [majority] public thinking after a decent interval".²⁵ Even the congressional approval is essentially majoritarian.

The converse tension is that in wanting to better a society, dissenters arguably destabilise it. To this end, Reiman argues that society stands on cooperation and the "duty of reciprocity".²⁶ Therefore, to answer the question of whether the fact of living in a democracy gives a person a special reason for obeying the state, a balance of these tensions must be struck. There is little sense in a monist duty to uphold just systems – this should be a purely practical consideration to preserve a system which, on the whole, preserves rights. The implication made by Rawls and Singer is that democracy should be accepted in principle, while civil disobedience is merely a sometime-necessary evil. However, civil disobedience is not, as Singer claims, the dissenter imposing their views; it is merely a red flag signalling the imposition of others' views in the dissenter. It also reflects the imperfection, as pointed out by Walen, of democracy as a system which can, at times, skew justice.

To return to the question then, democracy gives a person a reason to consider obedience, but so too does it foster situations where disobedience is a reasonable option. There should therefore be no default position, merely a constant reappraisal of one's citizenship and rights.

This could be easier said than done. The global clamp-down on terrorism, and the paranoia that has come with it, has brought citizenship to the fore; the moral abacus is a blur. The government's pursuit of personal information and verification as well as constant knowledge of all our whereabouts has thrown

²⁵ Ibid., 68.

²⁶ Reiman, *Political Philosophy*, 57.

up a series of invasive suggestions from identity cards to armed policemen in airports. The citizen is being forced, with a certain urgency, to make hard choices about his or her rights and duties. This tension is evident in responses to recent government proposals on identity cards and longer detention of terror suspects which remain in deadlock in every forum from internet chat rooms to the House of Commons.

This is just one case in point in which the citizen must weigh up their rights (to privacy) against their citizenship (sacrificing private information to help protect the state and therefore oneself). The primary tension here is that rights are arguably objective whereas citizenship is subjective, being dependent on so many of the above factors like gratitude, duty and contract. This is certainly not to suggest that objective trumps subjective. This is for two reasons: first, even though the concept of rights is itself objective and therefore so is each individual right, what those rights actually are a still deserves discussion; second, subjective issues, like perhaps abortion, can be just as riddled with absolutes. In fact, just such a subjective issue illustrates a conflict between objective rights, those of the mother and those of the unborn child.

The objective and subjective therefore must be held in balance when pondering upon obedience to the state. People must put a price on democracy, to be paid for by degrees of liberty. This price should not be set in stone however, but constantly reappraised in what might crudely be described as a liberty market, where control of freedoms is subject to demand, whether that be from terror-wary governments or those resorting to civil disobedience. This market must not respond to violence – conclusions should be reached before this end. Finally, obedience must be bought at a price agreed by both parties, and fairly traded.

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