The Cake’s Not Worth the Candle: On Samaritan Duties and Political Obligation

A thesis presented to
the faculty of
the Department of Philosophy of Ohio University

In partial fulfillment
of the requirements for the degree
Master of Philosophy

Paul A. Martin
August 2016

© 2016 Paul A. Martin. All Rights Reserved.
This thesis titled

The Cake’s Not Worth the Candle: On Samaritan Duties and Political Obligation

by

PAUL A. MARTIN

has been approved for

the Department of Philosophy

and the College of Arts and Sciences by

Alyssa Bernstein

Associate Professor of Philosophy

Robert Frank

Dean, College of Arts and Sciences
ABSTRACT

MARTIN, PAUL A., M.A., August 2016, Philosophy

The Cake’s Not Worth the Candle: On Samaritan Duties and Political Obligation

Director of Thesis: Alyssa Bernstein

In this paper I evaluate several instances of Samaritan natural duty theories of political obligation. Specifically, I examine the theories advanced by Christopher H. Wellman, Aaron Maltais, and George Klosko. I draw the following three main conclusions: (i) Wellman’s and Klosko’s theories rely on false and controversial premises, (ii) a satisfactory answer to an inquiry like Wellman’s leaves open important questions in political obligation theory, such as A. John Simmons’ questions, which should be resolved, and (iii) Samaritan duty theories of political obligation imply that there are limits on political states’ pursuit of domestic interests, which the theories under examination do not clearly develop.

Keywords: Political obligation, natural duty, Samaritanism.
ACKNOWLEDGEMENTS

I cannot express enough thanks to my committee for their patients and their valuable comments: Dr. Alyssa Bernstein, my advisor; Dr. James Petrik, Dr. John W. Bender. I offer my sincere gratitude for the support provided by my committee; I am truly indebted.
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>3</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>4</td>
</tr>
<tr>
<td>List of tables</td>
<td>6</td>
</tr>
<tr>
<td>Introduction</td>
<td>7</td>
</tr>
<tr>
<td>1. Wellman’s theory of political obligation</td>
<td>11</td>
</tr>
<tr>
<td>1.1 Wellman’s arguments</td>
<td>12</td>
</tr>
<tr>
<td>2. Simmons’ objections to Wellman</td>
<td>22</td>
</tr>
<tr>
<td>2.1 Actual costs objection</td>
<td>22</td>
</tr>
<tr>
<td>2.2 Morally suspect duty objection</td>
<td>26</td>
</tr>
<tr>
<td>2.3 No duty to obey the law objection</td>
<td>29</td>
</tr>
<tr>
<td>2.4 Demandingness in Wellman’s theory</td>
<td>30</td>
</tr>
<tr>
<td>3. Membership and residence</td>
<td>42</td>
</tr>
<tr>
<td>3.1 Wellman and residence</td>
<td>45</td>
</tr>
<tr>
<td>3.2 Satisfaction conditions</td>
<td>53</td>
</tr>
<tr>
<td>4. Maltais’ argument</td>
<td>59</td>
</tr>
<tr>
<td>4.1 Maltais’ argument</td>
<td>60</td>
</tr>
<tr>
<td>5. Klosko’s multi-principle approach</td>
<td>66</td>
</tr>
<tr>
<td>6. Conclusion</td>
<td>76</td>
</tr>
<tr>
<td>Table 1: Satisfaction Conditions</td>
<td>55</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----</td>
</tr>
</tbody>
</table>
INTRODUCTION

In this paper I will evaluate several instances of a type of natural duty theory of political obligation, specifically, those that are based on Samaritan duties and the duty of mutual aid. I will focus mainly on the theory of political obligation advanced by Christopher H. Wellman in *Is There a Duty to Obey the Law?* (2005). I will also discuss theories of political obligation presented by George Klosko, and Aaron Maltais. There are three main families of theories of political obligation: transactional, associative, and natural duty theories.¹ Transactional theories of political obligation include consent and reciprocity theories, which establish duties of political obligation on the basis of the actions of subjects—e.g. subjects’ consenting or accepting benefits, etc. Associative theories of political obligation establish duties of political obligation on the basis of subjects’ identity—e.g. subjects’ being members of families, communities, nations, etc. Natural duty theories of political obligation establish duties of political obligation on the basis of moral duties that are owed to others, regardless of their transactional or associative properties, on the basis of individuals’ moral equality. As Simmons puts it, transactional, associative, and natural duty theories of political obligation differ in that they rest moral duties to obey the law on what subjects have done, who they are, or what they owe each other as moral equals, respectively.² Additionally, there are various kinds of natural duty theories of political obligation, which are based on different natural

---

¹ See DOL and CTP for a more detailed taxonomy of theories of political obligation.
² See DOL, pg. 103. Also, note that I have simplified Simmons’ remarks.
duties, the most plausible of which are based on either the natural duty of justice or Samaritan duties.

Wellman offers a Samaritan account of political obligation. That is, he argues that all subjects have a duty to obey the law because supporting political order provides great benefits for others. Moreover, Wellman’s theory is notable since it appears to be able to meet the demands of the generality requirement, which is a satisfaction condition requiring that any adequate theory of political obligation should show that most subjects of any political state owe certain duties (political obligations) to either their political state or their compatriots. While transactional and associative theories of political obligation cannot satisfy the generality requirement (because it is not necessarily the case that most subjects consent to their political regime or that most subjects accept the benefits provided by their political regime), a natural duty theory of political obligation might establish that all subjects have a duty to obey the law since we are all moral equals. Furthermore, natural duty theories of political obligation are also believed to illuminate what is owed to outsiders, or foreign political states and their subjects, since individuals outside our political communities are moral equals regardless of their geographical location. ³

Wellman’s Samaritan approach is specifically of interest because it is believed to be a plausible alternative to Rawls’ natural duty of justice, which some proponents of natural duty theories of political obligation find either unsatisfactorily vague or

unintuitive; however, we will see that Wellman’s theory is problematic in its own right.\textsuperscript{4} Examinining Wellman’s theory of political obligation is also worthwhile because of the comprehensive, and well thought out, objections offered by A. John Simmons in their coauthored book.\textsuperscript{5} Simmons argues that the natural duty approach is deeply problematic since natural duties cannot offer sufficient justification for the localized obligations, with the particular content, needed to offer an adequate theory of political obligation—i.e., a duty to obey the laws of one’s own political state. This problem, introduced by Simmons, is referred to as the problem of particularity, which can be paraphrased as follows: given that natural duties are owed to all persons due to some non-act based property they share, how can it be demonstrated that one has a duty to obey the laws of her particular society or regime? While various attempts have been made to resolve this paralyzing drawback of natural duty theories, even somewhat recently, Simmons’ objections to Wellman’s arguments are both decisive and convincing. And so, despite the promise and appeal of natural duty theories of political obligation employing Samaritan duties, as a plausible solution to the problem of generality and as an alternative to Rawls’ natural duty of justice, we will see that there are many deficiencies of such an approach. To be clear, I do not adopt Simmons’ position (philosophical anarchism) here, nor do I argue that all natural duty theories of political obligation are unsatisfactory. Again, this paper only aims to evaluate several instances of Samaritan theories of political obligation. I will draw three conclusions: (i) Wellman’s and Klosko’s theories rely on false and controversial premises, (ii) a satisfactory answer to an inquiry like

\textsuperscript{4} See SPO and MPP.  
\textsuperscript{5} See DOL.
Wellman’s leaves open important questions in political obligation theory, such as Simmons’ questions, which should be resolved, and (iii) Samaritan duty theories of political obligation imply that there are limits on political states’ pursuit of domestic interests.

In what follows my arguments will be distributed across six sections. In section one I will present Wellman’s argument for the thesis that all citizens have a duty to obey the law. I will also present Wellman’s response to the particularity problem. In section two I will present Simmons’ arguments against Wellman’s theory of political obligation. Also, I will expound on Simmons’ argument that Samaritan duties, with the content Wellman assigns them, do not exist—I will rely on ideas from Maltais’ evaluation of Wellman here. In section three I will further examine Wellman’s treatment of the problem of particularity. I will also discuss the differences between Wellman’s and Simmons’ inquiries and the satisfaction conditions they place on a theory of political obligation. In section four, I will present Maltais’ argument in support of the thesis that theories that satisfy a weakened particularity requirement can better justify the coercive practices of political states. In section five I will present George Klosko’s multi-principle approach, and show that Simmons’ objections to Wellman’s argument can be extended to Klosko’s account. Finally, in section six I will offer concluding remarks.
1. WELLMAN’S THEORY OF POLITICAL OBLIGAITON

Here I present Wellman’s argument for the thesis: all residents have a duty to obey the law. Wellman offers two arguments for his thesis. The first argument rests on consequentialist considerations; however, this first argument is not sound because it includes the false premise that every “individual act” of obedience, by itself, is necessary to avoid society’s collapse into the state of nature. Wellman then offers a second argument, which invokes considerations of fairness. He concludes that all subjects have a duty to obey the law as a matter of “doing their fair share of the communal chore of supporting the political order of the state they reside in”. Wellman’s response to the problem of particularity is that subjects do not have any discretion over how they will discharge their Samaritan duties to support political order because political states can fulfill their “Samaritan functions” only if most subjects obey its laws. Discretion over how one will discharge her Samaritan duties, then, is a good that cannot be had by everyone, and it would be unfair to one’s compatriots to exercise such discretion; and so, fairness requires that subjects support their political state by obeying the law.

---

6 ‘individual act’ or ‘individual acts’ refer to a token act or tokens of acts.
7 The idea here is that it is not the case that any one action, which qualifies as disobedience to the law, performed by an individual is likely to return society to the state of nature (which is the relevant sense of peril in Wellman’s argument). That is, while it is entirely possible for one action undertaken by one individual to collapse society, it is not likely the case that such a result will follow. People typically break the law by jaywalking, speeding in their car, failing to pay their taxes, thieving, murdering their ex-lovers etc. It is not at all obvious that any one person’s act of murdering their ex-lover is likely to result in the disestablishment or dissolution of enforcement agencies and courts, etc.
8 See DOL, chpt.1.
9 Wellman’s terminology.
1.1 WELLMAN’S ARGUMENTS

In *Is There a Duty to Obey the Law?*, Wellman argues that the residents of any just “political state”\(^{10}\) have a *pro tanto* duty to obey the valid laws of that political state—in other words, Wellman argues that subjects have political obligation. Wellman’s argument has two steps. First he argues that political states may permissibly coerce their subjects; and then, he argues that residents have a duty to obey the coercive laws of their political states. Wellman argues that political states may permissibly coerce their subjects because political states provide the crucial benefit of security for their subjects, which would otherwise be unavailable to them in the state of nature;\(^{11}\) additionally, since most subjects benefit greatly from the security provided by political states, being under the dominion of the political state is not unreasonably costly; finally, since the Samaritan principle permits one to rescue those in peril when doing so is necessary to ameliorate their being in peril and when doing so is of negligible cost to others, political states have legitimate authority over their subjects. Moreover, since the justification for the coercive powers of the political state rests on the notion that political states provide crucial benefits for their subjects, it is a morally salient feature of any political state’s functions to secure such benefits; Wellman refers to this aspect of the function of political states as their “Samaritan function”. Continuing, Wellman notes that since the state’s legitimacy rests on its permission to rescue, no duty to obey the law has yet been established. Wellman then offers his arguments for a duty to obey the law. Wellman offers an initial

\(^{10}\) Note that Wellman doesn’t appear to offer any analysis of ‘political states’. It strikes me that his project is intended to offer justification for the coercive practices of extant political regimes, and of a duty to obey their directives.

\(^{11}\) Wellman appears to have something similar to the Hobbesian state of nature in mind.
argument for his thesis, crudely formulated, that subjects have political obligation; and then, he offers additional argumentation and reformulates the argument—I will explain this further in what follows. First he argues on consequentialist grounds:

(P1) One is obligated to rescue those who are imperiled.

(P2) Everyone [or else, almost everyone] is imperiled by the state of nature.

(P3) Obedience to the law is not costly and is the only way for subjects to rescue their compatriots from the state of nature.

(C1) Hence, all subjects have a duty to obey the law.  

Premise (P1) is assumed to be an uncontroversial premise. That is, Wellman assumes that there are Samaritan duties, such that some person, A, owes another person, B, a Samaritan duty to φ iff B is in grave peril and B’s receipt of A’s φ-ing is both necessary to mitigate B’s being-in-peril and imposes little cost on A and others.

Premise (P2) rests on the following: (i) in the absence of a definitive body of rules, conflicts, even conflicts between “well-meaning people”, are likely to end in violence; (ii) in the absence of state enforcement of the rules, those who are inclined to mistreat others will see little reason not to do so, which creates a causal nexus that leads

---

12 I would like to thank James Reed for pointing out to me that it is possible for a few people who thrive in situations of conflict, to be better off in the state of nature. However, I will not dispute this premise in this paper, so I will not develop this idea any further here.

13 See DOL, chpt.1. Also note, I am formulating Wellman’s argument in number premise form using direct quotes from the original text. However, I have made charitable emendations, which take into account aspects of Wellman’s argument at different points in the text.


