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What If There Are No  
Political Obligations?  
A Reply to A. J. Simmons

Toward the beginning of the final chapter of *Moral Principles and Political Obligations*,<sup>1</sup> A. John Simmons concludes that for most people most of the time there are no political obligations over and above moral obligations. Simmons spends the chapter arguing that the consequences of such a conclusion are not as extreme as one might at first be tempted to think. I believe that Simmons is mistaken about the consequences of his conclusion and intend to show that these are indeed more startling than he realizes.

I

In his final chapter, having canvassed and dismissed various accounts of political bonds in previous chapters, Simmons claims that for most people most of the time there are no specifically political obligations:

The general conclusion to which we are forced by this examination, then, is that political theory cannot offer a convincing general account of our political bonds. . . . Most citizens have neither political *obligations* nor “particularized” political *duties*, and they will continue to be free of such bonds barring changes in political structures and conventions. (192)

Simmons spends much of his final chapter explaining what he takes to follow and not follow from his conclusion. He seems to think that although

I have greatly benefited from the comments and helpful criticisms of Joel Kidder, Alastair Norcross, and the Editors of *Philosophy & Public Affairs*.

1. Princeton: Princeton University Press, 1979. Subsequent page references will be to this work.

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we have no specific political obligations, our moral duties will end up doing most of the work that one would have expected from political obligations. For obligations are *prima facie* only. Thus, even if there were political obligations, nothing would follow about what one ought to do from an exposition of such bonds. For there are other factors that need to be considered before questions concerning what one ought to do can be answered. Moral duties and other sorts of obligations need to be examined. Conversely, since political obligations would be just one type of obligation, the fact that there are no political obligations does not entail anything concerning the justification of disobedience. In Simmons's words, "There are, even in the absence of political obligations, still strong reasons for supporting at least certain types of governments and for obeying the law" (193). What might such "strong reasons" be? Simmons offers two candidates. First, he suggests that the Natural Duty of Justice would seem to give us a duty to support reasonably just governments, at least when such support does not require us to go terribly far out of our way. Therefore, if the government in whose jurisdiction we reside is just, we have a duty to do what we can to support it. Second, we have moral duties to the citizens in our society. These duties are not to the citizens *qua* citizens but to the citizens *qua* persons. Inasmuch as our disobedience would have a negative effect on the other persons of our society, we have a moral duty to refrain from such actions (keeping in mind, once again, that such duty is *prima facie* only).

There are two principal consequences that Simmons takes to be entailed by his conclusion. The first is that we have no special obligations to the country in which we have citizenship. This, of course, is generally, but not universally, true. Naturalized citizens who have explicitly consented to obey the laws of their new land have obligations to that government that others do not. But for the vast majority of citizens there are no obligations that bind them to the government in whose domain they reside that do not equally bind them to all fair and just governments. The second major consequence is the illegitimacy of actual governments. In order to get this consequence from his conclusions regarding political obligation, Simmons calls upon the doctrine of the "logical correlativity of rights." The basic point of this doctrine is that for every obligation there is a right that is entailed and vice versa. If there is no obligation of a certain kind, then there is no corresponding right. Now Simmons has argued that the average citizen does not have any political obligations.

Thus, Simmons claims, the average government has no right either to coerce its citizens into obeying its laws or to punish its citizens when they break its laws. It has traditionally been thought that a necessary condition for a government's being legitimate is that it have the right to demand certain behavior of its citizenry (even if such behavior is purely negative, such as not breaking laws). If, on the contrary, there are no political obligations, then there are no corresponding rights, and if there are no corresponding rights, then a necessary condition for legitimacy cannot be met, and it follows that no government is legitimate.<sup>2</sup>

## II

As mentioned above, Simmons thinks that the Natural Duty of Justice, together with duties to citizens *qua* persons, will be sufficient to bind us in much the same way that we would be bound if there were political obligations. In this section, I will attempt to show that he is wrong in thinking that the Natural Duty of Justice can bind us to typical governments in the absence of political obligations and that indeed, on his account, many of the duties that we ordinarily think citizens of a reasonably just society have simply do not exist.

