

Why is there a problem about political obligation?

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I

It is difficult to know where to start in examining political obligation and perhaps, within certain bounds, any starting place is somewhat arbitrary. Be that as it may, I want to start with the seminal topics of power and authority. Politics is certainly about power and authority. And, particularly in troubled times, when the State, rightly or wrongly, is perceived to be “sick” we find ourselves asking: When (under what conditions, if indeed ever) must we obey the State and accept as legitimate the sovereignty of the State? Do we generally have a duty to obey the dictates of the State? When, if ever, morally speaking, are we justified in disobeying? When, if ever, is State power legitimate authority?

So we need to think about power, force, authority, legitimacy and the State. Some political scientists of a rather empirical bent have thought that all this reduces to the question of power. That, they believe, is the basic fact, the ultimate datum of politics. The only really crucial thing for political theory to do is to make an inquiry into the actual allocation of power. We need to determine, if we can, “who gets what, where, how”. Two nearly contemporary Italian social theorists, Gaetano Mosca and Vilfredo Pareto, powerfully and systematically articulated this view of things. (Steven Lukes refers to them, along with Michels, as neo-Machiavellian elite theorists.) They claim, Mosca and Pareto more uncompromisingly than Michels, that the study of politics, from the earliest times to the present, reveals that power in any given territory has always been exercised by a small political elite (more neutrally a small group of people) over the rest of the people in that territory. The situation, they claim, has pervasively been that of a small elite wielding power and

imposing their will over the rest. And, they claim, not too long after a socialist revolution, you would just get a repetition of that. To understand how societies work, and more particularly how politics work, we should come to recognize that talk about constitutional conceptions, forms of government, conceptions of sovereignty and justice is for the most part ideological twaddle. These “political formulae” are mainly devised to make the many accept the rule of the few. To escape ideological mystification, we need to concentrate instead on the actual organization of power. We have to understand how power is obtained and sustained to understand the State and the nature of politics. And we should not be hoodwinked by any utopian dreams of some future truly human society.

Mosca’s and Pareto’s claims echo those of both Plato’s Thrasymachus and Machiavelli. Thrasymachus, recall, tells Socrates in *The Republic* that it is absurd to prattle on about justice and right when it is plain that the advantage of the stronger is the only rule. Power is the moving force in politics. Laws are made to suit the interests of the powerful in a society and people obey because they are, in one way or another, pressured into doing so. Socrates gets Thrasymachus to concede, under the pressure of argument, that things are not always quite so simple. But note that the concession still leaves the might makes right view intact, for the concession comes to the admission that often rulers do not use force alone. They do not only use “brute” naked force in obtaining obedience; their statecraft includes guile and propaganda as well. People obey not only because they are afraid; many obey because they are made gullible through a certain kind of socialization. They simply do not see things as they actually are. That is, they do not see that power, and its exercise, is the *ultima ratio* of politics.

This general view about power is certainly, in one form or another, a widely held view among political and social theorists. But, along with the recognition of the ubiquity of power, it is increasingly realized that power has many, or at least several, faces. That is to say, “power”, a very theory-laden term, has been conceptualized in different ways by different theorists and the conception has been put to use by different theorists in the context of different systematic theories and with different ideological effects. Its different conceptualization and different systematic employment by such classic theorists as Plato, Aristotle, Machiavelli, Marx, Pareto and Weber should make that evident. Hobbes, for example, uses “strength” and “power” as near synonyms, while we find Machiavelli telling us that “He who acquires power (*imperio*) and not strength (*forze*)

at the same time, is doomed to ruin.”¹ On some uses, including Hobbes’, this would be a contradiction in terms. There is no obtaining power without obtaining strength. But sometimes, as in “legal powers”, “power” comes to have a use which puts it closer to authority and indeed even to legitimate authority, if that is not a pleonasm. We must be wary of lumping these conceptions together as being simply different instances in which men succeed in carrying through their decisions and imposing their will over other persons. We need to come to grips with the internal complexity of the concept of power and how it relates to such concepts as structure, force, violence, authority, and legitimacy.

II

In starting to sort things out here let us look at how one political theorist of a rather traditional sort (A.P. D’Entreves) relates *power*, *force* and *authority*. Let us, following D’Entreves, look at three simplified situations, situations which might be taken as situations where the ubiquitous but somewhat varied phenomenon of power evidences itself. Let us call them *the gunman situation*, *the policeman situation*, and *the situation of the expert or wise man*. A gunman comes into a bank and simply holds it up at the point of a gun. Here in the gunman situation we have a display of what we call, utilizing two dead metaphors, naked power or brute force. He exerts, if he is successful, for a short time power over people in the bank. Might here plainly and unambiguously prevails over right, if the gunman succeeds. For the people involved, complying with his demands will, quite literally, probably be a matter of life and death. Contrast this now with the situation involving the expert or the wise man. In that situation, assuming the expert is *not* also a bureaucrat, there is no question of his forcing us or coercing us. Hans wants to work out a reasonable retirement package so he consults an investment expert. Sven is having marital problems and so he finally talks to an old and trusted friend whose judgment he respects. After their respective discussions and, after turning the advice over and taking it to heart, both Hans and Sven conclude that they had better follow the advice they have been given. But no question of force or coercion arises here or, even of power, at least in any straightforward sense, but we do have, particularly in Hans’s case, a clear case of someone turning to and appealing to *authority*. But notice we could say, as D’Entreves in fact does, that with this deferral to authority, we have a case of “compliance

freely and willingly given to a power we accept and recognize.” But in talking about “power” here we are simply talking about willingly accepting someone’s expertise. (Indeed it seems to me misleading here to speak of power at all, though there is an acceptance of authority in the sense of *expertise*.)