15 See DOL, pgs.6-7.
to the deterioration of interpersonal relationships and the mistreatment of many
people;\textsuperscript{16} (iii) in the absence of an impartial third party adjudicator in conflicts, victims of
mistreatment are likely to wrongly punish or over-punish when they are wronged.\textsuperscript{17}

Premise (P3) is false because the second conjunct is false. That is, Wellman
believes that this initial formulation of his argument is unsatisfactory. However, he
suggests the first conjunct is not problematic. According to Wellman, “… it is plausible
to construe obedience to the state’s laws as not unreasonably costly because one must
consider the great benefits along with the admittedly substantial costs of citizenship”.\textsuperscript{18}

To elaborate this point, Wellman claims that political states are the only viable solution to
the problems of the state of nature outlined in premise (P2), and that political states are
constitutive of “successful sociality”—i.e. peace, prosperity, and productivity.\textsuperscript{19}
Political states provide essential benefits to subjects; therefore, the costs of membership are worth
accepting. However, Wellman suggests that there are problems with the latter conjunct,
problems that seem to imply that the preceding argument is unsound. According to
Wellman, “… it is not true that perilous circumstances would inevitably prevail unless I
obey the law. Indeed, an average subject’s (dis)obedience typically has no discernible
effect whatsoever upon a government’s capacity to perform its functions…”.\textsuperscript{20}

While Wellman’s remarks (in the preceding quotation) are imprecise, I take it that he means
something like the following: it is plausible to believe, of any sizeable extant political
system, that there are many acts of individual (non)compliance, given the frequency of

\begin{itemize}
  \item \textsuperscript{16} See DOL, pgs.7-8.
  \item \textsuperscript{17} See DOL, pgs.8-9.
  \item \textsuperscript{18} See DOL, pg.32
  \item \textsuperscript{19} See DOL, chpt.1.
  \item \textsuperscript{20} See DOL, pg.33
\end{itemize}
their occurrence, and the degree of disruption/betterment they cause, that would not have a substantive effect on the government’s ability to create laws, enforce laws, hear court cases, provide national defense, etc. Moreover, by ‘average subject’, I take it that Wellman means most people—i.e. the circumstances of most people are such that they lack either the capacity or the intention/purpose to perform disobedient acts that are likely to collapse society. At this juncture, Wellman invokes considerations of fairness in order to offer a reformulation of his argument:

(P4) Any Political State’s capacity to perform its function (and the amount of sacrifice required by the state’s subjects) depends principally upon the percentage of the subjects who comply with the state’s legal commands.

(P5) The responsibility to rescue others from peril falls equally upon all subjects.

(C2) Hence, each subject has political obligation as a matter of doing her fair share of the communal samaritan chore of rescuing others from the perils of the state of nature.21

Premise (P4) is an uncontroversial empirical premise; if “the percentage” of subjects whose compliance is necessary for some political state to function does not obey the law, then it is trivially the case that the political state is not performing its function. For example, if subjects do not pay their taxes, then states will not be able to sustain enforcement agencies; if subjects frequently disobey laws, then there is not a suitable set of rules that all defer to. The notion that compliant subjects will have to sacrifice more, if others do not comply, rests partly on the notion that any political state can exercise coercive powers only if they are able to successfully tax their subjects. The more non-compliance there is, the larger the share of the tax burden that (compliant) tax payers will

21 See DOL, chapt.1
take on in order to support their political order. Also, subjects who comply with legal prohibitions (such as criminal laws) will be acquiescing in restrictions of their freedom that are not accepted by subjects who do not comply with legal prohibitions. And so, political states can function, only if their subjects comply with its legal directives, and when subjects do not comply, those who do comply sacrifice more.

Premise (P5) rests on the following assumptions: (i) people can have Samaritan duties,\(^{22}\) (ii) states supply vital benefits that would not be available in their absence, and (iii) states can perform their requisite functions without imposing unreasonable costs on subjects.\(^ {23}\) That is, the moral requirement to rescue others from the perils of the state of nature is a Samaritan duty, and everyone owes it to everyone else to rescue others from the state of nature as moral equals.

Regarding this second formulation, Wellman points out that the argument appears to fall prey to a serious objection, which concerns John Simmons’ *particularity requirement*.\(^ {24}\) The particularity requirement is a satisfaction condition placed on theories of political obligation, which it is difficult for natural duty theories of political obligation to satisfy. That is, any account of political obligation that invokes natural duties—which are duties that are owed to others given some non-act based property of the duty holder,\(^ {25}\) e.g., the moral equality of persons—must, according to Wellman, answer two central questions: (i) Given that there are various kinds of peril (e.g. famine),

\(^{22}\) See DOL, pg.36
\(^{23}\) See DOL, pg.34
\(^{24}\) Ibid.
\(^{25}\) While people have “obligations” given some act-based property (e.g. promising, accepting benefits of cooperation, etcetera), people have “natural duties” regardless of their act-based properties. That is, people have natural duties given some non-act-based property (e.g. being rational agents, or equal moral persons, or human beings, etcetera).
why think that people must discharge their Samaritan duties by supporting political states? And (ii) Even if the subjects of some political state must support political institutions, why think it must be the political institutions of their own political state, or that they must do so by obeying the law? Since Samaritan duties are owed to all who are in peril, a duty to save others from peril doesn’t appear to be owed to one’s compatriots \textit{per se}, nor require that duty holders rescue others from the perils of the state of nature instead of some other peril.\textsuperscript{26} Further, it seems possible that obeying the law might not be the only way to save one’s compatriots from suffering the perils of the state of nature.\textsuperscript{27}

In order to answer the preceding questions—why must subjects discharge their Samaritan duties to their own political state, and why must they do so by obeying the law—Wellman draws the reader’s attention to two salient points: “…(i) political instability creates a coordination problem and (ii) discretion is a good”.\textsuperscript{28} Accordingly, Wellman’s solution to the particularity problem has two steps. First, he argues that political states are uniquely justified in coercing subjects to discharge their Samaritan duties. Second, he contends that preventing “political peril”\textsuperscript{29} is a communal chore, and it would be unfair to shirk one’s responsibilities, even if she does so in order to mitigate other sorts of peril; fairness requires all subjects to do their part to support their own political state.\textsuperscript{30} Wellman adds the following premises:

\begin{itemize}
  \item[(P6)] Political states’ coercive powers are the unique solution to the problems of the state of nature.
\end{itemize}

\begin{itemize}
  \item[26] See DOL, pg.36
  \item[27] See DOL, pgs.36-7
  \item[28] See DOL, pg. 37
  \item[29] By “political peril” Wellman means the “perils of the state of nature”.
  \item[30] See DOL, chpt.1
\end{itemize}
Discretion is a good of which one may not take more than one’s fair share.\textsuperscript{31}

To explain why political states are uniquely justified in coercing subjects to discharge their Samaritan duties, Wellman points out that political peril is a unique kind of peril; it is inherently a coordination problem. While perils such as famine, natural disasters, or even epidemics can be mitigated if just some people who are able to help do help, political peril can be mitigated only if most people in a delimited geographic area defer to the established rules of the political state that has jurisdiction over that territory. To further illustrate this point, Wellman points out that famine, for example, could be mitigated if any one of several extremely wealthy people contributed resources for famine relief.\textsuperscript{32} It would not matter which one of these hypothetical wealthy individuals contributed to famine relief, if each had enough resources to mitigate the famine—i.e., any one of these individuals’ contributions would be sufficient.\textsuperscript{33} The point here is clear enough; it is not the case that coercing everyone is necessary to ameliorate every kind of peril; famine is a counterexample. Wellman contends that political peril, however, cannot be mitigated by just anyone’s independent contribution; rather, it requires that sufficiently many do their part to comply with the established rules of their political state. Wellman writes:

\footnotesize{\ldots A state could not perform its requisite functions merely by coercing a large number of randomly chosen, physically discontinuous people (as it would if it coerced all of the world’s red-haired people or everyone whose last name begins with the letter W, for instance) because peace and stability require not just that

\textsuperscript{31} See DOL, chpt.1
\textsuperscript{32} See DOL, pg.39
\textsuperscript{33} Ibid}
people be coordinated but that those who regularly interact with one another (i.e., those who are spatially contiguous) all play by the same rules.\(^{34}\)

And so, according to Wellman, political peril can be eliminated only if political states coerce all people within their territorial boundaries. That is, coercion is uniquely necessary for securing political order, but not necessary for mitigating famine.

The second point Wellman makes in answer to the question, why are subjects required to obey the laws of their own political state, is that discretion is a good. He claims:

> Each of us has good reason to want to be the author of our own lives, to choose the types of things on which we expend time and energy, and to be the one who determines which causes we support. To give just a few of the more obvious examples, we would like to decide for ourselves which (if any) religion to practice, which (if any) profession to pursue, which (if any) people with whom to associate, and which (if any) hobbies to explore.\(^{35}\)

In this context, discretion can be understood as freedom of choice. And since we are talking about Samaritan duties, the relevant freedom is the freedom to choose how one will discharge her duty to rescue those who are imperiled. Wellman contends that if everyone retained the freedom to choose which perils to rescue others from, and by what means, then it would be impossible for political states to function. For example, if I decided to rescue others from famine by contributing money to famine relief, and you decided to rescue others from the effects of natural disasters by donating blood, etc., but neither of us obeyed the laws of the political state we belong to, and many of our compatriots carry on in this manner, then our political state could not perform its function, which is to coordinate everyone so that they defer to some set of suitable rules.

\(^{34}\) Ibid
\(^{35}\) See DOL, pg. 41
Choice over how one will discharge her Samaritan duties is possible only if most subjects do in fact obey the law. This implies that by exercising discretion about how one will discharge one’s Samaritan duty, one affords oneself a discretion that cannot be exercised by all. According to Wellman:

The upshot of this is not only that we must sacrifice to rescue others from the perils of the state of nature, but also that we (as individuals) have essentially no discretion as to the form that our sacrifice must take. Of course, virtually all of us would prefer to determine the content of our sacrifice, but the political solution to the perils of the state of nature is predicated on denying individuals this sort of dominion, so an integral part of the sacrifice is to have little to no say in what our sacrifice must be. If one reserves for oneself this individual dominion (by ignoring the law so that one might contribute more to some apolitical peril, by contributing to political stability elsewhere, or even by contributing to one’s own state in an extralegal manner), then one is helping oneself to an unfair portion of discretion, free-riding on others who have forgone this discretion.  

Wellman holds that all residents have political obligation, then, because political states cannot fulfill their Samaritan functions unless most subjects comply with the directives of their political state. What is more, Wellman holds that subjects have political obligation to the particular political state they belong to because shirking one’s responsibilities to do one’s part in supporting one’s political order would be unfair to one’s compatriots, since one would be affording oneself discretion over how one will discharge one’s Samaritan duties, which one’s compatriots cannot have.

We can now formulate Wellman’s argument as follows:

(P1) One is obligated to rescue those who are imperiled.

(P2) Everyone [or else, almost everyone] is imperiled by the state of nature.

(P3) Obedience to the law is not costly, but it is not the only way for

---

See DOL, pg.44

See DOL, pgs.45
subjects to rescue their compatriots from the state of nature.

(P4) Any Political State’s capacity to perform its function (and the amount of sacrifice required by the state’s subjects) depends principally upon the percentage of the subjects who comply with the state’s legal commands.

(P5) The responsibility to rescue others from peril falls equally upon all subjects.

(P6) A political state’s coercive powers are the unique solution to the problems of the state of nature.

(P7) Discretion is a good of which one may not take more than one’s fair share.

(C3) The residents of any political state have a duty to obey its laws.38

In sum, Wellman argues that everyone has a duty to rescue others from the state of nature—(P1)-(P2). He argues that everyone has a duty to support political states—(P3)-(P5). And he argues that we all have a duty to obey the laws of the political state whose territory we reside in—(P6)-(P7).

38 See DOL, chpt.1
2. SIMMONS’ OBJECTIONS TO WELLMAN

In this section I will briefly present Simmons’ objections to Wellman’s theory of political obligation. Simmons offers three main criticisms to Wellman’s theory of political obligation. First Simmons points out that Wellman’s cost-benefit analysis is problematic, and suggests that the hypothetical costs of returning to the state of nature are irrelevant for determining whether or not individual acts of disobedience are wrong; rather, we are to compare the actual benefits of obedience to the law to its actual costs. Second, Simmons contends that Wellman advances a “morally suspect”39 account of Samaritan duty. That is, Wellman conflates the duties of charity and duties to rescue. Finally, Simmons argues that nothing about Wellman’s theory of political obligation seems to imply that obedience to law is how one must discharge her natural duty to secure the benefits of security for others.

2.1 ACTUAL COSTS OBJECTION

Simmons argues that the cost-benefit analysis Wellman employs in order to substantiate his claim about the low cost of obedience to law is problematic. To understand the force of Simmons’ objection, it is worthwhile to recall that Wellman aims to satisfy the generality condition, which requires his theory of political obligation to imply that all residents have duties to obey the law. Since Wellman’s theory is based on the Samaritan principle, he must show that the Samaritan principle implies that all residents have duties to obey the law. The Samaritan principle generates duties for individuals to ϕ, only if ϕ-ing is not costly. Hence, to satisfy the generality requirement

39 See DOL, pgs.183-5
Wellman must successfully argue that it is not costly for anyone to obey the law. However, Simmons and I are doubtful of the appropriateness of Wellman’s cost-benefit analysis, which is intended to show that it is not costly to obey the law. Thus, Simmons and I are doubtful of Wellman’s theory’s ability to meet his own satisfaction condition.

