

On consent (wolf pgs. 34-46)

The Social Contract:

Hobbes, Locke and Rousseau all seem to think that we are obligated to obey the law because we are contractually obligated.

Why is this an attractive theory?

We want a theory of political obligation to be *universal* (binding for all citizens within the state's borders) and *voluntary* (I can only have political obligations if I have *acted* so as to assume them).

2 advantages:

Every citizen is obligated

Obligation is taken on voluntarily through consent

Problem: What kind of 'consent is required?

Actual (explicit) consent:

1. It's implausible that there should have ever been some historical instance of mass consent.
  - a. Even if there were, it wouldn't show that subsequent generations were bound—so existing citizens wouldn't be bound
2. Consent would need to be ongoing to be really voluntary (consent is retractable, after all)
  - a. But most modern citizens never explicitly consent to be governed
  - b. Naturalized citizens are an interesting counterexample
3. Suppose you say we consent because we vote
  - a. Can't a vote against the current government qualify as an instance of *dissent*?
  - b. This doesn't explain why people who abstain from voting are bound to obey the law
4. You could say that participatory democracy features mass consent
  - a. But modern democracies look nothing like this, so the obligation to obey the law in a society like ours remains unexplained

Tacit consent?

-Mere receipt of benefits qualifies as consent—no *explicit* consent is required

-If you don't like it, you can always leave

Probs:

(1) What if you *can't* leave?

(2) The music club case—does receiving benefits *really* show that I have *agreed* to anything?

Hypothetical consent?

-I *hypothetically* consent to *x* if it is true that I really *would* consent to it if asked (even I've never actually *been* asked)

Thought experiment: If you were in the state of nature, would you ultimately choose to agree to the obligations of the state? If so, then you have *hypothetically* consented.

Probs:

(1) These 'dispositions' to consent don't seem binding in other kinds of contexts (return to the music club case)

(2) There are at least *some* citizens (namely, anarchists) who would *not* consent. This shows that hypothetical consent is not enough to establish *universal* political obligations.