

Central European University
Department of Philosophy
Winter 2015

Advanced Political Philosophy I: Political Authority and Obligation

Course status: Mandatory for PhD students in the Political Theory specialization.
CEU credits: 4
Academic year: 2014/2015
Semester: Winter
Start and end dates: January 2015–April 2015
Host unit: Department of Philosophy
Co-hosting unit: Department of Political Science

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Office hours:

Tuesday: 10-11 am, 2-3 pm
Thursday: 10-11 am, 2-3 pm.

Course Description

States claim to have authority to govern within their jurisdiction. Authority is generally understood as entailing a right to be obeyed correlative with a moral obligation incumbent on the subjects of authority to obey (provided that certain conditions obtain). The obligation to obey is said to be general (although capable of being defeated if the relevant conditions do not obtain). It is said to hold with regard to (almost) all directives, (almost) all subjects, on (almost) all occasions. This is the claim of political obligation. It needs to be justified. Is there any strategy to justify it with a chance to succeed? Anarchists and classical Marxists answer the question in the negative. Liberals, traditionally, defend a positive answer for a subclass of states (constitutionally limited democracies). The traditional justifications are, typically, voluntaristic in the following sense: they assume that for a person to be politically obligated, s/he must perform an act that counts as undertaking an obligation (consent, acceptance of benefits from a cooperative scheme, etc.), and that act must be performed voluntarily (acts performed under coercion, manipulation, duress, or hypnosis, for example, are not obligation-generating). However, in the last couple of decades, an increasing number of liberal philosophers came to adopt a skeptical view on the possibility of justifying political obligation. In an attempt to meet the skeptical objection, other liberal philosophers try build the justification of political obligation on some moral duty that applies to the subjects independently of whether they have performed any voluntary act of undertaking an obligation (associative duties, natural duties of justice, etc.).

This course will ask the question why the issue of authority is a problem for political philosophy at all. It will also examine the direction in which the justification was traditionally sought and the reasons why this direction has been taken, the skeptical arguments against the traditional strategies, and the more recent attempts at meeting those arguments.

Course requirements and evaluation

This is a four-credit course for doctoral students in philosophy or Political Science. It has the format of two class-hours of seminar discussion based on some text on the week's topic followed by a two class-hours lecture on another day.

The grade will reflect class participation (50%) and a term paper (50%). Class participation includes at least one seminar presentation based on a hand-out.

Students are supposed to write a 10-15 page long (Calibri 11, double-spaced) final essay.

Expected learning outcomes

Understanding the nature of arguments in political philosophy and of the way they differ from arguments made in institutional political theory.

Developing the ability to make such arguments.

Enabling critically to present a philosophical text.

Topics

Week 1:

State legitimacy and political obligation

What is the problem of state legitimacy? Is legitimation separable from the existence or non-existence of an obligation to obey state authority? Even if states may not be able to claim obedience as a matter of general obligation, they still may rightfully claim authority to apply coercive force. Even if conceptually possible, is this position a sound one?

Mandatory:

R. Ladenson: "In Defense of a Hobbesian Conception of Law", in *Philosophy and Public Affairs* 9 (1980) 134-

Optional:

H. Pitkin: "Obligation and Consent I-II", in *American Political Science Review* 59 (1965) 990-999, and 60 (1966) 39-52.

C. Pateman: "Political Obligation and Conceptual Analysis", in *Political Studies* 21 (1973) 199-218.

J. Raz: "Authority and Justification", in *Philosophy and Public Affairs* 14 (1985)

A.I. Applbaum: "Legitimacy without the Duty to Obey", in *Philosophy and Public Affairs* 38 (2010) 215-239.

Week 2:

Conceptual issues

Political obligation involves a network of concepts that establish the common ground for the alternative theories. We will address the relevant concepts.

Mandatory reading:

The first and the last chapters of A.J. Simmons's *Moral Principles and Political Obligation*, Princeton: The University Press 1979, on the reserve stack.

Optional reading:

J. Wolff, "Political Obligation: A Pluralistic Approach". In M. Baghramian–A. Ingram, eds: *Pluralism*. London-New York: Routledge 2000.

Week 3:

The anarchist argument

The baseline option is one without a state. All the available theories agree that it is the state with its claim to issue binding directives to its subjects that needs to be justified, not the absence of it. The anarchist argument holds that no acceptable justification can be given.

Mandatory reading:

R.P. Wolff: "The Conflict Between Authority and Autonomy", in Wolff: *In Defense of Anarchism*. New York: Harper & Row 1970.

Optional:

A.J. Simmons: "Philosophical Anarchism", in J.T. Sanders and J. Narveson, eds: *For and Against the State*. Lanham, MD: Rowman & Littlefield 1996, 19-39.