Recall that Wellman argues that the substantial benefits provided by the political state far outweigh the costs that any subject incurs by her obedience to the law. He thinks this because the political state, as a solution to the problems of the state of nature, offers security to those who are located within its jurisdiction. However, in order for a cost benefit analysis, like the one Wellman describes, to be correctly employed in everyday deliberation, it must be the case that one’s actions result in the political state’s provision of security by way of a suitable set of laws, enforcement agencies, courts and judges, etc. Wellman’s argument now turns on whether or not one’s acts of obedience, in most cases, result in the political state’s provision of security. There must be, then, some way of describing how actions such as not murdering one’s ex-lover, or not stealing some candy bar, result in the political state’s provision of security as described above. The most plausible way of offering such a description is that acts of compliance, similar to the examples above, prevent the collapse of society into the state of nature, since there’s no obvious way in which they directly contribute to the establishment of suitable laws, enforcement agencies, judges and courts, etc. Nevertheless, Simmons rightly argues that even this more plausible description is false. That is, it is unlikely that one’s compliance with some criminal law—by let’s say, not stealing some candy bar—will result in the provision of the security of the state by preventing the collapse of society because it’s very unlikely that society will collapse if one steals a candy bar. And so, Wellman’s
argument fails because his cost benefit analysis rests on the assumption that most of the token acts of compliance that most people perform result in the political state’s provision of security. To be clear, Simmons is not arguing that it is impossible for the single act of a single person to collapse society, nor is he arguing that no single act by itself is likely to collapse society. I interpret Simmons as arguing that most acts of disobedience that individuals might undertake are not likely to collapse society, and thus, it is inaccurate to assert, in those cases, that one’s obedience results in the political state’s provision of security. Simmons writes:

…individual citizens, doing their part in the collective task of maintaining the rule of law, never confront a choice between bearing the costs of obedience or bearing the costs of a lawless state of nature. Individual disobedience (failure to rescue) virtually never has as a likely cost the collapse of the state. Instead the prospective costs of obedience must be calculated keeping the actual costs of disobedience in mind; and the actual costs of disobedience (as Wellman concedes) are normally negligible.40

Simmons’ point is clear enough. There are many possible disobedient acts for which it is extremely unlikely that undertaking some such act runs the risk of returning society to the state of nature. Now consider Wellman’s computation, illustrated as follows:

The benefits of compliance = Not being in the state of nature.  
- The costs of compliance = Loss of some money, or of some freedom.  
The difference = Positive, i.e. more/greater benefits than costs.

To elaborate Simmons’ point, since individual acts of noncompliance “virtually never” have the causal power to collapse society, it’s not the case that individual acts of compliance yield the benefit of not being in the state of nature. To further illustrate this point we need only to imagine an individual, Cole, who prefers to be nude, and who is

40 See DOL pgs.181-2
contemplating how to act—whether or not to (dis)obey—while hiking through a national forest where nudity is legally prohibited. I cannot image any near possible world where Cole’s decision to disobey the law and to be nude causes the collapse of society. Moreover, it would be an unsuitable response if, when asked whether or not it was costly for him to obey the law, Cole replied, “No, because by my obedience I gain the security provided by the political state”. Written laws would not be deleted, enforcement agencies would not be dissolved, nor would courts and judges cease to hear cases as a consequence of Cole’s unlawful nudity. Contrary to Cole’s testimony, however, he might benefit from his compliance in other ways, by not being subject to punishment by law, or stigmatization from his peers, or mosquito bites in unpleasant places. The benefit of security, or law and order, then, is a hypothetical benefit of one’s compliance derived by Wellman from the hypothetical cost of acts of noncompliance that collapse society into the state of nature. A cost benefit analysis that computes actual costs and actual benefits would compare benefits like the benefits I’ve suggested above for our undecided nudist, Cole. Furthermore, Simmons and I believe, as a matter of common sense, that in most cases in extant political systems like the United States, individuals who choose whether to obey or disobey should perform computations using benefits similar to the one’s I’ve listed above. Further, Simmons and I believe that it is overwhelmingly possible that in many cases the financial losses, or losses of freedom, suffered by obedience to the law are not outweighed by the benefits of obedience. One possible case would be that of Cole, if he were alone in the national forest, or solely in the company of fellow nudists—I imagine there are many cases like this. There may or may not be, however, other reasons for obeying some law. The point here is just that Wellman
concludes from his cost benefit analysis that the benefits of compliance outweigh the costs of compliance, which is false since it is contingent whether or not such a result follows from a proper cost benefit analysis.

2.2 MORALLY SUSPECT DUTY OBJECTION

Simmons’ second main objection to Wellman’s theory of political obligation is that the conception of Samaritan duty operative in Wellman’s account appears to be a conflation of two logically distinct positive duties: duties of charity and duties of rescue.\(^\text{41}\) Moreover, Simmons characterizes “the duty of charity” as a general imperfect duty to ameliorate suffering or need, to which no rights are correlated.\(^\text{42}\) The “duty of rescue”, on the other hand, is a more specific duty that one has if and only if an emergency situation transpires in her vicinity, and she can offer aid without risk (or virtually without risk) to herself. Note that in such an emergency situation there will be a definite imperiled persons who possesses a claim-right against the duty holder.\(^\text{43}\)

According to Simmons:

Wellman’s Samaritan duty seems to be a curious hybrid of these two kinds of positive duties. His examples are all of rescues, not of charity, suggesting (as the Samaritan terminology implies) that he has in mind a duty of this sort. And the face-to-face character of duties of rescue is plainly supposed to localize the moral duty in a way that will permit Wellman (in using this duty to explain our duty to obey the law) to deal with the particularity problem. But the actual content of the duty Wellman describes is more like the content of a duty of charity—that is, a fair share of a collective moral task. And the duty seems to be owed not to persons whose emergencies we actually confront, but, [continuously] to all persons in our political community.\(^\text{44}\)

\(^{41}\) See DOL, pgs.183-5
\(^{42}\) See DOL, pg.183
\(^{43}\) Ibid
\(^{44}\) See DOL, pg.184
Simmons argues that if we understand the Samaritan duty as a duty of charity, it is a duty that is owed to others regardless of their proximity to us. Accordingly, it makes little sense to think it is a duty owed only to those who are located within the same territorial boundary as we are. Since one “does good” by supporting any political order that provides security for its subjects, the duty does not entail a “localized” duty to support one’s own government.\textsuperscript{45} Perhaps even more clearly, such a duty cannot be owed to one’s compatriots since, as noted above, it is not owed to anyone in particular.

Moreover, if we understand the Samaritan duty as a duty of rescue, which is owed only to the particular people whose emergencies or peril we encounter, it makes little sense to think that the duty together with the principle of fairness require one to do one’s fair share to ameliorate political peril.\textsuperscript{46} This is because the number of emergencies one encounters is highly contingent. To illustrate this point, we can imagine that some person, Ethan, encounters and ameliorates five emergencies, while Cole encounters and ameliorates ten emergencies. It makes little sense to suggest that Ethan is not doing his fair share of ameliorating emergencies because he has only encountered five emergencies compared to Ethan, who just happens to have encountered more. What is even more troubling for Wellman’s account, Simmons suggests, is that there doesn’t even appear to be any emergency to ameliorate, since it is unlikely that anyone’s individual disobedience to law is will return society to the state of nature, or that any individuals’ obedience actually prevents such a collapse.\textsuperscript{47}

\textsuperscript{45} See DOL pg.185
\textsuperscript{46} Ibid
\textsuperscript{47} Ibid
The considerations outlined in the preceding two paragraphs make clear that Wellman’s account fails to explain how it could be the case that the subjects of some political state owe it to each other to obey the law. Wellman’s arguments rely crucially on fairness to localize political obligations, but the role of fairness in Wellman’s account is mysterious, if not entirely irrelevant. To further illuminate this problem for Wellman, consider the following quotation from Simmons. According to Simmons, “[o]thers cannot demand of me that I do my part unless I actually have a part in some scheme or enterprise to which I am bound”. This point seems uncontroversial. For example it would be incorrect for a TA to suggest that one of the students in his or her class has not done her fair share of grading for some course, since TA’s (or faculty more generally) play the role of graders in the university they belong to, but not their students. Even more, it would be incorrect for a TA of the Ohio University philosophy department to charge a TA of the Ohio University English department, or even of the Ohio State University English department, with not doing her fair share of the grading. Moreover, Simmons points out that for the constituents of some political state to owe it to one another to obey the law, one of the following two propositions must be true:

(a) all persons are naturally bound to their local political groups and the local (b) tasks of those groups or (b) persons have special obligations of fairness (or fair play) to do their parts in their local political schemes.49

However, if Wellman suggests that (a) is true, then his account is question begging, according to Simmons, because whether or not individuals are bound to political

---

48 See DOL, pg.186  
49 Ibid
states is precisely the question a theory of political obligation sets out to answer.\textsuperscript{50}

Moreover, if Wellman suggests that (b) is true, then his theory of political obligation is not a natural duty theory of political obligation because the duty to obey the law will be grounded by the principle of fairness, but not any natural duty—i.e. political obligations are owed to one’s compatriots because of benefits one receives from them, not merely because they are moral equals. Here, Simmons correctly concludes that the particularity problem is not adequately addressed because Wellman has not established any localized duty to obey the law.

2.3 NO DUTY TO OBEY THE LAW OBJECTION

Finally, Simmons argues that a Samaritan duty doesn’t imply a duty to obey the law. That is, even if we suppose, for the sake of argument, the existence of a duty to provide security to one’s compatriots, it does not follow that the subjects of political states have a duty to obey the law.\textsuperscript{51} All that follows, Simmons contends, and I agree, is individuals are subject to moral requirements to provide security to those in the same territory as them. Moreover, Simmons suggests that there are, conceivably, a variety of non-political alternatives for discharging such a duty. According to Simmons:

\[\text{[s]ince the number of persons needing security is at worst three or four times greater than the number duty-bound to help provide it, my fair share of helping to provide security could be done by providing security for, say, myself and two or three others.}\textsuperscript{52}\]

\[\text{\textsuperscript{50} Ibid} \]
\[\text{\textsuperscript{51} See DOL, pg.187} \]
\[\text{\textsuperscript{52} Ibid. Simmons does not make it clear how he’s determining the ratios in the above quotation. However, I take it that what matters is that it is plausible to think that one might discharge one’s Samaritan duties by providing security for some number of people—a number of people that any individual has the capacity to provide for.}\]
Simmons also suggests that one could discharge her duty to provide security by building a secure compound and inviting some people to live there, or even by refraining from endangering others. On this basis, Simmons concludes that we should find dubious Wellman’s claim that the only way to provide security for others is by obeying the laws of some political state. Simmons also suggests that the fact that political states require some level of obedience in order to carry out their functions adds little force to Wellman’s argument. This is because most of the time, the circumstances of most of the subjects of most political states, as they actually are, are such that individual acts of non-compliance cannot plausibly be thought to push the level of compliance below the necessary threshold for political states to carry out their functions. According to Simmons:

What moral duty requires of us is a function of our actual circumstances. And if our actual circumstances permit us to effectively promote morally mandated ends (such as need satisfaction, security, or even local security) without adopting the usual (or locally prescribed) means of doing so, then we are plainly permitted to.

In other words, Wellman’s argument (that no political state could function if everyone afforded themselves the discretion to choose how they will discharge their duty to provide security) is irrelevant. We are allowed to use the means available to us to bring about the good of the provision of security.

2.4 DEMANDINGNESS IN WELLMAN’S THEORY

Here we will return to the considerations outlined in 2.2. Simmons suggests, briefly, that there is good reason to doubt the existence of a hybrid Samaritan duty such

---

53 Ibid
54 See DOL, pg.188
55 Ibid
as Wellman’s. However, Simmons doesn’t seem to elaborate this point beyond mentioning the fact that philosophers have divided Samaritan duties into two separate positive duties, i.e., duties of rescue and of charity.\textsuperscript{56} In what follows I will offer further reasons to believe that Wellman’s hybrid Samaritan duties do not exist. I will proceed by, briefly, introducing a point made by Maltais, who argues that Wellman employs Samaritan duties in order to avoid offering a theory of political obligation that implies that individuals are subject to demanding moral requirements. A clearer picture of the argumentative role of Wellman’s Samaritan duties will illustrate the implausibility of the claim that they exist.

Maltais suggests that one reason political obligation theorists offer “particularized natural duty theories of political obligation”—i.e. theories of political obligation which imply that duties to provide essential human goods, such as security, are owed largely/solely to one’s compatriots—is because theories of political obligation which imply that individuals are subject to requirements to provide security for all persons appear overly demanding. However, Maltais suggests that strongly particularized and weakly particularized theories of political obligation are equally demanding because they impose the same moral requirements on individuals. For the sake of clarity, “weakly particularized” refers to a political regime that contributes to the provision of essential human goods, such as security—specifically, political order—for outsiders as well as its own subjects. A theory of political obligation is weakly particularized, only if it prescribes for the provision of security as described above, or implies that such a distribution is justified. “Strongly particularized” refers to a political regime that

\textsuperscript{56} See DOL, pg.186
prioritizes its own subjects in the provision of essential human goods, such as security—specifically, political order—providing security for its own subjects exclusively. A theory of political obligation is strongly particularized, only if it prescribes for the provision of security as described above, or implies that such a distribution is justified. In the context of Maltais’ paper, particularization is gradated—i.e. it comes in degrees.