To begin, let us consider the rather mundane affair of tax collection. It is normally thought that one of the political obligations that citizens have is to pay a certain percentage of their income in tax to the state. Such money is needed, it is argued, to secure the various, often unnoticed, benefits that all, or nearly all, of the citizenry share. Thus, tax dollars are used for highway development, national defense, public-service agencies, and the like. If one has political obligations that include tax payment, then, invoking the correlativity of rights, the state has a right to demand compliance with certain rules. One of these rules is, presumably, that each citizen should pay taxes. Thus, on any political theory that assumes the existence of political obligations for the vast majority of the citizenry, one has a clear case of the obligation of tax payment. However, if one takes Simmons's conclusion seriously, it is not at all clear that the average citizen will have any kind of duty to pay taxes. I will explain with the help of the following example why this is so.

2. Simmons's discussion of legitimacy is on pp. 195–96. Also, while Simmons does want to claim that no government is, strictly speaking, legitimate, he is very careful to claim that this does not entail that all governments are on a moral par.

Imagine a government that functions much like the government of the United States (call this imaginary government “B”). As in the United States, B’s citizens, by and large, never make any explicit contract with their government. Imagine further that by normal standards B seems to be a reasonably just institution. Now suppose that there is a certain citizen of B, Jane, who is an anarchist. Jane does her best to avoid benefits from B so that she will not be obligated to B via the Principle of Fair Play. Of course Jane receives some benefits, but only those the avoidance of which would cause her great inconvenience.<sup>3</sup> Since Jane believes that all governments are tyrannical by nature, she refuses to pay taxes. B’s Internal Revenue Service first sends her notices informing her that payment is past due and that her tardiness has caused her to be fined. If, upon receiving a few of these “reminders,” Jane still is not jarred into action, B’s IRS will issue a warrant for her arrest. When she is found, Jane will be taken to jail and convicted of tax evasion, and if it turns out that she has not paid in years, she will serve a substantial sentence. Now assuming both Simmons’s claim that there are no political obligations and the doctrine of the correlativity of rights, it is clear that B has no right to demand payment of taxes from Jane. Since Jane has accepted no moderately avoidable benefits, she has no obligations with respect to B and thus B has no rights with respect to Jane.

Yet Simmons seems committed to saying that Jane *is* obligated to B in virtue of the Natural Duty of Justice. For B is, we have assumed, a reasonably just institution. But how can it possibly be thought that B is a just institution? For without any right to do so, B has demanded payment from Jane and jailed her for a considerable amount of time when she refused. Certainly such an action is unjust. And, of course, the case of Jane is different from that of most of the rest of the citizenry only because she resisted. As far as the “law-abiding citizens” go, they are simply being coerced into compliance; they are intimidated by B’s police

3. On pp. 128–33, Simmons discusses a pair of related distinctions that will serve to bring out the significance of Jane’s “receiving” (rather than “accepting”) B’s benefits. The first of these is between “open” and “readily available” benefits; open benefits can be avoided only with great inconvenience, while “readily available” benefits can be avoided with relatively little effort. Second, open benefits are generally “received” rather than “accepted.” Benefits which are accepted generally bring with them an obligation via the principle of fair play; received benefits, however, generally do not. Thus, I take it that Jane’s *receiving* benefits from B does not entail that she has acquired a duty, based on the principle of fair play, to cooperate with B.

force and judicial system into cooperating. Such actions simply are not the actions of a just institution. And when one considers that this sort of coercion is happening not just with respect to tax laws, but with respect to *all* laws, it begins to look preposterous to call B “just.” Institutions that demand cooperation on pain of fines, imprisonment, and even death, without having the right to do so, are simply not naturally described as “just.” Of course, it may still be that some institutions are more unjust than others. But on the whole, it looks as though all governments (at least those that punish offenders) are unjust. And if this is the case, then the Natural Duty of Justice can never be invoked to create a duty to obey the laws of the government.

