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Topic Concept Of Political Obligation

Civil disobedience

POLITICAL OBLIGATION

Meaning of Obligation

The term 'obligation' originates from a Latin word 'obligate' implying something that binds men to an engagement or performing what is enjoined. The similar words for 'obligation' is 'liability, responsibility, dues, debit (duty, debt).' In the realm of ethics, obligation informs a man to fulfil or discharge a duty enjoined on him and acceptable to him by his rational understanding. In the field of jurisprudence, obligation requires a man to obey law by which he is tied to some 'performance'.

Political Obligation

Political obligation implies that as man is a political animal he is bound to live under some authority and, as such, it becomes his obligation to obey its commands. Hence, when the authorising rule is law, and the association a state, we can call it political obligation. T.H. Green says, "Political Obligation is intended to include the obligation of the subject towards the sovereign, the obligation of the citizen towards the state, and the obligation of the individuals to each other as enforced by a political superior."

Nature of Political Obligation

Man lives in a state to which he belongs. He has to accept the commands' of men-in-authority. If there is no acceptance there can be no order and there can be no life if there is no order. People cannot live well without accepting the commands of the persons charged with the job of maintaining peace and order in the society as players of a game cannot play the game of cricket without obeying the ruling of the umpire. The principle of political obligation is based on the maxim of common prudence. The political obligation rests upon issues relating to the nature

of authority of the state consisting of laws, political organisations and rights. People generally obey the state and its laws. Those who disobey the laws are punished according to the law. The people not only obey the laws but also scrutinise those orders. They reject them on the ground that they are a denial of their satisfaction they seek from life. Laski says, "Obedience, that is to say, is the normal habit of mankind; but marginal cases continually recur in which the decisions to disobey is painfully taken and passionately defended."

Characteristics of Political Obligation

The idea of political obligation has the following essential characteristics:

(1) Public Service.—Government is run by conscientious persons. The persons in the management of public affairs have to act for the general good. Running a government is an art. Political obligations are not merely of an intellectual character; they also involve obligations of an honest action i.e. public service.

(2) Legitimacy and Efficiency.—Political obligation is related to the political legitimacy and effectiveness. The political legitimacy refers to the capacity of the system to engender and maintain the belief that the existing social economic and political institutions are most appropriate for society. Political efficiency implies actual performance of the basic functions of government as the people and powerful groups in society perceive them.

(3) Obedience and Resent.—The political obligation inform people to obey the authority of those in power and at the same time they have to resent them in the event of any invasion on their liberties.

Basis or Grounds of Political Obligations

The authority of the state implies that those who exercise authority have the right to action (to issue orders) and the right of recipience (to obey orders) from the citizens who have a duty or obligation to obey the order. On the following grounds, the citizens have to obey laws of the state,

- (1) Respect for Might of State.—some citizens obey laws only because they have wholesome respect for the might of the state, which they are aware of or forced to realise they cannot challenge successfully.
- (2) Rationality and Usefulness of Laws. - People will readily obey laws, if they are found to be rational and useful. Law is only a means to an end and not an end in itself. People gladly obey laws, if they prove themselves to be useful instruments of human welfare.
- (3) Fear of Punishment.—some citizens consider that obedience is an unpleasant and painful duty. They obey laws, because they wish to avoid punishment with its evil effects. Minority who violate the state laws, shall be punished by the state, when the claim of authority is acknowledged due to a fear of dislike of the consequences that could be imposed by the coercive power of the authority, then it is known as prudential obligation.
- (4) Matter of Habit and Tradition.—in a family in which much importance is given to disciplined conduct, it becomes a habit of all members to be good, courteous and helpful; so also in a well-ordered state, and it is a habit among its citizens to be peace-loving and law-abiding.
- (5) Need of State.—Most of the citizens are aware that the state has a purpose. It protects from external aggression and internal disorder. It regulates the conduct of the people. It also protects the rights of the people. It looks after the needs of the people. In undertakes several social welfare activities. In their own interest, they should cooperate with it and obey its laws and orders.
- (6) Fear of Disorder and Anarchy.—without the cooperation of citizens, the state cannot control the society due to its weakness. Then disorder and anarchy shall prevail in the society. The fear that if disorder and anarchy erupt, their lives and property might be in great danger makes citizens law-abiding. Human beings, who desire to have peace and order can never imagine living in a lawless society.
- (7) Religion.—all religions preach the moral values, moral laws and moral conduct of the people. Religion preaches love and affection

among people. Religion increases the moral value of man as spirit. Ethical religion is made up of laws which bind men all over the world.

(8) Legitimacy of Laws.—a law is obeyed whole heartedly by citizens, if its source is legitimate. This means that the government which makes law should be constitutional and legal. People will revolt against the laws made by a tyrant who has usurped power.

Kinds of Obligation

Moral and Legal Obligation

Obligations can be classified into moral and legal obligations:

- (i) **Moral Obligation.**—When the claim is acknowledged from the very thought that it is a right to obey or acknowledge the authority of law, then it is known as moral obligation. In short, when the citizens obey the laws despite the fact that it may sometimes be detrimental to their interest but because of a moral consequence, then it is called moral obligation. It is considered as a moral duty.
- (ii) **Legal Obligation.**—Since law regulates the social life of men, the principle of legal obligation takes the form of a bond between private persons tied to one another for the performance of some act as desired by the enforcement of law. Legal obligations which are prescribed by the state are on a different level altogether. If these duties are not done by the individual, the state swings into action to punish him. If he fails to pay taxes or violates contracts or other laws, the individual will be punished according to law. .

