

## Chapter 26, Politics: Forms of Government

### Forms of government

#### 1. Liberal democracy:

- **narrow** definition of democracy – for and by the people
- = **system** of government – institutional mechanisms

- equal participation** in regular, free elections
- universal franchise**
- secret ballot**
- multi-party politics**
- Rule of law:**
  - equality before the law
  - regular admin through clear procedures and regular courts
- protection for **minority rights and civil liberties**
  - therefore grounds for political obligation = consent and promise keeping

#### 2. Totalitarian democracy:

- **broad** definition of democracy – for not by the people
- = **type of society** in which certain soc/econ goals are met or worked towards

- changes in **economic and social relationships** = essential prerequisites to equal participation in politics
- reduction in **poverty**
- increase in **agricultural production**
- improvements in **education** e.g. literacy
  - therefore grounds for political obligation = governments pursuing moral ends

### Protest, civil disobedience and our moral and legal obligations

Claim: grounds for CD = conflict between moral and political obligations

#### 1. Authoritarian answer:

- law and morality = same**
- we learn our morality from the **lawgiver**/The Prince – Machiavelli
- morality = as much the law's business** as is political subversion – Devlin

#### 2. Anarchism:

- law and morality = same**
- individual's **morality gives legitimacy** to the law
  - when the law no longer reflects moral consensus there no longer exists an obligation to obey it
- moral consensus** = always evolving; law = fixed
  - therefore law = always a form of tyranny forcing the indiv to abandon his natural morality

#### 3. Totalitarianism:

- law and morality = distinct**

## Chapter 26, Politics: Forms of Government continued

- b) legal problems have legal solutions; moral problems have moral solutions  
– therefore should never challenge the law in search of an answer to moral problems
- c) but much of what we normally regard as moral/private = political/public

### 4. Liberal democracy:

- a) law and morality intersect – some private/moral obligations = now the subject of laws
- b) restricting the extent of government = defining 'harm':
  - (i) to oneself
  - (ii) to others – physical/psychological/economic/moral

## Civil Disobedience

### 1. 2 issues:

- a) extent of the overlap of law and morality – extent of government
- b) which has precedence where they do overlap? – legitimacy of government

### 2. Justifications for CD:

- a) governments that lack legitimacy – disregard popular opinion – autocratic  
e.g. where majority interests are sacrificed for the minority's
- b) governments act legitimately (in line with the majority will) but
  - (i) tyrannize a minority  
e.g. Civil Rights Movement – USA 1960s  
NB: Martin Luther King – 2 characteristics for unjust laws:
    - I. if code the majority inflicts on minority ≠ binding on itself
    - II. if minority had no part in making the law
- c) Anarchist answer = moral conscience alone forbids compliance:  
e.g. Quakers
  - (i) Thoreau – dictates of conscience always hold sway over obligations to the state
  - (ii) Danger = individuals picking and choosing the laws they will obey  
– therefore weakens the Rule of Law
- d) Authoritarian answer = obey the law and learn morality:  
  
problems : (i) simply complying with laws without judgement = ignores our moral sense –  
we act as tho we were moral e.g. Euthyphro problem  
(ii) more likely we are acting out of fear rather than virtue = prudential rather  
than moral reasons  
(iii) nothing preventing governments from using their powers in an arbitrary  
manner

### 3. Solutions:

- a) utilitarian/empirical grounds – Hume/Bentham
  - (i) government authority depends on extent to which it enjoys allegiance of subjects

## Chapter 26, Politics: Forms of Government continued

- (ii) reasons = more important than the promise of allegiance
- (iii) = *prima facie* obligation – whatever reasons there are for obeying the law there may be stronger reasons against it in particular cases
- (iv) problems:
  - I. allegiance = only provisional and dependent on circumstance  
– we can withdraw it if we can better pursue moral objectives by doing so
  - II. Government – justifies governments in extending their powers – whenever they see the opportunity of promoting the greater good

### b) Social contract – Mill/Plato – Crito dialogue

- (i) Our obligation is derived not just from our promise – but from our acceptance of the benefits of society e.g. education and security
- (ii) Problems:
  - I. assumes we all have freedom to accept/reject the contract
  - II. binds the next generation
  - III. if consent = acquiescence – which doesn't imply a promise – then it cannot impose an obligation – it doesn't indicate why we accept authority – doesn't give reasons and a contract involves giving reasons
  - IV. we might just fear the consequences of resistance or simply be apathetic or we may not have considered the alternatives
  - V. misconceives modern power relations  
– contract ≠ between 2 equal partners – the individual and the state