It may be objected that as long as an institution metes out punishment that fits the crime, then at least with respect to its penal system, that institution is just. Alternatively, one might claim that although B does not have the right to coerce and punish, it is nevertheless all right for it to do so as long as the punishment fits the crime. Thus, in the same way that natural duties hold regardless of what one has or has not done, an institution has the right to punish (or it is all right for the institution to punish) insofar as the person punished has violated a natural duty. Therefore, not all governments that have police forces (but do not have a practice by which the citizenry obligates itself) are unjust.

I do not think that this objection is right. It seems false to claim that as long as an institution punishes in a way that “fits” the crime, then with respect to its punishing, that institution is just. In order to punish wrongdoing appropriately, the punisher must, or so it seems to me, be in a position of authority over the one being punished. If I steal my neighbor’s car, that does not give another neighbor of mine the right to take my boat in retribution, even if taking my boat is a perfect punishment for my having stolen the car. Simmons admits that, on his view, no government is legitimate in the sense that it has the right to demand and coerce its citizens into obeying its laws. If in order to do anything that can correctly be called “punishing,” the punisher must be in authority over the one being punished, then governments do not *punish* at all, on Simmons’s account, and so their fining and jailing law breakers cannot be just. If, on the other hand, one can punish even if one is not in a position of authority, then the governmental punisher must be behaving unjustly, since justice requires that the punisher be in a position to punish if the punishing is to be legitimate.

Finally, even if all of the previous paragraph is wrong, there is still a very unwanted consequence of the sentiment behind this objection. It seems that any person or organization that wanted to go into the punishing business could legitimately do so provided the punishment fit the crime committed. Again, suppose I steal my neighbor's car, and my neighbor, the police, a group of neighborhood vigilantes, and a representative of the Boy Scouts of America show up at my door, all claiming they are going to punish me for my action. If the objection under consideration is correct, no person or group has any more, or any less, right to punish me than any other. In fact, it looks as though they all have a right (or it would be all right for them) to punish me for my misdeed. And this seems clearly mistaken. Thus, I conclude that if there are no political obligations, no government can be just while coercing its citizens into obeying laws that they have no duty or obligation to obey. Therefore, the Natural Duty of Justice cannot be called on to provide moral incentive to keep the law.

### III

The second reason Simmons mentions for obeying the government in the absence of political obligations is the natural duty that one has to other citizens qua persons. It is not clear to me just what duties Simmons has in mind; perhaps one's duty to drive on the right side of the road is an example. Simmons does mention, however, a reason to obey one's government that has to do with the effect that one's not cooperating has on other citizens who have come to expect cooperation and thus plan accordingly. For example, because I have been counted on in the past to pay taxes, I have a reason now to pay taxes. For my paying taxes in the past has been taken into account when the various governmental agencies have budgeted for the next year. Thus, I have a reason for obeying the government even if Simmons is right that there are no political obligations.

Simmons is clear that he does not necessarily take such a reason to be a duty. He claims that ". . . [w]here, say, disobedience frustrates plans based upon such expectations, there is a *reason* for obedience, *even if there is no duty to avoid inconveniencing others*. Such reasons will not necessarily be *conclusive*, but they are reasons" (193–94; italics added). It seems to me that one must ask what the force of such a reason is. Remember that such reasons will do what Simmons appears to want

them to do only if they have roughly the same force that the obligation would have if there were one. If Simmons were claiming that we have some natural duty to avoid inconveniencing others (at no great cost to ourselves), then it would seem that the reason (to obey the law) that one would have if there are no political obligations would be on a par with the reason that one might have if there were such obligations. As far as I can see, the only difference would be that one reason stems from a duty while the other stems from an obligation. However, Simmons wants to claim that even if there are no political obligations and *no natural duty not to inconvenience others*, one's possible inconveniencing is still a reason to refrain from breaking the law. But what sort of reason can this be? If there really is no relevant duty or obligation, then the question would seem to be, is the reason *morally* significant? Simmons speaks of duties and obligations as having moral weight, and while he says nothing to rule out the possibility of other morally significant considerations, neither does he explicate them. What other morally significant category might there be outside of obligation and duty? Well, I suppose that we have the notion of supererogation. Perhaps the reason a person might have for, say, paying taxes, is that he wants to do something nice for his neighbor and can do so by acting above and beyond the call of obligation and duty. Perhaps there are other morally relevant categories into which a reason that is neither a duty nor an obligation might fall. In any event, Simmons needs to clear up this notion of a morally significant reason that is neither a duty nor an obligation.