As mentioned above, Maltais responds to the objection that a theory of political obligation with a weakened particularity requirement imposes overly demanding moral requirements on duty-holders by showing that strongly particularized and weakly particularized theories of political obligation are similarly demanding—i.e. he argues that the idea that theories of political obligation with a weakened particularity requirement are overly demanding is illusory. Moreover, I will show that Wellman has clear argumentative reasons for offering a non-demanding account of political obligation, and I will further illuminate the tension between the charity and rescue components of Wellman’s hybrid Samaritan duty.

An objection to theories of political obligation with a weakened particularity requirement is that such a theory is too demanding. While a theory of political obligation with a strong particularity requirement will impose moral requirements that are apparently owed exclusively to one’s compatriots, a theory of political obligation with a weakened particularity requirement will impose moral requirements on duty holders that are owed to a broader category of people. Unless there is a clear and principled way of establishing limits on the amount of sacrifice morally required by a duty to secure essential human goods for others, the broader the category of individuals to whom such a
duty is owed, the more sacrifice is morally required. According to Maltais, demanding theories of political obligation are thought to be problematic because they invoke “a contentious moral standard” or because they limit one’s ability to pursue personal or domestic interests.\textsuperscript{57} Maltais writes:

The idea [that Samaritan duties are compelling] seems to be that a justification of political obligations is on safer ground the less demanding it is. Wellman often points to the benefits individuals receive from political order as ensuring that obligations to support political order are a form of ‘easy rescue’ and thus not overly demanding. Thus, …Wellman seem[s] to be working with an underlying assumption that what is important is to identify a justification of political obligations that is as uncontroversial as possible for those who share in a well-ordered state.\textsuperscript{58}

While it may be the case that a less demanding theory of political obligation is \textit{prima facie} more plausible than a theory that places onerous moral requirements on duty holders, I believe that Wellman has other, more obvious, argumentative purposes for offering a non-demanding theory of political obligation, specifically, Wellman anticipates voluntarist objections to his account—I will elaborate this point in what follows.

Wellman emphasizes that he is not arguing that political states may coerce citizens because by doing so everyone is made better off: “…I am emphatically \textit{not} suggesting that states are justified in coercing their constituents because this coercion ultimately benefits each of them”.\textsuperscript{59} Rather, Wellman rests his account of political obligation on other-regarding reasons; citizens have a duty to obey the law because obeying benefits others. Wellman proposes this approach for two reasons: (1) it’s not the case that everyone is made better off by obeying the law, and (2) suggesting that any

\begin{footnotes}
\item[57] See CTP, pg.34
\item[58] See CTP, pg.36
\item[59] See DOL, pg.18
\end{footnotes}
political state may justifiably coerce its citizens for the reason that doing so is in the interest of citizens would make one’s account paternalistic.\textsuperscript{60} However, since Wellman’s account of political obligation rests on other-regarding reasons, his account is vulnerable to objections from proponents of voluntarism. Specifically, Wellman is concerned with possible objections from proponents of voluntarism who argue that people do not incur positive obligations to others if they themselves are not responsible for the situation of whoever is imperiled. This is because, voluntarists argue, each person is in a “unique position of having moral dominion over her self-regarding affairs”.\textsuperscript{61} According to Wellman:

\begin{quote}
…one might protest that even if it is true that others would be horribly imperiled unless I were coerced, this does not license coercing me without my permission as long as I am not personally responsible for their impending peril.\textsuperscript{62}
\end{quote}

To further illustrate this point, consider a situation where some person, Cole, comes across a burning building in which some other person, Ethan, is trapped. Unless Cole is responsible for Ethan’s situation, or has agreed to save Ethan if he were ever trapped inside a burning building, the voluntarist would argue, it would be a mistake to think Cole has a duty to save Ethan; accordingly, it would be impermissible to coerce Cole to save Ethan. Moreover, I take it that the reason why it is important, according to Wellman, that Samaritan duties be non-demanding, is that his response to possible objections from proponents of voluntarism depends on the uncontroversial nature of

\textsuperscript{60} Ibid
\textsuperscript{61} See DOL, pgs.19-20. Also, I take it, “being in a unique position of moral dominion over one’s self regarding affairs”, means that there are some decisions that the individual gets to make for herself, where she is the only authority with respect to those decisions and others may not interfere with her choices.
\textsuperscript{62} Ibid.
Samaritan duties. That is, Wellman seems to advance a kind of analogical argument in order to support the idea that the premise (P1) in the argument for his thesis is compatible with voluntarist commitments. According to Wellman:

…it is implausible to insist that we occupy a position of absolute moral dominion over our self-regarding affairs no matter how dire the circumstances of others may be. Surely there are extreme circumstances in which it would be permissible to encroach upon what would ordinarily be a person’s position of moral dominion. Imagine for instance, that Amy has a seizure, desperately needs medical attention, and can be saved only if Beth immediately commandeers Cathy’s car and drives Amy to the nearest hospital.  

In the case of Beth and Cathy, Wellman believes it would be a mistake to think that Beth may not permissibly take Cathy’s car, and he further believes that it would be a mistake to think that Beth may not coerce Cathy if Cathy openly refused to offer her assistance. Moreover, Wellman suggests that any plausible version of voluntarism would be qualified as to accommodate his intuitions in this case. Once Wellman advances the preceding point, he suggests that the case of political peril is sufficiently similar to the case of Beth and Cathy. According to Wellman, “[t]his less austere version of voluntarism leaves ample room for statism because a state’s nonconsensual coercion of its citizens is morally analogous to Beth’s nonconsensual borrowing of Cathy’s car…”—again, insofar as coercion is necessary for ameliorating some grave peril, and is not too costly for citizens. So Wellman is moving from an uncontroversial case of a putative duty to aid others in need to the case of political obligation.

The case of Beth and Cathy, then, is intended to demonstrate that it is plausible to hold that there are cases where individuals involuntarily incur such duties; Beth’s

---

63 See DOL, pg.21  
64 See DOL, pgs.21-22  
65 See DOL, pg.22
temporary use of Cathy’s car isn’t likely to limit significantly Cathy’s ability to make future decisions for herself, or her ability to pursue projects of her choosing. It is this feature of Wellman’s case that distinguishes it from the case where Ethan is trapped inside a burning building. Since burning buildings can be intensely dangerous, Cole could die, or be seriously injured, while attempting to save Ethan. In either case Cole’s ability to make future decisions for himself and to pursue projects of his own choosing might be seriously frustrated. And so, if it turns out that Wellman’s theory of political obligation imposes demanding moral requirements on duty holders, in the sense that those moral requirements limit citizens’ abilities to make future decisions for themselves and to pursue projects of their choosing, it would not be the case that voluntarists’ commitments are compatible with the premises of his argument. To recapitulate, briefly, since Wellman’s theory of political obligation rests on other-regarding reasons, he must explain how voluntarists’ commitments are compatible with his theory. This involves demonstrating that there are uncontroversial cases where individuals involuntarily incur duties to others, and that the case of political obligation is sufficiently similar.

Now I will further illuminate the tension between the charity and rescue components of Wellman’s hybrid Samaritan duty. I will argue that the moral requirements imposed on duty holders by the charity component of Wellman’s Samaritan duty are far more demanding than what one would consider to be required by an easy rescue. To begin with, recall that Maltais points out that particularized theories of political obligation, which support a duty to contribute to a particular political order, only seem non-demanding because proponents purport the existence of a duty to contribute to one’s own political regime exclusively. Now notice that nothing about the existence of a
duty to support some particular political order entails the negation of any of the more
general duties from which the particular duty is derived. Hence, if some person has
political obligation on a natural duty account, then they also have duties owed to non-
compatriots from which their political obligation is derived. As I’ve mentioned earlier,
the preceding point seems to suggest that the subjects of any political state must make
many sacrifices for many people on Wellman’s theory. This aspect of Wellman’s
account would not be problematic, perhaps, if a principled way of limiting the amount of
sacrifice one is morally required to make were established. Alas, it is not obvious to me
that Wellman offers any such account. Rather it appears that what limits the amount of
sacrifice one must make on Wellman’s account is the costliness of some sacrifice for
some duty-holder. And so, if some sacrifice is too costly for a person, then it’s not the
case that that person is morally required to sacrifice. This approach is problematic,
however, because the comparison Wellman uses to determine costliness does not seem
helpful for establishing practical limits on the amount of sacrifice required by his theory
of political obligation. This is because Wellman is employing a cost benefit analysis that
is not at all like the kind of comparison employed in the rescue thought experiments,
which are intended to motivate the intuition that one may involuntarily incur duties to aid
others in certain circumstances (e.g. the baby in the pond example or the example of Beth
and Cathy).

The reason why the comparison Wellman uses to determine costliness does not seem
helpful for establishing practical limits on the amount of sacrifice required by his theory
of political obligation is that he suggests that inclusion in a political state is not
costly because the benefits of political order are far greater than the sacrifice any subject
must make to support that political order. And so, on Wellman’s account, we
determine the costliness of some action by subtracting the costs of performing that action
from the benefits of performing that action. However, by parity of reasoning, while
mitigating world hunger, poverty, epidemics, etc. might require substantial sacrifice from
duty holders, indeed, eliminating such perils would benefit others so greatly that it would
seem that Wellman’s theory implies one must sacrifice to mitigate such perils. However,
as Simmons points out, perils such as world hunger are persistent problems that require
one to make continuous sacrifices over time, and to many people. So, while Wellman’s
cost benefit analysis seems to imply that one must sacrifice in order to mitigate such
perils, the kinds of sacrifice involved in mitigating such perils do not seem to meet the
criterion of an easy rescue. Again, if we examine Wellman’s case of Beth and Cathy,
while we might think that Beth is required to sacrifice, at most, the time it takes to drive
to the hospital and Cathy is to sacrifice, at most, the decision to use her vehicle for the
time it takes Beth to drive to the hospital and return her car, we don’t think, however, that
Beth must travel the country bringing every imperiled person to the hospital, that she
must watch Amy’s children for her while Amy is in the hospital, nor that she must check
up on Amy once a month for the rest of her life, even if it were the case that doing any
of these things would bring about great benefits for others or for Amy. This is because
the costs involved in performing any of those actions would be much higher than the
level of cost we expect people to non-voluntarily incur in rescue situations. The kinds of
duties, and number thereof, implied by Wellman’s theory are strikingly different than the
kinds of duties generated by a duty of rescue.
Now Wellman might contend that the benefits of mitigating world hunger, etc., are disanalogous because one receives benefits for herself from contributing to her political order, but not from mitigating world hunger. However, if we interpret Wellman as arguing that it is the benefits one receives from one’s compliance that offsets the costs of compliance, then either he is arguing (a) that one must obey the law because one benefits from obeying the law, or he is arguing (b) that receiving benefits can make sacrifice non-costly. If (a) is the case, then this would be problematic for Wellman since he suggests that his argument implies one incurs duties of political obligation because of the benefits received by others, not the benefits one receives herself. If (b) is the case, on the other hand, then the receipt of benefits can generate duties of rescue for individuals in a somewhat magical, morally controversial, way. Consider the following:

At time $T_1$ Cole encounters some other person, Ethan, who is trapped in a burning building. Cole could be seriously injured if he attempts to rescue Ethan. At time $T_2$ Ethan screams from the roof of the building that he will pay Cole a substantial sum of money (or benefit him sufficiently/greatly in some other way), only if he rescues Ethan from the building. By way of Wellman’s cost benefit analysis, it would appear that Cole has no duty to rescue Ethan at time $T_1$, and that Cole (magically) incurs a duty to rescue Ethan at time $T_2$. It is, however, doubtful that Cole incurs such a duty at time $T_2$.

It is worth noting, perhaps, that Maltas does believe there are justifiable limits to the extent to which people are morally required to benefit others. Maltas invokes the

---

67 Ibid
work of Garrett Cullity in order to illuminate one plausible way of establishing such limits. Maltais writes:

Garrett Cullity has argued that if I have clear grounds to assist others so that they can enjoy lives that will not be altruistically focused it could not be morally wrong for me to lead a non-altruistically focused life for myself. The idea is that we should give an account of what kind of lives we are morally obligated to assist others in having. Once this account is in place it will also serve as a limit to the level of assistance we are required to provide to promote others’ interests.  

The idea here is clear enough. A crucial aspect of thinking duties exist to ameliorate the peril of others is the notion that people should have the opportunity to live valuable lives. If it were the case, then, that such a moral requirement entailed that one may not live a valuable life oneself, duties to ameliorate the peril of others would be paradoxical. While the approach cited by Maltais clearly doesn’t answer the question (what are the practical limits on the amount of sacrifice that can be morally required of duty-holders?), it does seem to present a plausible approach for answering the question, and it does suggest a principled way of establishing such limits. That is, some kind of an analysis of what “a valuable life” is must be offered before we can establish a limit to the amount of sacrifice that a moral theory may plausibly require (an analysis of what is not a valuable life may be a simpler approach).

