

## Samaritanism and Political Obligation: A Response to Christopher Wellman's "Liberal Theory of Political Obligation"\*

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In a recent article, Christopher Wellman formulates a theory of political obligation based on a principle of samaritanism.<sup>1</sup> Wellman claims to offer a "new solution" to the problem of political obligation (p. 735). However, while I believe that samaritanism does make an important contribution, this is somewhat different from what Wellman envisions. In this brief article I argue that the theory of political obligation that Wellman develops is unable to ground moral requirements to support central state functions. After reviewing Wellman's theory in Section I, I present criticisms in Section II, and close with brief remarks about the proper role a principle of samaritanism should play in theories of political obligation.

### I

The main contribution of Wellman's article is employing samaritanism to address questions of political obligation. Roughly and briefly, Wellman appeals to the familiar idea that people have strong moral requirements to come to the aid of others who are in peril or dire need. The dangers in question are those of a Hobbesian state of nature, which people would generally confront, if not for benefits provided by the state, especially the rule of law. The dangers can be alleviated only by state coordination, supported by coercion, and so citizens can justifiably

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1. Christopher Heath Wellman, "Toward a Liberal Theory of Political Obligation," *Ethics* 111 (2001): 735–59. Unaccompanied page references are to this article. For purposes of discussion here, "political obligations" can be taken to be more or less equivalent to moral requirements to support the state or to obey the law.

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be forced to obey the law. Like theories based on gratitude and fairness, samaritanism grounds political obligations on state benefits. But unlike these other theories, Wellman's turns on benefits provided to other people: "The perils that *others* would experience in a state of nature can limit *our own* moral rights" (p. 744; his emphasis).

Wellman supports his claims with two examples. First, Alice and Beth are walking together when Beth suffers a heart attack. Unless Alice can get her to the hospital immediately, she will die. Carolyn's unlocked car is in the vicinity. According to Wellman, the circumstances justify Alice's appropriation of Carolyn's car to take Beth to the hospital. Under these circumstances, moral reasons grounded in Beth's situation outweigh Carolyn's usual claim rights to her car. Wellman says, "the moral dynamics of state coercion are analogous to those of Alice, Beth, and Carolyn": "the state is at liberty to coerce individuals in a way that would ordinarily violate their rights only because this coercion is necessary to rescue all those within the state's borders from peril" (p. 745).

Wellman believes that a second scenario is more descriptively faithful to the circumstances of actual political obligations. States provide benefits through the coordinated efforts of large numbers of citizens. Wellman envisions a situation in which a group of people need a bus to escape from peril. If Alice, Beth, and Carolyn each has part of a bus, a mechanic would be justified in taking their parts to assemble the bus and rescue them. The state would also be justified in forcing the three of them to contribute their parts. Of the two examples, Wellman says, "in each case, coercion is permissible because the peril of others generates weightier moral reasons than the presumption in favor of each individual's dominion over her own affairs" (p. 746).

A theory of political obligation based on samaritanism has clear advantages over other theories. While the former is similar to a theory based on a natural duty of justice, samaritanism is a familiar moral principle, applicable in different contexts. In contrast, the natural duty to support just institutions, invoked by Rawls,<sup>2</sup> is not intuitively clear and is discussed only by theorists attempting to explain political obligations (p. 751, n. 18). There is a close relationship between Wellman's samaritanism and theories based on the principle of fairness. With complex coordination required for state provision of benefits, each citizen has an obligation to obey the law as her share of the overall samaritan task (p. 749). But there is an important difference. As generally understood, the principle of fairness generates political obligations by providing the subject himself with state benefits, especially important public goods, such as defense, law and order, and environmental and public

2. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), secs. 19, 51.

health protections.<sup>3</sup> Wellman believes the principle of fairness is flawed. Because recipients of public goods are not able to accept them, it is tainted by paternalism. Individuals incur political obligations because of benefits the state believes they need (pp. 737–38). This problem is avoided by samaritanism, which generates Green's obligations from benefits the state confers on other people rather than on Green himself.