Let us suppose, however, just for the sake of argument, that there is in fact a natural duty to do what one can to avoid inconveniencing one's neighbor. Two things should be noted: (1) like all duties and obligations, this is only a *prima facie* duty; and (2) the duty is, more exactly, a duty not to inconvenience (and frustrate plans) *insofar as the agent himself is not inconvenienced by his refraining from the action that might inconvenience*. The question is, is this duty easy to override in the sort of situation that we are imagining or is it more difficult? Again, in order for this natural duty to do what Simmons needs it to do, the duty must be nearly as forceful as the duty to obey the law if there were political obligations.<sup>4</sup> Is it likely to be equally weighty? I think not.

4. Perhaps I should say something regarding the forcefulness of duties. I take it that although all obligations and duties are *prima facie* (that is, nothing follows about what one

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It is not clear that inconvenience or, especially, the frustrating of plans is by itself a bad thing. Consider the following case from contemporary epistemology. In the early sixties, Edmund Gettier published a short paper that had enormous ramifications. His now-famous counterexamples conclusively showed, at least in the minds of most epistemologists, that whatever knowledge is, it is not justified true belief *simpliciter*. Certainly, Gettier's discovery inconvenienced and frustrated the plans of many a philosopher. Suddenly, one was forced to either hold an outdated and disproven theory or seek a fourth condition of knowledge or, worse yet, seek a new theory altogether. Gettier, we must presume, was not guilty of any moral wrongdoing because publishing his article caused inconvenience to more than a few philosophers. One suspects that his duty not to inconvenience was overridden by two things: (1) an obligation to correct error, or promote truth, and (2) the fact that not publishing it would have been an unreasonable inconvenience to Gettier, since this paper ensures that his name will long be remembered by philosophers of knowledge. I think this more closely parallels the case of Jane and B than one may at first realize. In both cases, one inconveniences or frustrates another's plans because the former has come to learn something that the latter has not. And in both cases one has an overriding obligation to do the best that one can to correct error, or promote truth. For although it might indeed be the case that Jane is wrong in her political beliefs, nevertheless, as far as she can honestly tell, her beliefs are true, and thus she may see herself as having an obligation to try to change, by example, what she takes to be the false political beliefs of others. Finally, in both cases the inconvenience placed on the agent is sufficient to override the duty. If one comes to justifiably believe (or, better yet, *know*) that there are no political obligations, then one's, say, paying taxes, is an unreasonable price to pay solely in order not to frustrate plans. And if one also has the duty to promote truth, then it would seem that one's duty to promote truth in this case overrides one's duty not to inconvenience and frustrate.

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ought to do from statements about one's duties), still some are more easily overridden than others. The duty not to take innocent human life is, I imagine, only rarely overridden, while the obligation to obey traffic laws (assuming that there are such obligations) is, I would think, much more often defeated by conflicting duties. Thus, I would think of the duty not to take innocent human life as more forceful than the obligation to obey traffic laws.



## IV

Thus, it seems that Simmons is mistaken in thinking that in the absence of political obligations there will be enough other kinds of duties, obligations, and “reasons” to cover the bare spots. If there are no political obligations, then governments that have police forces and jail citizens because they break laws (presumably this excludes no as yet actualized government) are not only illegitimate, but unjust as well. Thus, the Natural Duty of Justice will make no recommendation that one support and comply with them. And any duty that one might have not to frustrate the plans of other citizens will be far too weak and easily overridden to be a serious replacement for political obligations. Thus, the Natural Duty of Justice and the duty not to inconvenience others are not jointly sufficient to do most of the binding that was to have been done by political bonds.