Week 4:

The skeptical view

Skeptics are not genuine anarchists. They agree that some laws can legitimately command obedience on some occasions. They also agree that an individual may have good reasons to obey different groups of laws on different grounds. What they do deny is that there would be something like a general political obligation for (almost) all individuals to obey (almost) all laws on (almost) all occasions.

Mandatory:

M.B.E. Smith: "Is There a Prima Facie Obligation to Obey the Law?", *The Yale Law Journal* 82 (1973) 950-976.

Optional:

J. Raz: "The Obligation to Obey: Revision and Tradition", in *Notre Dame Journal of Law, Ethics & Public Policy* 1 (1984) 139-155.

Week 5:

The consent account

Free and equal individuals cannot be bound to obey unless they voluntarily agree to do so.

Mandatory:

M. Otsuka: "Political Society as a Voluntary Association", in Otsuka: *Libertarianism Without Inequality*. Oxford: Clarendon 2003.

Optional:

A.J. Simmons: "Justification and Legitimacy", in *Ethics* 109 (1999) 739-771.

Week 6:

The normative consent account

Under certain conditions, consent is not a matter of voluntary choice: we are required to give it. Making it voluntary is endorsing free-riding.

Mandatory:

D. Estlund: "Political Authority and the Tyranny of Non-Consent", in *Philosophical Issues* 15 (2005).

W. A. Edmundson: "Consent and its Cousins", in *Ethics* 121 (2011) 335-353.

Week 7:

The fair play account

Voluntary acts that are not carried out with the intention undertake an obligation may still involve becoming obligated if they consist in accepting benefits from the co-operation of others.

Mandatory:

J. Rawls: "Legal Obligation and the Duty of Fair Play", in Rawls: *Collected Papers*. Cambridge, Mass.-London: Harvard University Press 1999, 117-129.

Optional:

J. Rawls: "Principles for Individuals: The Principle of Fairness", in Rawls: *A Theory of Justice*. Oxford-New York: Oxford University Press 1971, 108-114.

Week 8:

The joint agency account

In cases when an individual becomes involved in joint action with others, the intentional character of the involvement (rather than its voluntariness) is sufficient to trigger obligations.

Mandatory:

M. Gilbert: "Reconsidering the 'Actual Contract' Theory of Political Obligation", in *Ethics* 109 (1999) 236-260.

Optional:

M.E. Bratman: "Shared Intention and Mutual Obligation", in Bratman: *Faces of Intention*. Cambridge: The University Press 1999, 130-141.

Week 9:

The non-voluntary fairness account

Receipt rather than voluntary acceptance of benefits is sufficient to trigger obligations provided that those benefits are non-avoidable and indispensable.

Mandatory:

G. Klosko: "Presumptive Benefit, Fairness and Political Obligation", in *Philosophy and Public Affairs* 16 (1987) 241-259.

Optional:

A.J. Simmons: "Fair Play and Political Obligation: Twenty Years Later", in Simmons: *Justification and Legitimacy*. Cambridge: The University Press 2001, 27-42.

Week 10:

The associative political obligations account

Political obligation is based on mere belonging to a community that satisfies certain normative requirements (reciprocity, equal concern, etc.).

Mandatory:

R. Dworkin: "Obligations", in *Justice for Hedgehogs*. Cambridge, Mass.: Belknap 2011, Ch. 14.

Optional:

M. Hardimon: "Role Obligations", *Journal of Philosophy* 91 (1994) 333-363.

J. Horton: "Political Obligation Reconsidered", in Horton: *Political Obligation*. Atlantic Highlands, N.J.: Humanities Press 1997, 137-171.

Week 11:

The natural duty of justice account

There is a general duty to comply with and support just institutions insofar as they exist and apply to us.

Mandatory:

J. Waldron: "Special Ties and Natural Duties", in *Philosophy and Public Affairs* 22 (1993) 3-30.

Optional:

J. Rawls: "Principles for the Individuals: The Natural Duties", and "The Arguments for the Principle of Natural Duty", in Rawls: *A Theory of Justice*. Oxford-New York: Oxford University Press 1971, 114-117, and 333-342.

Week 12:

The democracy-based account

Membership in a non-voluntary association triggers political obligations provided that the collective decisions are taken in a democratic manner.

Mandatory:

T. Christiano: "The Authority of Democracy", in *Journal of Political Philosophy* 3 (2004) 266-290.

Optional:

T. Christiano: "Justice and Disagreement at the Foundations of Political Authority", in *Ethics* 109 (1999) 165-187.

C. Gans: "The Conditions of the Applicability of the Duty to Obey the Law and Its Democratic Foundation", in Gans: *Philosophical Anarchism and Political Disobedience*. Cambridge: The University Press 1992, 94-119.