Under the assumption that the foregoing can be accepted as a brief summary of Wellman's position, we can move on to criticize it.

## II

A fundamental problem with a samaritan theory of political obligation centers on the costs of aiding others. As ordinarily construed, Smith's duty to rescue other people is limited by the proviso that this must not be unduly costly to herself. Other things being equal, Smith would be subject to severe condemnation if she allowed a child to drown. The same would be true if rescuing the child would require Smith to get her clothing wet, even to ruin her expensive shoes. But ordinarily, we would not say that Smith's duty to assist the child would require her to assume significant risk, for example, if she had to rush into a burning building that might collapse any time. Actions of this kind pass beyond the required to the supererogatory and are the stuff of heroism.<sup>4</sup> Accordingly, a number of the natural duties discussed by Rawls are qualified by limits on their force. The duty of mutual aid is to help others when they are in need, "provided that one can do so without excessive risk or loss to oneself."<sup>5</sup> The duty to bring about a great good holds "only if we can do so relatively easily."<sup>6</sup> The duty to help establish just institutions is similarly qualified.<sup>7</sup> For ease of reference, we can refer to a natural duty or other moral principle that is qualified in regard to

3. See George Klosko, *The Principle of Fairness and Political Obligations* (Savage, Md.: Rowman & Littlefield, 1992).

4. Consequentialist theories do not generally recognize cost qualifiers on natural duties—which is often viewed as a serious flaw of such theories; see Shelly Kagan, *The Limits of Morality* (Oxford: Oxford University Press, 1989).

5. Rawls, p. 114.

6. *Ibid.*, p. 117.

7. *Ibid.*, pp. 115, 334. It is interesting that in both passages in which it is presented, this duty is explicitly qualified in regard to cost, while the duty to comply with existing institutions is not. However, for the latter duty not to be cost qualified while all other natural duties are would require explanation and would suggest deeper differences between this and the other natural duties; for discussion, see George Klosko, "Political Obligation and the Natural Duties of Justice," *Philosophy & Public Affairs* 23 (1994): 251–70. A. John Simmons, for one, appears to attach the cost qualifier to both of Rawls's political duties (*Moral Principles and Political Obligations* [Princeton, N.J.: Princeton University Press, 1979], p. 193; see also p. 154).

cost as a “weak duty” or a “weak principle,” and to one that is not so qualified as a “strong” duty or principle.

Wellman too notes that duties of samaritanism are of limited force: “The common understanding of samaritanism is that one has a duty to help a stranger when the latter is sufficiently imperiled and one can rescue her at no unreasonable cost to oneself” (p. 744). The same point is made at least twice more, in other contexts (pp. 748; 752, n. 21). The implications here are important. Construing samaritanism as a weak principle severely lessens its ability to ground political obligations. I take it as a fact of political life that the requirements states impose are often costly. Weak requirements to comply with state injunctions would not support obligations to pay burdensome taxes or to obey other costly laws, let alone to undertake military service—to fight, possibly to die—for one’s country. Thus, it does not seem that a samaritanism theory could require cooperation in providing central state benefits.

If we grant that samaritan duties are qualified by cost, then this poses an insuperable problem for samaritanism (and natural duty) theories of political obligation.<sup>8</sup> Wellman’s examples avoid the problem. In the first example, Alice takes Carolyn’s car. But Wellman notes that she returns it, leaving an apologetic note. Circumstances would clearly be different if the car were not returned. Does Beth’s peril require so substantial a sacrifice from Carolyn? At the very least, the intuitive clarity of the example would be clouded. In the second example, what is taken from the three women are presumably useless parts of a bus. Once again, what if their contributions were more weighty? Wellman recognizes this problem and addresses it, though only briefly and in a footnote. His main point is as follows: “For now, let me quickly emphasize that while the costs of citizenship are frequently substantial, the benefits are considerably greater. That is, compared to the benefits derived from political community, the costs of citizenship are also relatively trivial. Thus, just as the person forced to surrender her bus part is given a much more valuable seat on the bus, coerced citizens are extended benefits which far outweigh the costs of contributing to political stability. In short, once one subtracts the benefits of citizenship from the costs, it is no longer plausible to regard the latter as unreasonably costly” (p. 746, n. 11).