Nevertheless, once we know what a valuable life is, we know that the amount of sacrifice that may be required is an amount that does not preclude one from living that kind of life herself. Still, it is not at all obvious to me this sort of approach will save Wellman’s theory. This is because Wellman not only needs a plausible way to limit the amount of sacrifice that duty-holders are morally required to make in order to show that

68 See CTP, pg.37
citizens may prioritize domestic interests, but he also needs a limit which establishes that the kinds of sacrifice duty holders are morally required to make are minimal enough such that discharging ones duty is comparable to the cases of rescue he employs in his theory. Ultimately, then, while Maltais’ solution may be compatible with his own skeletal theory of political obligation with its weakened particularity requirement, it is not obvious that Maltais’ solution does the work that Wellman’s theory needs it to do for establishing non-demanding moral requirements that make political obligation tantamount to an “easy rescue”.

I have presented Simmons’ three main objections to Wellman’s Samaritan theory of political obligation. I have elaborated Simmons’ argument that it is doubtful that Samaritan duties, as Wellman conceives of them, exist. Also, I have explained Maltais’ point that the belief that weakly particularized theories of political obligation are too demanding is illusory; weakly and strongly particularized theories of political obligation are equally demanding. I have also shown that the preceding result implies that the duties on Wellman’s account cannot properly be characterized as easy rescues, since the costs individuals are expected to incur to perform charity are not like the costs individuals are expected to incur to perform rescues.
3. MEMBERSHIP AND RESIDENCE

In this section I will do three things. First I will discuss a distinction drawn by Margret Gilbert. Then I will explain why Wellman’s theory fails to meet the particularity requirement formulated by Simmons. Thirdly, I will show that Wellman’s suggestion that non-Samaritan reasons be used to answer the problem of residence is misguided.

Gilbert suggests that the question of whether there is a requirement to support one’s political state can be understood in multiple ways. One distinction Gilbert makes, and which I believe is both useful and relevant for this discussion, is the distinction between the problem of residence and the problem of membership. In order to understand Gilbert’s point, I suggest that we consider the problem of political obligation as posing a question about the following n-place relation: some party, A, has a (moral) requirement, X, to ϕ, as to support the institutions of some political state, B. Moreover, the occupant position A could be filled with resident aliens, citizens, perhaps even expatriates. X might be an obligation or a duty. ϕ might be an action such as obeying the law, or some other action that counts as supporting an institution. B might be one’s own political state, or it might be the political state in which one is geographically located. Notice that whether or not one is required to support the institutions of some state depends crucially on whom we take as the occupant of A in our inquiry. Moreover, Gilbert points out that there are two salient groups we could be referring to—specifically, the residents of the territory over which B has jurisdiction, or the members/citizens of B—when we ask the question whether some party, A, is required to support the institutions of some political state; accordingly, the nature of the question changes depending on whom we take as the occupant of A. Gilbert names the two questions we...
might be asking, depending on whom we take to be the occupant of A, the problem of membership and the problem of residence. In my judgment, this is a useful distinction because tourists, resident aliens, dual citizens, citizens who have consented to or have accepted the benefits of cooperation, and citizens who have not consented to nor have accepted such benefits might, plausibly, be subject to different principles that are sufficient for establishing their duty to obey the law. What is more, I believe that understanding this distinction is crucial for understanding the problem of particularity as it is formulated by Simmons.

Furthermore, in this section I will further explain why Wellman’s theory fails to offer an adequate response to the problem of particularity. This is because Wellman’s theory of political obligation, if successful, explains why residents have duties to obey the law, which are generated by their residence. However, the problem of particularity— as presented by Simmons—is wholly a problem about membership. That is, the question Simmons is asking has to do with whether or not people have special bonds to their political institutions, to wit, what constitutes membership to a particular political state and how does one’s membership in some political state morally bind one to that political state. To elucidate this point, it will be helpful to further distinguish the question Simmons is asking from the question Wellman is asking with respect to the problem of political obligation. In Moral Principles and Political Obligation, Simmons asks the question: what, if anything, binds one to her political state? That is, Simmons is seeking an answer to the question of whether or not one is morally required to support her own

69 See GMP, pgs.119-20. See MPP, pgs.4-5, pgs.29-35
70 In Moral Principles and Political Obligation (1981).
political state. Simmons does not limit his inquiry to the question of whether or not citizens have a moral obligation to obey the law. Simmons writes:

writers on this subject have suggested that the obligation to obey the law is precisely what we are looking for in asking about political obligation. But I think that to allow this would be to limit prematurely our inquiry. For political obligation has always been very intimately associated with the notion of citizenship, and has often been thought of as something like an obligation to be a “good citizen”.  

While Simmons doesn’t clearly specify what he counts as supporting one’s political state, he clearly seems to count military service as a potential kind of support, and he holds that it is possible for one to support their political state by disobeying some of its laws through acts of civil disobedience, under certain circumstances.

The crucial point here is that Simmons’ project does not aim to establish a duty to obey the law per se. His project aims to explicate the nature of the relationship between citizens and the political state that apparently has authority over them. Wellman’s project on the other hand is directly concerned with the question of whether or not subjects have a duty obey the law, and the moral grounds for such a duty, which follow from a subject’s residence in some territory.

Finally, Wellman suggests that non-Samaritan reasons may be invoked to explain the special bonds that members have to their own political states. However, this is misguided. This is because Wellman views the generality requirement as a satisfaction condition on his theory of political obligation. That is, Wellman holds that any satisfactory theory of political obligation will show that all residents have political obligation. Meeting the generality requirement is a significant motivation for Wellman to

71 See GMP, pg.5
72 See DOL pgs.48-50
support a natural duty theory of political obligation because he believes a natural duty theory will be able to explain why all subjects have a duty to obey the law—a task he believes transactional and associative theories of political obligation cannot meet. It is puzzling, then, that Wellman suggests that transactional and associative explanations could explain how the members of some political state, *qua* members, are bound to support their own political state in any general way (so to show that all members are bound to support their political state).

### 3.1 WELLMAN AND RESIDENCE

Recall that Wellman argues that one must obey the laws of *their own political state* since the political state is a solution to a coordination problem and because its (the political state’s) Samaritan function is to coerce everyone who is within its territory to defer to the same set of rules, etc.\(^3^3\) However, notice that when Wellman uses the locution “one’s own political state” he doesn’t seem to mean anything more than the political state whose territory one resides in. To elaborate, Wellman argues that since any political state’s function is to provide peace and stability to the people within its territory, and because any political state performs this function by coercing all the people within its territory, and, further, because no state could fulfill its function if everyone within its territory were to obey only the laws they chose to obey; it follows that everyone has a duty to obey the law. Notice, however, that what generates a duty to obey the law, in this case, is that subjects are territorially located someplace (henceforth, their residence). That is, one is required to follow the rules of some political state because she is located within the territory of that political state. However, the particularity problem is a

\(^{33}\) See DOL, pg.45
question about what binds one to a particular political community—i.e. it is a question about the morally relevant aspects of the citizen/state relationship. And while residence in some territory may, or may not, establish a duty to obey the law, residence surely is not sufficient for membership (e.g. resident aliens, refugees, etc.). Moreover, such an account of political obligation, then, doesn’t seem to tell us very much about what makes one’s particular political state her own, what binds her to it as a member, or what she owes her political state as a member. It is my judgment that Wellman has confused the question underlying the problem of particularity, as it is understood by Simmons. That is, Wellman considers the problem of particularity to be a problem about establishing a duty to obey the laws of the political state one resides in; a condition to answer questions about membership, for him, however, is secondary. Wellman writes:

… a critic might object that even if the samaritan theory can explain why one has a duty to obey the laws of the state presiding over one’s territory, this is not sufficient to satisfy the particularity requirement because this requirement includes other, more demanding conditions (e.g. to explain the special ties one has to her compatriots).

Wellman goes on to characterize the condition referred to in the preceding quotation (the more demanding particularity requirement) as a candidate satisfaction condition on a theory of political obligation to explain why expatriates retain duties to their own political state while abroad. He uses the following example of a Canadian living in Australia to illustrate this point. Wellman writes:

The Samaritan theory of our duty to obey the law (rightly, I think) implies that Paul from Canada has a duty to obey the Australian laws when he travels to Australia, for instance, but most of us think that Paul continues to have a moral

---

74 See MPP, pg.31
75 See DOL, pg.46
76 See DOL, pg.46-7
obligation to pay his Canadian taxes even if he lives in Australia for an extended period of time.  

Wellman’s characterization of the problem of particularity is not accurate. While Simmons certainly finds it implausible that all of one’s duties to support her political state transfer to whichever political state she happens to find herself in, Simmons’ response to the territorial approach is not that it fails to meet the particularity requirement because it cannot explain why it is that expatriates retain duties to their country of citizenship. Rather, Simmons argues that if there is something morally significant about physical proximity that binds subjects to a particular political state, then this is an independent moral ground for particular duties of political obligation, which bears no (logical) connection to one’s natural duties. That is, even if one’s proximity to some authority is moral ground for particularized duties of political obligation, such an account does not particularize any natural duty to support (just) political states. The following passage further illustrates this point. Simmons writes:

If we allow such a move [i.e. allow that physical proximity particularizes political obligation], it would follow that when I go live for a month with my friends in the domain of just government B, all of my political obligations would transfer automatically to government B, regardless of whether I have any other significant relationships with that government. But this seems wildly implausible, unless we believe that my residence in itself establishes for me an obligation to support government B… The point to note is that even if my residence in the domain of just government B were morally significant in this way [to generate a duty to support government B], the moral bond generated would be a new “particularized” bond, quite unrelated to any [natural] duty or obligation to support just governments.

---

77 See DOL, pg.47 Also, note that Wellman is construing this as a problem about explaining the duties of expatriates per se.
78 See MPP, pg.33
79 Ibid
80 Ibid
Notice that the question being asked by Simmons isn’t: What, out of all of the possible moral grounds, might ground Paul’s duty to obey the law? Rather, Simmons is interested in the question: what, if anything, binds Paul to some particular political state, and what requirements follow from those bonds? I take it that the preceding questions are distinct questions, and will involve appealing to different moral grounds in order to defend the different kinds of requirements that duty holders might have, as does Margret Gilbert—I will further explain this point in what follows. First note that Gilbert also views the problems of residence and membership as distinct, she writes:

One must distinguish between two questions. The first concerns the conditions under which residents have obligations with respect to the purported orders of the relevant imperator, or similar matters. This may be termed, for short, the residence problem. The second—the membership problem—is posed in terms of membership and concerns the obligations of members of a political society as such.

While Gilbert seeks to resolve a precise formulation of the problem of membership in A Theory of Political Obligation, for the purposes of this paper it will be enough to mention a few general differences between these two different questions and the kinds of answers they elicit. As I’ve already indicated to above, the key difference between the problem of membership and the problem of residence is that in searching for an answer to the problem of residence one searches for whatever might ground a duty to obey the law. While a satisfactory answer to the problem of residence may involve reference to membership or aspects thereof, it may not—it may, instead, reference the

---

81 See MPP, pgs.5-6. Simmons distinguishes between the how and what questions of political obligation. Moreover, he takes the how questions as his starting point. That is, Simmons begins his inquiry by asking how might one be bound to her political state, which will ultimately illuminate what it is that one is required to do for her political state.

82 See GPO, pgs.20-1. Also, the term “imperator” refers to whatever party issues commands to (all of) the residents of some territory (e.g. a government).
content of the laws in question or facts about the apparent authority.\footnote{See GPO, pgs.19-20} On the other hand, the problem of membership is only concerned with features of membership, i.e. the relationship between citizens and their political state, as a possible ground for an obligation to support the institutions of one’s own political state.\footnote{Ibid. Also, this is not to rule out the possibility of offering a multi-principle account. While it may be the case that principles of consent, fair play, etc. are used jointly to explain a moral requirement to support the institutions of one’s own political state, we apply the principles to facts about one’s membership.} And so, I take it that the particularity problem is a question that asks: what is it about one’s membership that morally binds her to her own political state? Wellman’s project, however, seems to be answering a different question altogether. That is, Wellman’s project aims to ground a duty to obey the law that does not rely on facts about membership.

What Wellman refers to as a “more demanding” version of the particularity requirement, then, misses the point, or else does not clearly present what’s at issue in providing a satisfactory solution to the particularity problem as it is understood by Simmons. The problem of particularity is not a problem about explaining the duties of expatriates, or why citizens owe more to their fellow citizens instead of foreign nationals while abroad—whether or not political obligations have this content depends on how citizens are bound to their political state. Rather, Simmons takes as the starting point of his inquiry, the phenomenon that people feel bound to their own political state in special ways. He then asks what could be the moral grounding for such a bond, and what follows from it if it exists. Using Wellman’s example, the particularity problem, understood by Simmons, isn’t asking what \textit{if anything} establishes Paul’s duty to pay his Canadian taxes. Rather, it is asking, what is it about \textit{the relationship Paul bears to his}
own political state that could establish such a duty, if indeed Paul has a duty to pay his Canadian taxes? I will further elucidate this distinction in what follows. What is more, it’s not obvious to me that Wellman offers any analysis of membership. This strikes me as problematic for a theory of political obligation that purports to offer a satisfactory solution to Simmons’ particularity problem; accordingly, it should be clear that Wellman’s attempt to address the problem of particularity is not simply deficient, but it is entirely nonresponsive. That is, Wellman’s account doesn’t make use of any facts about membership, and therefore doesn’t adequately address Simmons’ question, which is specifically about the relationship between the citizen and the state.