The policeman situation is more complex. Suppose a policeman stops and arrests the bank robber and suppose further that the bank robber is no Robin Hood. The policeman, let us say, arrests the bank robber at the point of a gun. Shall we call that an exercise of authority or of might or of both? He uses force but it is not exactly the same thing as the gunman used in the bank, though the gunman also used force. What makes the difference is that the policeman also possesses *authority* and has the *right* to use force in certain prescribed ways in certain determinate circumstances. Indeed, he typically can – though hardly in that situation – get his orders obeyed without using force, but, where it is necessary to secure obedience, he has the *right* to use force. In that respect he differs from the bank robber. But clearly the authority that he has is different from that of the expert or the wise man. It is not rooted in any knowledge, understanding or insight that he has. It is not even a matter of expertise. He may be a rookie cop or a very inefficient or stupid one. He is typically obeyed, though again hardly in the above situation, because (a) he is invested with a particular office and (b) “his orders are issued in the name of some superior authority, and according to impersonal and (tolerably) well-defined rules.”² He has what Max Weber would call legal-rational authority. But again, that “superior authority” need not be that of an expert or of anyone having expertise, though, like the cop, he must have a certain social role and, if he is to be successful, he had better be backed with *power*.

Here we can see something of the connection between might and authority. The gunman situation shows might, force and violence at work pure and simple. The situation of the expert or the person possessing, or at least thought to possess, wisdom shows authority displayed in one of its clear paradigms. (But is the political authority of the state anything like that?) The policeman situation is intermediate between might and authority. Force is, in that situation, no longer naked and authority in this situation as in the other is not unchallengeable. It is in circumstances like that, though writ large, some theorists believe, that we find the characteristic domain of *political power*.

There will be those anarchists or libertarian socialists, for example, who

will resist this and claim that only ideological mystification separates the gunman situation from the policeman situation. The policeman is invested with a particular office and his orders are to be obeyed because they are issued in the name of some superior authority and according to impersonal and well-defined rules. But that superior authority, the anarchist will respond, is in reality, though hardly in our state ideology, some bandit disguised in his elevated status as a member of a culturally sanctified ruling class or ruling elite. The word “bandit” – hardly a neutral word – is, they claim, appropriately, if sometimes somewhat metaphorically, applied to members of the ruling class, for they, or their forefathers, once seized their advantage much in the manner of the gunman. To talk of “ownership”, after all, is extensionally equivalent to talking of effective power, or control over that thing. (That is *a way* of saying they come to the same thing). Moreover, the impersonal and well-defined rules mentioned in the characterization are nifty ideological devices for sustaining that advantage and for keeping ruling class control. In complex societies the society’s legal structures do a good bit of this key ideological work. Here the work of Weber has been very instructive.

The gunman situation and the policeman situation are, anarchists will argue, in reality quite analogous. In both instances we have the use of superior force to make the will of someone prevail over others. Indeed the gunman tries to serve what he takes to be his own interests while the cop serves the interests of those who hire him. But in both cases the recipient of the force is made to act in a way which serves the interests of others, who, directly or indirectly, control the situation in what they at least take to be their own interests.

To respond adequately to such an anarchist challenge it needs to be shown that the State and its legal system is not, or at least need not be, an ideological system serving the interests of a ruling class or a ruling elite. What needs to be shown instead is that it at least is a system with impartial and well-defined rules which have legitimate authority.

D’Entreves tries to do just that. He sees the State as a legal system and sees the rule of law as being *a rule of reason* that can meet the needs of its citizens. Indeed to have a State, as distinct from a situation where we have a gang in power, we must have a people held together by law and a sense of tradition. Put in the language of communitarians the State must also be a nation or society and not *just* an artificial creation who controls the means of violence over a territory. There must be something there which makes them a people. This is the classical Roman notion of a *res publica*.

We do not have a State, it is claimed, unless the system of social control meets those conditions. Like Max Weber, D'Entreves conceives of the State as a system in which force is (a) monopolized and (b) exercised "according to known and ascertainable rules." Only if this obtains, he argues, does "it make any sense to talk about the State, and about power as something qualitatively different from the mere imposition of force." This is quite compatible with Max Weber's famous definition of the State as a compulsory political association with an "administrative staff [which] successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order." But again, the question generated by the anarchist returns like the repressed. How do we determine when the use of force is *legitimate*? How do we determine when a system of known and ascertainable rules is justified, that is to say, is a morally acceptable set of rules, rules that we *should be obliged* to follow? How, in short, do we determine when a *de facto* power – a system with established and generally accepted rules – is a *legitimate*, i.e. a morally acceptable, authority?³ Unless we can do this in some convincing way, we will not have defeated the claim that ultimately politics is a matter of might, not of right.

To solve the question of when a political order has legitimate authority, it is – or so at least it seems – necessary to show when, if ever, we are morally obliged or morally required to accept the authority of a political order. This is the core meaning of the classic problem of political obligation and it is not evident that we have any very good answer to it.

Notes

1. A.P. D'Entreves, "Obeying Whom?," *Political Studies* 13.1 (February 1965): 6.
2. *Ibid.*, p. 7.
3. On certain subjectivist theories of ethics just to say that it is generally accepted is to say, or comes in reality to the same thing as saying, that it is legitimate or morally acceptable. Is the above, in effect, a *reductio* of such a subjectivist account, showing that, if that is what it is committed to, then it must be in some way a mistaken account of the nature of morality?