The argument here is flawed. In order to defend the required sacrifices, Wellman appeals to the benefits that “coerced citizens” themselves receive. In other words, in this note, he moves beyond the ambit

8. See Klosko, “Political Obligation and the Natural Duties,” which criticizes Rawls’s view on these grounds. Important discussions of natural duties of justice and political obligations do not explore this problem (Simmons, chap. 6; Jeremy Waldron, “Special Ties and Natural Duties,” *Philosophy & Public Affairs* 22 [1993]: 3–30).

of samaritanism, which depends on duties to others, to invoke benefits received by contributors themselves.

Appeal to benefits that coerced citizens receive causes severe problems for Wellman's argument. As we have seen, he argues that for the state to provide benefits to a given citizen and then demand payment would violate the citizen's autonomy. In discussing the principle of fairness, Wellman refers to "the liberal premium upon individual autonomy [which] entails that one may not justify one's coercion of another by merely citing the benefits for the coerced" (p. 738). But in the footnote, he defends the obligations of coerced citizens by citing the benefits they receive. The argument of the footnote raises the problems of paternalism that elsewhere led Wellman to reject theories of political obligation based on the principle of fairness.

In closing, I will offer a brief suggestion about what I take to be the proper role a principle of samaritanism can play in theories of political obligation. As Wellman notes, a samaritanism principle is more intuitively plausible than a natural duty of justice. The fact that it is unable to ground costly political obligations does not mean that it cannot make a significant contribution.

Important theories of political obligation based on gratitude and the principle of fairness are grounded on benefits received. Both of these principles are variants of an overall principle of reciprocity. According to Larry Becker: "Reciprocity is a moral virtue. We ought to be disposed, as a matter of moral obligation, to return good in proportion to the good we receive, and to make reparation for the harm we have done."<sup>9</sup>

Even if they were able to overcome the criticisms that have been developed and so to establish political obligations, gratitude and fairness, as principles of reciprocation, would not ground moral requirements to serve or help people who do *not* benefit one. If we require that a principle of political obligation be able to ground comprehensive obligations, that is, to support the entire range of state functions, then reciprocation principles fall short. Being based on benefits received, they cannot cover obligations in regard to social welfare functions, which are of course central to the role of the modern state. However, if supplemented with a samaritanism principle, a theory of political obligation based on reciprocation can have much wider range.<sup>10</sup> Obviously, the details of such a "multi-principle" theory of political obligation are be-

9. Lawrence Becker, *Reciprocity* (London: Routledge & Kegan Paul, 1986), p. 3.

10. Wellman combines fairness and samaritanism in a different way (p. 749).

yond the scope of this article,<sup>11</sup> as are the problems that must be overcome if a samaritanism principle is to play this role.<sup>12</sup> But, especially developed in this way, samaritanism merits further exploration. Again, as noted at the beginning of this brief article, although samaritanism can make a significant contribution, I believe this is somewhat different from what Wellman has in mind.

11. For recent discussions of “multiple-principle” approaches to political obligation, see Jonathan Wolff, “Political Obligation: A Pluralistic Approach,” in *Pluralism: The Philosophy and Politics of Diversity*, ed. Maria Baghramian and Attracta Ingram (London: Routledge, 2000); C. Gans, *Philosophical Anarchism and Political Disobedience* (New York: Cambridge University Press, 1992). The approach is suggested in Klosko, *Principle of Fairness*, pp. 91, 98–99.

12. For discussion of some of these difficulties, see Wellman, pp. 754 ff. I should note that a theory of political obligation along the lines indicated here will still be incomplete. Though it will cover both central state benefits and services to the needy, many other state services will be beyond its ambit. Important among these are benefits provided to individuals themselves that concern excludable rather than public goods and so are not (or not easily) covered by the principle of fairness. Members of this class include many educational and cultural facilities, e.g., museums, and public parks and recreation facilities.