Further, Wellman offers two replies to the objection that he has not adequately responded to the “demanding version” of the particularity problem, understood as a requirement to explain the moral significance of the citizen/state relation. Wellman suggests that the issue of whether or not one has special bonds to her own country is (1) “of secondary importance to…” and (2) “held with less conviction than” the judgment that subjects have a moral duty to comply with coercive laws of political states.85 Wellman suggests that the central tasks of any theory of political obligation are to justify the coercion of the political state and to offer grounding for a duty to obey coercive laws; questions about the nature of “…a special, morally salient relationship between a citizen and her state”, however, are secondary questions about certain obligations that people are pretheoretically inclined to think exist.86 Again, I believe this is an unsatisfactory response because Wellman is construing the particularity requirement as a condition to

85 See DOL, pg.48
86 Ibid
explain some other obligations people think they have (other than a duty to obey the law). However, this is mistaken; Simmons starts his inquiry by considering the special bonds citizens might bear to their political state; he leaves open the possibility that citizens might be required to support their political state in ways other than by obeying the law, in order to avoid begging the question about whether citizens are required to support their political intuitions and in what ways. Simmons clearly states that giving an answer to the question of what citizens are required to do in order to support their political state depends crucially on what grounds (facts about the citizen/state relationship and moral principles) the moral relationship between them and their political state. The particularity requirement, then, is not a requirement to explain why citizens are obligated to pay their taxes while they are abroad, but it is a requirement to explain the moral aspects of the relationship between a citizen and her state that could establish such duties. Whether or not citizens have such obligations is left as an open question by the particularity requirement. The particularity requirement is a requirement on theories of political obligation to explain morally relevant aspects of citizenship and their connection to duties to support one’s political state.

Further, I do not believe that the question actually presented by Simmons is a secondary question for political obligation theory; it is obviously nothing more than a different starting point for an inquiry into political obligation. Moreover, it may be a different question than the question that Wellman is interested in, since Wellman is specifically interested in an obligation with a certain content, but I believe it would be a mistake to suggest that Simmons’ question is somehow a less important question.

87 See MPP, pgs.5-6
Moreover, Simmons’ starting point strikes me as a more neutral starting point for an inquiry into political obligation because it has the advantage of leaving open the different ways in which citizens might be required to support their political state. This is because Simmons does not presuppose that obeying the law is required in order to support one’s political state, nor that it will be the only way to support one’s political state. By doing so, Simmons avoids begging the question about what the content of political obligation might be.

Finally, Wellman suggests that if Samaritan reasons cannot be found to explain the special bonds that members have to their political states, then a Samaritan theory of political obligation may invoke non-Samaritan reasons to do so, i.e., transactional or associative principles may be invoked. However, this is a misguided suggestion because the motivation for offering a natural duty theory of political obligation is that transactional and associative theories of political obligation cannot meet the generality requirement. That is, some philosophers who are engaged in political obligation theory have turned to natural duty theories of political obligation because transactional and associative principles aren’t strong enough to entail that most members have political obligation. While Wellman’s account might offer a solution to the problem of residence, although it is doubtful, his theory has not offered a solution to the problem of membership. Moreover, since the membership problem is in part a question about whether or not membership can offer grounding for political obligation, trivially, any solution to the problem of membership will have to invoke non-Samaritan reasons to do so. This is because Samaritanism tells us what we owe others as moral equals, not what

---

88 See DOL, pg.49
we owe others as fellows citizens. What is more, any solution to the problem of membership will have to employ a conception of membership that will be robust enough to explain why all members have a duty to obey the law (to satisfy Wellman’s generality condition). It should be clear enough now that we have the problem of generality unfolding on us all over again, but at the level of membership. The whole point of offering a natural duty theory of political obligation is that transactional and associative theories of political obligation cannot explain why most citizens have a duty to obey the law. And so, it strikes me as somewhat perplexing that Wellman suggests that a transactional or associative account would be able to ground a general duty for most members.

3.2 SATISFACTION CONDITIONS

In the preceding section I showed that Wellman and Simmons are asking different questions when they ask whether or not anyone has political obligations. Now I will further present and evaluate the satisfaction conditions they place on adequate theories of political obligation. I will focus on the following conditions: the content requirement, the universality requirement, the particularity requirement, and the singularity requirement.

The Content requirement. What I will refer to as “the content requirement”, for lack of a better term, requires that any adequate theory of political obligation will justify the conviction that subjects have a duty to obey the law. As mentioned in 4.1, Simmons and Wellman disagree about what moral requirements an adequate theory of political obligation aims to justify. While Wellman holds that an adequate theory of political obligation should justify a duty to obey the law, Simmons holds that an adequate theory of political obligation should determine whether or not any citizen has an obligation to
support her own political state. Moreover, it should be clear that Wellman’s project aims to justify a particular pre-theoretical intuition, and that his project is to determine the grounds for a duty to obey the law. Simmons, however, rejects the content requirement.

I will not present The generality requirement. The universality requirement is a condition that any adequate theory of political obligation should imply that everyone (or if qualified, almost everyone) falls under some political state’s jurisdiction, and has political obligations. I think it is obvious that Wellman accepts this satisfaction condition since he claims that one of the virtues of natural duty theories of political obligation is that they, at least prima facie, have the potential to explain why each of us has a duty to obey the law. Simmons on the other hand openly rejects this condition, which he refers to as a “mistaken …all or nothing attitude”. Simmons suggests that an adequate theory of political obligation ought to explain who is required to support their political state and why, and he asserts that it is not at all obvious that there is anything defective about a theory if it turns out that on that account some subjects do not have political obligations to their political state.

I will now present The particularity requirement. The particularity requirement as detailed in 3.1, is a condition that any adequate theory of political obligation should explain what, if anything, morally binds one to her particular political state; albeit, Wellman interprets this condition as a condition to explain why one must obey the laws of her “own political state”, i.e. the state she is a resident of. However, Wellman does not

---

89 See DOL, pgs.34-5
90 See MPP, pgs.35-8
91 See MPP, pg.36
satisfy the particularity requirement, as construed by Simmons, nor does he believe his account must satisfy that condition, which I have discussed at length in section 3.1.

I will not present *The singularity requirement*. The singularity requirement is a condition that any adequate theory of political obligation should offer a single “ground” for political obligation, which I interpret as a requiring any adequate theory of political obligation to rest on one principle—e.g. the principle of fairness. Wellman clearly rejects this condition since he invokes extra-Samaritan grounds—principles other than his Samaritan principle or the principle of mutual aid—to explain why subjects must obey the laws of their own political state. Simmons also rejects the singularity requirement since he holds that there may be a variety of features of the citizen-state relation, as well as various principles, that ground political obligations.  

The following table illustrates the satisfaction conditions Wellman and Simmons subscribe to.

<table>
<thead>
<tr>
<th>Satisfaction Conditions</th>
<th>Content</th>
<th>Generality</th>
<th>Particularity</th>
<th>Singularity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wellman</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Simmons</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Moreover, I interpret Wellman as asking the following question, (W) what grounds a universal (general and comprehensive) moral duty for the residents of some political state to obey the laws of that political state; I interpret Simmons as asking, (S)

---

92 See MPP, pgs.35-6
what, if any, obligations do citizens, \textit{qua citizens}, owe to their political state? In what follows I will refer to these questions as (W) and (S).

Here we examine (W). Notice that (W) does not ask whether or not there exists a duty to obey the law; nor does it ask whether or not all subjects have such a duty—Wellman’s question takes these matters for granted. Wellman, then, aims to find the justification for a certain duty, specifically, a universal moral duty to obey the law. And so, it trivially follows from the nature of the question being asked that any theory that offers a plausible answer to (W) will satisfy both the content requirement and the universality requirement. Moreover, since Wellman aims to justify a specific obligation, which is possessed by residents, it strikes me that it would not be problematic if such an account failed to meet the particularity requirement. This is because, as mentioned in 3.1, it is an open question whether or not facts about membership must be invoked to offer a plausible solution to the problem of residence; such a theory may or may not reference facts about membership. Moreover, explaining how citizens are bound to their political state would answer part of the problem of residence, since members are usually residents of the territory of the political state they belong to, but it’s not obvious that answering the residence problem yields a solution to the problem of membership.

Here we examine (S). Notice that (S) is a question about the moral relationship between citizens and their political states. Since (S) does not presuppose the existence of any moral obligation, the question of what citizens may be (morally) required to do is left open. Moreover, it is an open question whether or not a satisfactory answer to (S) will involve any thesis such that a duty to obey the law exists. While an adequate answer should say whether or not such a duty exists, its success, as an answer, does not turn on
whether or not it is affirmative or negative. Moreover, the same reasoning applies to the universality requirement. Since (S) doesn’t presuppose that any citizens have obligations, a theory that implies that some citizens, or all citizens, or no citizens have a political obligation will have successfully answered the question; accordingly, it is reasonable to think an adequate answer to (S) may not satisfy either requirement. Moreover, since (S) is specifically a question about the moral nature of the relationship between citizens and their states, it trivially follows that any satisfactory answer will satisfy the particularity requirement.

Finally, it is clearly the case that whichever satisfaction condition(s) some theory of political obligation must meet depends on the question at issue in the theory. And it’s not at all obvious to me that there’s a way to adjudicate between these satisfaction conditions, because the conditions adopted by Wellman and Simmons seem appropriate for the question at issue in their projects. However, it strikes me that Simmons’ approach is a more neutral, and advantageous approach. Again, Simmons begins his inquiry with the pre-theoretical intuition that citizens are morally bound to the political state they belong to,⁹³ he then asks what morally significant relationships could bind citizens to their political state and what obligations would they generate, then he determines whether or not citizens bear those relationships to their political state. Wellman’s project on the other hand strikes me as somewhat odd because, at least prima facie, it seems as if Wellman is suggesting that an adequate theory of political obligation will be some theory that confirms his hypothesis that all subjects have a duty to obey the law. Nevertheless, whether or not subjects have such a duty must ultimately depend on the kinds of moral

⁹³ In Moral Principles and Political Obligation.
relationships subjects bear to some political state, and whether or not those relationships are the kind of relationship that generate a duty to obey the law. Wellman’s question, then, seems to oversimplify the problem of political order.
4. MALTAIS’ ARGUMENT

In this section I will present Maltais’ argument demonstrating that theories of political obligation with a weak particularity requirement are on a better footing than theories of political obligation with a strong particularity requirement. This is because theories of political obligation with a weak particularity requirement leave political states in a better position to justify their coercive powers to their citizens. In *Political Obligations in a Sea of Tyranny and Crushing Poverty* (2013), Aaron Maltais argues that:

“…weakening the particularity requirement contributes to [a natural duty theory of political obligation’s] ability to justify a range-limited system of political obligations among compatriots”.94 In other words, Maltais argues that any plausible theory of political obligation with natural duty at its foundation should employ a weak particularity requirement. Maltais suggests that natural duty theorists are inclined to support strongly particularized duties of political obligation because non-particularized, or weakly particularized, theories of political obligation appear more demanding because corollary commitments to securing essential human goods for outsiders are explicit. However, as discussed in 2.4, Maltais argues that the choice between a demanding and non-demanding natural duty theory of political obligation is a false dichotomy because highly particularized natural duty theories of political obligation implicitly include the same commitments to outsiders that are more explicit in weakly particularized natural duty theories of political obligation. And so, Maltais disputes the notion that highly particularized natural duty theories of political obligation can be considered less demanding; he suggests that such theories are less demanding only if one idealizes the

---

94 See CTP, pg.1
current situation of political states. That is, what will determine whether or not a natural duty theory of political obligation places demanding moral requirements on duty-holders is the number of people in the world for whom essential human goods have not been secured and whatever practical limits some such theory places on the amount of sacrifice duty-holders are required to incur. Moreover, Maltais’ argument shows us that natural duty theories of political obligation that make political states’ obligations to outsiders explicit are better, since such obligations are clearly implied by natural duties. Specifically, natural duty theories of political obligation imply that there are limits on the extent to which political states can prioritize domestic interests. While Wellman and Klosko are silent about this issue altogether, Maltais’ solution is not fully developed. Hence, a limitation of the Samaritan theories of political obligation addressed in this paper, is that they imply that there are limits on the extent to which political states can prioritize domestic interests such as the pursuit of justice, but they do not tell us what those limits are in any precise way.

4.1 MALTAIS’ ARGUMENT

Maltais argues that citizens may permissibly disobey the laws of their political state. For the sake of clarity, “external political order” refers to the political order of foreign territories—i.e. political order aboard. His argument can be presented as follows (An=assumption, Pn=premise):

(A1) There exists a level of support to external political order that counts as enough—i.e. there is a determinate level of support that is morally required.

(P1) The internal legitimacy of any political state is, in part, reliant on contributions to external political order.
(P2) If some political state does not do enough to support external political order, then the citizens of that political state may permissibly disobey some law(s) in order to support external political order.

(P3) It is possible that some political state does not do enough to support external political order.

(C1) Hence, it is possible that citizens may permissibly disobey some law(s) in order to support external order.\(^{95}\)

The preceding argument relies openly on assumption (A1): there exists a level of support to “external political order” that counts as enough—in other words, there is some limit on the amount of support/sacrifice that political states are morally required to make in order to provide security for outsiders. The implicit assumption underwriting (A1) is that a political state’s duty to provide external political order is dischargeable.\(^{96}\)

Premise (P1) follows from the notion that natural duty is what justifies any system of political obligation.\(^{97}\) That is, if any political state invokes a natural duty to secure essential human goods in order to explain why it may justifiably coerce its subjects, then that justification *ipso facto* involves a commitment to securing political order for those outside the political community as well as for its subjects.\(^{98}\) This is because such a natural duty is owed to all individuals as moral equals. Moreover, it is obviously inconsistent for any political state to purport to be committed to securing essential human goods for all, but not for outsiders.

\(^{95}\) See CTP. Also note, I am formulating Maltais’ argument in number premise form using direct quotes from the original text. However, I have made charitable emendations, which aim to better express the information contained in the premises.

\(^{96}\) I will elaborate what Maltais has to say about the notion of “a valuable life” in what follows.

\(^{97}\) See CTP, pg 27

\(^{98}\) Borrowing Maltais’ language.
In order to substantiate (P2) Maltais uses the example of financial support. That is, Maltais suggests that it would be permissible for citizens to redirect their financial support from their political state to some other political state if one’s political state has not done enough to satisfy its commitment to secure essential human goods for outsiders.\textsuperscript{99} Maltais argues that redirecting one’s financial support under such circumstances is permissible because doing so amounts to allocating resources on behalf of the collective, i.e. one’s political community, as the collective should have. Moreover, Maltais notes that it would be inconsistent for one’s political state to coerce her not to redirect her financial support because doing so would be prohibiting her from securing essential human goods in the name of securing essential human goods. To further illustrate this point, Maltais writes:

\begin{quote}
If the moral legitimacy of a system of shared political obligations can only be justified at the foundational level by appealing to universal natural duties, my state’s efforts to prevent me from redressing my political community’s lack of concern for outsiders undermines the state’s moral legitimacy. This is because the political community’s lack of external concern and efforts to compel me to prioritize internal interests suggests that the demands the state is making on me are not grounded in natural duty but some other principle such as fair reciprocity or shared identity. Yet if these other principles cannot ultimately justify political obligations, my political community’s efforts to block me from redirecting collective resources to satisfy universal natural duties undermines its internal legitimacy to some extent.\textsuperscript{100}
\end{quote}

To further elaborate the point, a political state that has not done enough to secure external political order can either allow citizens to support external political order on its behalf, or it can prevent citizens from supporting external political order on its behalf. If such a political state coerces citizens not to support external political order on its behalf,

\textsuperscript{99} The idea here is that one may permissibly not pay their taxes in order to support some other political order.
\textsuperscript{100} See CTP, pg. 27
such coercion is either justified or it is not justified. But, it’s unclear what could justify a political state in coercion its citizens not to support external political order if Samaritan duties exist. Such coercion surely isn’t justified by a commitment to securing essential goods for all humans, because this commitment seems to imply that citizens should support external political order on their political states’ behalf, when the political state has not done enough, or does not intend to do whatever counts as enough. Hence, it would be unjustified for a political state to coerce its citizens not to support external political order on their behalf.

Premise (P3) is an uncontroversial premise. There are many situations where a political state doesn’t do enough to support external political order. I take it that Maltais has in mind a scenario where a political state has enough resources to contribute to external political order, yet those resources are used to pursue domestic interests instead. For example, we can imagine that some political state devotes a large amount of resources to their own educational system, but a smaller amount (small enough to fall below whatever counts as enough) to securing external political order, even though it has sufficient resources to devote to both.

In sum, it follows from (P1)-(P3), given assumption (A1), that it is possible that citizens may permissibly disobey some law(s) in order to support external political order. That is, if some political state has not done enough to contribute to securing external political order, then citizens may disobey some law(s) that prohibit them from supporting external political order—unless, of course, there are independent moral reasons not to do so. Even more, if such a political state coerces its citizens not to support external political order in a situation where it has not contributed enough, then it is unclear what
justifies the political state’s use of coercion, and it would seem that such a political state undermines its own legitimacy by preventing its subjects from securing essential human goods for others, which is the foundation of the political state’s justification for its coercive practices. To further elaborate this point, Maltais writes:

Note that there is an equally important positive way of making the same point. By providing some level of external support and accepting limits on exclusion a political order is better able to demonstrate to its own members that their system of political obligation is grounded in a genuine and universal commitment to the moral equality of each individual. Thus, the surprising implication of weakening the particularity requirement is that a state is actually in a better position to justify to its own citizens that they have political obligations to support their political order.101

Finally, I take it that a valuable insight of Maltais’ argument is that there is a clear tension between natural duty theories of political obligation and the particularity requirement. He has successfully argued that the justification for the existence of the political state and its coercive practices rests on its commitment to secure essential human goods for others. It would be misguided, then, to hold that such a theory should be strongly particularized, which would suggest that political states are subject to moral requirements to provide political order for their subjects exclusively. Maltais’ argument implies that there are limits on the obligations that political states have to their own subjects, since the provision of political order must be afforded to outsiders as well. Maltais suggests, and I agree, that the further implication of this result is that there are limits on the extent to which political states can pursue domestic interests, such as the internal pursuit of justice, etc. However, Maltais believes that the Cullity approach (mentioned in 2.4) will establish reasonable limits on the amount of sacrifice that political

101 See CTP, pg.31
states are required to make for outsiders. However, the Cullity approach is not, in my judgment available to Wellman because I doubt that the amount sacrifice morally required by an account like Maltais’, which applies the Cullity approach, qualifies as an easy rescue. Also, Maltais does not develop Cullity’s idea, since he doesn’t expound on what “a valuable life” is; and so, it’s left unclear to what extent political states may pursue domestic interests on an account like Maltais’. The limits on the pursuit of domestic interests on Wellman’s account, and the lack of clarity in Maltais’ account are, then, two other kinds of limitation of the Samaritan natural duty theories of political obligation discussed in this paper.
5. KLOSKO’S MULTI-PRINCIPLE APPROACH

In “Multiple Principles of Political Obligation” (2004)\textsuperscript{102}, Klosko suggests that theories of political obligation that combine different moral principles in order to support the thesis that citizens have moral requirements to obey the law are stronger than theories that employ a single principle. In order to support his thesis Klosko presents a skeletal multi-principle theory of political obligation, which makes use of the following three principles: (1) the principle of fairness, (2) the natural duty of mutual aid, and (3) the common good principle. Further, Klosko states that he aims to satisfy the two conditions of the universality requirement. That is, Klosko aims to show that his multi-principles account of political obligation can: “(1) …ground obligations of all or virtually all citizens, and (2) to support a full range of governmental functions”.\textsuperscript{103} For the sake of clarity, (1) is referred to as “the generality requirement”, and (2) is referred to as “the comprehensiveness requirement”.\textsuperscript{104} Also, note that what Klosko seems to have in mind by “the full range of government functions” is the totality of laws and policies of the political state, and that he seems focused primarily on offering justification of tax policies, which support the multitude of services provided by political states (e.g. national defense, public parks and recreation services, welfare programs).

Klosko suggests that the principles he has chosen will “interact” in three ways.\textsuperscript{105} He calls these relations “cumulation”, “mutual support”, and “overlap”. Respectively, when combined, principles may generate a greater total of moral requirements than they

\begin{itemize}
\item \textsuperscript{102} Klosko, G. (2004). Multiple principles of political obligation. Political theory, 32(6), 801-824.
\item \textsuperscript{103} See MPT, pg.803
\item \textsuperscript{104} Ibid.
\item \textsuperscript{105} Ibid. Also, “interact” is Klosko’s term.
\end{itemize}
do individually; principles may generate, together, a moral requirement that no single one of them can generate individually; principles may strengthen a moral requirement that a single one of them is sufficient for generating by itself.\textsuperscript{106} We will focus on Klosko’s combining of the principles of fairness and the natural duty of mutual aid in order to satisfy the comprehensiveness requirement (i.e. the cumulation of the principle of fairness and the natural duty of mutual aid); even so, we will primarily be focused on the role of the natural duty of mutual aid in Klosko’s skeletal account.

Klosko begins his discussion of the principle of fairness by presenting several formulations of the principle from H.L.A. Hart, David Lyons, and John Rawls.\textsuperscript{107} For the purposes of this paper, it will suffice to state Rawls’ formulation: “We are not to gain from the cooperative labors of others without doing our fair share”.\textsuperscript{108} Klosko points out that while the principle of fairness obviously applies to gains, or benefits, that one voluntarily accepts, there are some goods, called “nonexcludable goods”, which are produced by cooperative enterprises but cannot be refused—e.g. national defense—and thus are not voluntarily accepted.\textsuperscript{109} This is a problem for fairness theories of political obligation because, Klosko writes, “[c]ertain scholars argue that, because public goods are not accepted, they cannot generate obligations under the principles of fairness”.\textsuperscript{110} To be sure, Klosko suggests that such goods can generate obligations if they meet three conditions. According to Klosko:

\textsuperscript{106} Ibid.
\textsuperscript{107} See MPT, pgs.804-5.
\textsuperscript{109} See MPT, pg.805.
\textsuperscript{110} Ibid. Also, see Nozick, R. (2013). \textit{Anarchy, state, and utopia}. Basis Books.
I believe, however, that the principle of fairness is able to generate powerful obligations to contribute to nonexcludable schemes if three main conditions are met. Goods supplied must be (i) worth the recipients’ effort in providing them, (ii) indispensable for satisfactory lives, and (iii) have benefits and burdens that are fairly distributed.\footnote{Ibid. Also, see footnote 21 (MPT)—Klosko has argued for this position elsewhere.}

In short, Klosko argues the following: if there are certain public goods (e.g. physical security, national defense, law and order, protection provided by environmental measures,\footnote{Klosko does not specify what “environmental measures” are, nor does he clearly define the term “measures”. I take it, regarding the former, he has natural disasters in mind, e.g. droughts or hurricanes. Regarding the latter, I take it that Klosko has in mind the institutions political states’ establish to manage environmental and health issues, e.g. the emergency management agency or the department of health (in the U.S.).} and central public health measures)\footnote{The above are Klosko’s examples.} that are indispensible to any citizen, then citizens benefit from their receipt regardless of whether or not they seek them out.\footnote{See MPT, pg. 806. Klosko does not believe that there is any obvious way in which one could pursue the benefits of national defense. This is partly because citizens will benefit from national defense regardless of whether or not they contribute to its provision.} Since such goods—i.e. the preceding examples—are unavoidable and nonexcludable, they cannot be sought out (or seeking them out is unnecessary or pointless);\footnote{I believe this to be an accurate presentation of Klosko’s point. However, it strikes me that he probably means, “nonexcludable goods” cannot be sought out by everyone, or that at a certain point in time they can no longer be sought out. For example, I could vote for a certain health policy in a referendum, but children cannot, nor can future persons who benefit from the policy after it has been enacted.} however, it is safe to assume that anyone would seek out such goods at their given cost if it were possible to do so, and if doing so were necessary to receive them. Hence, by benefiting from such goods citizens incur obligations to contribute to provision of indispensible public goods.\footnote{See MPT, pgs.805-6}
Klosko points out that the preceding argument only requires citizens to support a limited number of public goods, specifically, those that are indispensible to citizens. There are, however, many public goods that are not indispensible. Klosko suggests that an indirect argument can be given to show that citizens are subject to moral requirements to support the provision of a variety of public services.\textsuperscript{117} According to Klosko:

\begin{quote}
If the state is to provide the indispensible goods noted,\textsuperscript{118} the society in question must possess a basic infrastructure—for example, transportation and communication facilities. There cannot be adequate law enforcement or national defense, unless there are adequate roads, bridges, harbors, and so forth.
\end{quote}

Klosko concludes that the principle of fairness is strong enough to establish that citizens are subject to a variety of moral requirements to support the functions of their political state; to wit, to support the provision of various public goods that are indispensible and those that are necessary for the provision of indispensible public goods.\textsuperscript{119} However, Klosko points out that since the principle of fairness generates obligations for citizens on the basis of their benefiting from the provision of some good, it does not generate obligations for them to support their political state in providing goods that benefit others. According to Klosko, “…[the principle of] fairness cannot establish obligations to support services that benefit other people. Most notable here are social

\textsuperscript{117} See MPT, pg.806. Also, note that Klosko only asserts it is plausible that what he calls “the indirect argument” could show that citizens are morally required to support the provision of a variety of public goods that do not qualify as indispensible. He does not, however, offer such an argument here.
\textsuperscript{118} These are the goods enumerated in the example in the preceding paragraph.
\textsuperscript{119} Klosko calls the class of goods which are necessary for providing indispensible goods, but which are not indispensible themselves, “a kind of discretionary good”. Moreover, Klosko points out that the discretionary goods a given political state is justified in providing its citizens depends on empirical factors. See MPT, pg.807.
welfare services that support the poor, handicapped, or otherwise disadvantaged”.120

And so, it has yet to be shown that citizens have moral requirements to support the full range of government functions—i.e. Klosko has yet to satisfy the comprehensiveness requirement. At this juncture Klosko turns to the natural duty of mutual aid in order to show that the principle of fairness and the natural duty of mutual aid cumulate to establish for citizens a variety of moral requirements to support the functions of their political state, demonstrating that a multi-principle theory of political obligation can better satisfy the comprehensiveness requirement than any fairness or natural duty theory by itself.

Klosko introduces natural duties into his account by presenting Rawls’ natural duties of justice, which Klosko refers to as the “natural political duties”.121 Klosko paraphrases Rawls’ duties as mandating the following:

“to comply with and to do our share in just institutions when they exist and apply to us,” and to assist in establishing just arrangements when they do not exist, when this can be done at little cost to ourselves.122

Klosko points out that Rawls’ natural political duties are problematic for two reasons. First Klosko asserts that Rawls’ two natural duties are “… not familiar, intuitively plausible moral principles”.123 This is problematic because of Klosko’s conception of natural duties as “intuitively clear moral principles, which we can assume hold”.124 Second, Klosko argues that the low cost rider precludes the principles from requiring

120 See MPT, pg.807.
121 See MPT, pg.809.
123 Ibid.
124 See MPT, pg.808. Also, note that Klosko appears to be resisting the notion that natural duties obtain their moral status from being chosen in the original position.
citizens to support a variety of their political states’ costlier functions.\textsuperscript{125} According to Klosko, “[b]ecause political obligations can require substantial sacrifices, the natural duties are unable to ground the core obligations that are central to the workings of an acceptable state”.\textsuperscript{126}

Klosko asserts that the two preceding problems illuminate the role natural duty will play in his multi-principle account. First, he will use the duty of mutual aid, because it is more intuitive than Rawls’ natural political duties. Second, he will use the duty of mutual aid to establish moral requirements for citizens to make financial contributions to state programs that support social welfare.\textsuperscript{127} According to Klosko, “although the natural duties are unable to establish the state’s costly core functions, they—especially the duty of mutual aid—are able to support social welfare and other similar programs, as long as these pose relatively light burdens. One reason requirements along these lines are permissible is that they generally entail only financial contributions”.\textsuperscript{128} Here, Klosko concludes that a multi-principle account can better satisfy the comprehensiveness requirement than a fairness theory of political obligation or a natural duty theory of political obligation alone. Again this is because the principle of fairness establishes moral requirements for citizens to support their political state’s core functions, and the duty of mutual aid establishes moral requirements for citizens to support social welfare programs. Now Klosko addresses the problem of particularity.

\textsuperscript{125} See MPT, Pg.809.
\textsuperscript{126} Ibid. Also, note that Klosko calls natural duties qualified with a low cost rider “weak natural duties”, and one’s not so qualified as “strong natural duties”. Moreover, Klosko holds that weak natural duties are principles, which fit his sense of the term natural duty.
\textsuperscript{127} See MPT, pg.810.
\textsuperscript{128} See MPT, pg.810.
According to Klosko the most convincing solution to the problem of particularity employs the notion of reciprocity. Klosko asserts that any particular individual is naturally a member of the community that provides her with indispensible goods. Further, any particular member, qua member of a scheme that provides her with indispensible goods, “...has special responsibilities toward her fellow citizens, because their efforts are necessary for producing the essential public goods [s]he receives”. Thirdly, since it is not the case that the “overall atmosphere of law and order”, which is essential to any citizen’s wellbeing, can obtain unless the poorest and unfortunate regularly obey the law. A citizen is justified in giving special concern to her fellow citizens, “in recognition of and to reciprocate for contributions they make to [her] own wellbeing. Here, Klosko suggests that the particularity requirement is met, and that the duty of mutual aid justifies “extensive” state funded social welfare programs.

It strikes me, however, that Klosko’s attempt to resolve the problem of particularity—i.e. to establish that subjects have a duty to provide for the welfare of their compatriots, which must be discharged by complying with some tax laws—falls short of its mark for the same reasons that Wellman’s attempt ultimately fails (see section 2 above). First, it is not at all obvious that any particular citizen’s acts of obedience are necessary for an overall atmosphere of law and order, or the provision of other

129 See MPT, pg.811.
130 Ibid. Also, note that Klosko does not clarify what he means by “is naturally a member”. I take it that he means “obviously”, or he might mean that one is a member regardless of whether or not one has consented, etc.
131 Ibid.
132 Ibid. Also, note that Klosko does not clarify what he means by “overall atmosphere of law and order”. I take it that he intends to refer to a state of affairs where laws are generally obeyed and enforced.
133 Ibid.
indispensable goods.\textsuperscript{134} Keeping with Klosko’s main example of law and order, the institutions that exist in any political state, such as legal institutions, are collective enterprises. Any specific individual’s actions are not normally necessary, or sufficient, for the establishment of—or even the destruction of—such institutions. Hence, it is not clear who benefits whom by acts of compliance.\textsuperscript{135} Moreover, political states, as well as their legal systems, can tolerate some level of non-compliance, which implies that some members’ compliance is superfluous and does not benefit others in the relevant sense. Klosko’s argument—that one is subject to moral requirements to support state welfare programs, because she has benefited from the beneficiaries’ obedience to the law—is problematic. Even though citizens typically benefit from their political state’s legal system, it is unclear that one is benefited by anyone specifically; and so, it is difficult to see how reciprocity establishes any localized duty to support state welfare programs on Klosko’s account.

Additionally, it is doubtful that citizens who have psychiatric illnesses or mental health challenges, which excuse their legal responsible (henceforth the insane/incompetent), contribute to providing an overall atmosphere of law and order.\textsuperscript{136} If the insane/incompetent are not legally culpable, then they do not comply with legal directives. Hence, no one benefits from the compliance of the insane/incompetent. Nevertheless, such individuals are typically, and I think are rightly, the beneficiaries of social welfare programs. Hence, reciprocity is irrelevant for determining the class of

\textsuperscript{134} Sell DOL, pg. 185.  
\textsuperscript{135} Ibid.  
\textsuperscript{136} I will use the terms insane/incompetent because they are the terms that appear in the legal literature.
people to whom one must discharge her duties of mutual aid; reciprocity fails to localize duties of mutual aid on Klosko’s account.

Even more, if we allow, for the sake of argument, that Klosko has successfully localized citizens’ duties of mutual aid, it is not the case that making financial contributions to state funded welfare programs is the only way one might discharge her duties to provide for her compatriots’ welfare. That is, even if one must provide for the social welfare of her compatriots, one may discharge her duties by donating to charity, by working in a soup kitchen, or by volunteering her time and effort in some other manner. Simmons points out that such programs are nothing more than a means to a morally desirable end, and given that there are other means to secure that end, there are other ways for citizens to discharge their duties.\textsuperscript{137} Even more, Klosko relies on the low cost of financial contributions (taxes) to state programs in order to satisfy the low cost rider of the weak version of the duty of mutual aid. Notice that if one has contributed to securing social welfare by volunteering her time and effort, this implies that she has done more than enough to discharge her duty of mutual aid on Klosko’s account. It’s hard to see, then, how an individual who has done something supererogatory to secure social welfare, is subject to further moral requirements to make contributions to her compatriots’ social welfare in the form of financial contribution to state welfare programs. And so, Klosko’s reciprocity approach fails to offer any satisfying solution to the problem of particularity. That is, Klosko has not shown that citizens have duty to specifically support welfare programs, or that citizens have a duty to support the welfare programs of their own political state.

\textsuperscript{137} See DOL, pg.187-9.
Finally, Klosko attempts to overcome the deficiencies of an account like Wellman’s by using the principle of mutual aid with the content of duties of charity, and by restricting the role of natural duty in his account to establish moral requirements for subjects to support/obey certain policies/laws that provide for subjects’ welfare. However, the objections raised by Simmons against Wellman (outlined in section 2) can be extended to Klosko’s account, and the duty of mutual aid, in Klosko’s multi-principle approach, fails to establish any localized duty to support the social welfare programs of one’s political state. To be sure, obeying the law(s) of one’s political state may be one of many ways of discharging one’s natural duties, but clearly there are other ways of doing so.
6. CONCLUSION

Wellman argues that the residents of any territory governed by a state have a duty to obey the laws of the political state whose territory they reside in. This is because, according to Wellman, political states could not fulfill their Samaritan functions without general compliance, and fairness requires that subjects forgo their discretion over how they will discharge their Samaritan duties. Simmons offers three main objections to Wellman’s account. The first is that the cost benefit analysis, which Wellman employs to argue that the costs of obedience are low enough to count as an easy rescue, is problematic because it compares hypothetical costs and benefits—a proper comparison is between actual costs and benefits. The second is that it’s not plausible to think that a Samaritan duty, with the kind of content Wellman needs for his arguments to be successful, actually exists; thus, we should doubt the existence of such Samaritan duties because either there is no logical connection between Samaritan duties and fairness, or there is such a connection only because Wellman has begged the question about what subjects are obligated to do. Furthermore, section 2.4 further elucidated the tension between the charity and rescue components of Wellman’s Samaritan duty. Simmons’ third objection is that Wellman’s Samaritan duty implies, at most, that subjects have a duty to provide security for other subjects who occupy the same territory as them; however, no duty to obey the law is established. And so, Simmons contends that Wellman’s theory of political obligation fails to satisfy any formulation of the particularity requirement. This is problematic for Wellman because his arguments show that obeying the law is just one way that one might discharge her duties to provide
security for others, but not that one has a moral duty to obey the laws of the political state whose territory she resides in.

Wellman and Simmons are asking different questions about political obligation, and their different questions appropriately involve meeting different satisfaction conditions. Wellman asks: what moral principle is sufficient for establishing a general moral duty for the residents of some political state to obey the laws of that political state? Simmons asks: what, if any, obligations do citizens, *qua citizens*, owe to their political state? Wellman formulates the particularity requirement as a condition to establish a duty, specifically to obey the law of one’s *own* political state—i.e. the political state she resides in. Simmons formulates the particularity requirement as a condition to establish a duty to support one’s *own* political state—i.e. the political state she is a member of. Moreover, Wellman’s formulation of the particularity requirement strikes me as appropriate for his inquiry. Simmons has argued, however, and I think successfully, that Wellman does not satisfy his own (Wellman’s) formulation of the particularity requirement. Furthermore, any answer to Wellman’s question, which also satisfies Wellman’s formulation of the particularity requirement, obviously doesn’t answer Simmons’ question. This is a limitation of Wellman’s account, as well as a limitation of Samaritan/mutual aid theories of political obligation like Wellman’s, because Simmons’ question is an important one. That is, even if Wellman’s theory were successful, his account doesn’t tell us what duties citizens have, or what they owe their own political state or compatriots, as citizens. Wellman’s account also doesn’t tell us whether or not citizens have duties to support their political states in ways other than by obeying the law. Despite their drawbacks, however, Samaritan theories of political obligation like
Wellman’s remain important because they do establish that, as moral equals, everyone has duties to secure vital benefits—e.g., security—for others, and obeying the laws of one’s political state or supporting one’s political state is one way citizens might discharge their Samaritan duties.

Maltais’ argument suggests that a weakened particularity requirement is more appropriate for a natural duty theory of political obligation because political states would be in a better position to justify their coercive practices if they secure vital human goods for outsiders as well as citizens. That is, Maltais further illuminates the limits of Samaritan duty theories of political obligation like Wellman’s. Maltais establishes that there are limits on the extent to which political states and compatriots can direct support to their own political community and remain consistent with the natural duties that justify their coercive practices. And so, we can see that if supporting political states, or obeying the law, is to be a viable way for one to discharge her duties to provide security for others, the provision of essential human goods such as security ought to be balanced between members and outsiders. Moreover, we have seen that more work needs to be done by Maltais in order to offer a precise account of what is owed to outsiders, and to what extent the subjects of political states may acceptably prioritize the interests of their own political community.

Klosko employs the duty of mutual aid in his multi-principle theory of political obligation. However, his account falls prey to the same objections Simmons has made to Wellman’s account. And so, we can see that natural duty theories of political obligation that employ the duty of mutual aid may fail in ways similar to Wellman’s Samaritan approach. Natural duty theories of political obligation employing the duty of mutual,
then, fail to serve as a plausible foundation for theories of political obligation, since they are not strong enough to establish moral requirements for citizens to support laws providing social welfare for one’s compatriots only.

In sum, while natural duty theories of political obligation appear to be a promising approach, apt to satisfy the generality requirement, Samaritan and mutual aid theories of political obligation are problematic: (i) because they rely on false or controversial premises, (ii) because they are not helpful for answering Simmons’ questions, and (iii) because they imply that there are limits on political states’ pursuit of domestic interest, but the authors’ theories under examination do not establish that their theories imply reasonable limits. As such, Samaritan/mutual aid theories of political obligation are not a plausible alternative to Rawls’ natural duties of justice, as Klosko believes. Moreover, the theories we have examined here, specifically Wellman’s and Klosko’s, do not establish any substantive moral requirement to obey the law or to support political states. Rather, Samaritan/mutual aid theories of political obligation appear to establish that obeying the law or supporting one’s political state is one way subjects might discharge their natural duties to provide essential benefits for others, which must be balanced between compatriots and outsiders. And so, Samaritan duties and duties of mutual aid support a much weaker conclusion than the proponents of such theories think.
BIBLIOGRAPHY

GPO

CTP

DOL

SJL
http://doi.org/10.1086/233944

GMP

MPP

SPO

MPT