The difference between moral and legal obligations are listed by Dias as follows:

- (I) Every moral rule is treated as being important, but this is not so with every legal rule;
- (II) Moral rules are not changed by deliberate, single acts, while legal rules can be so changed;

- (III) Breach of moral rules requires voluntary and blame worthy conduct, but many legal rules can be broken without fault;
- (IV) Moral pressure is applied mainly through appeal to the morality of the conduct, not by coercion as with legal rules.

Positive and Negative Obligations

Positive Obligations.—a positive obligation implies some act on the part of the person on whom it is implied. State and society prescribe duties in the form of do's. Such duties have to be performed by the individual in the positive sense. These can be divided as 'positive legal obligations' and 'positive moral obligations.' Paying taxes or joining the army during national emergency is a 'positive legal duty' and looking after one's sick and old parents is a 'positive moral obligation.'

Negative Obligations.—a negative obligation implies a forbearance on the part of the person on whom it is imposed. Certain legal and moral duties have to be discharged by the individual in the negative sense. They are prescribed to call upon the individual not to behave in a particular manner in the state or society. Negative legal and moral duties are laid down in the form of 'Don'ts'. For example, legally, the individual shall not violate any civil or criminal law. He shall not encroach on the property of other or commit theft or murder. Morally the individual shall not insult his elders or superiors. He shall, not harass the poor and the weak. He shall not be cruel to animals etc.

Primary and Secondary Obligations

A primary obligation is that which exists per se and independent of any other obligation. The duty not to cause hurt to any person is a primary duty. A secondary obligation is that duty whose purpose is only to enforce some other duty. The duty not to cause injury is the primary obligation. If a person causes injury to another, the former is under a duty to pay damages to the latter. This is a secondary obligation. When a breach of the

primary obligation has been committed, the secondary obligation to pay damages arises.

CIVIL DISOBEDIENCE

Meaning

Civil disobedience is a concept that may not be distinctly modern in political theory, but what makes it unique to the contemporary times is the context in which it has evolved. Civil disobedience is at least as old as Socrates, who preferred to die rather than yield to an order to stop asking questions that embarrassed the authorities, to whom he said, "I shall obey God, rather than you." Mahatma Gandhi was an admirer of Thoreau and adopted his policy of nonviolent resistance to oppose racism in Africa and imperialism in India.

Civil disobedience is defined as the refusal to obey government laws, in an effort to bring upon a change in governmental policy or legislation. Individuals have singularly defied authority in their times on the belief that their temporal rulers have acted contrary to higher law. However, civil disobedience assumes significance as a civilised form of protest ever since political authority became accountable and secular.

The emergence of liberal constitutional democracy has established the idea of limited and secular government, popular sovereignty, and the rule of law and individual rights. As political authority is a trust and accountable, the individual citizen is seen both a participant and its custodian.

Civil disobedience is a principled, purposeful and public disobedience to law, not undertaken for any selfish or personal gain or for the furtherance of private interests but for a reasonable and a just cause or objective. Its purpose is to question a law or policy from the standpoint of certain universal principles, which could be political, moral, cultural, economic or religious. It is justified by an appeal to one's conscience, inner voice or to a higher common moral or natural law or principles, or to human rights.

Civil disobedience accepts the primacy of the individual as moral and rational person capable of acting autonomously with a sense of social commitment. It recognises the individual as the key player in the political process, since it is a political act involving concerted efforts that are undertaken against a policy or law seen as unjust. However, the individual is not a knight in his shining armour. Through his acts based on common and universal rather than on divisive principles, he demonstrates his willingness to undergo punishment including jail sentence.

His readiness to suffer and sacrifice helps to convert a minority perception into a majority viewpoint and arouses the conscience of the people. The willingness to accept punishment proves his commitment to the law and this demonstration is all the more imperative in a democratic society. This contrasts a civil disobedient from a rebel and a revolutionary, for protest against an unjust law is not out of mere defiance as the former does, nor is there a zeal, as in the case of the latter to have a new set of laws altogether since the present order is usually seen as imperfect.

The civil disobedient is basically a law abiding citizen who adopts the technique of breaking the law with utmost respect for the law. He resorts to it only as a last recourse after exhausting other modes of protest and uses it sparingly and with utmost caution. It is the public and open nature of the act, based on universal principles and is clearly disinterested in motives. This distinguishes civil disobedient from the revolutionaries and criminals.

A revolutionary seeks to overthrow the existing order in favour of a better alternative. Usually revolutionary activity is violent but civil disobedience, as developed and conceptualised by Gandhi, solves conflict in a non-violent manner.

Types or kinds of Civil Disobedience

1. Sabotage of trade and business activity

Actions include disrupting trade, boycotts of products and deliberate damaging of goods. Stores have been brought to a standstill by several customers checking through a trolley full of items, only to say at the end they can't pay and don't want the goods. Similarly banks have been clogged up by customers bringing in quantities of change for processing.

2. Labour resistance

Traditional strikes can be the least effective if labour laws or zero hours contracts allow replacement of workers or actions to be taken against the organising union. Other options exist:

- **Slowdowns**- staying on the job but drastically slowing down effectiveness
- **Work-to-rule** – employers often wish to speed up tasks by cutting corners, working strictly to the rules (In a post office dispute, workers checked every single package had the correct postage). It's hard to sack someone for following the rules!
- **Sick-in** – where all employees call in sick on the same day
- **Good work strike** – when people support each other in solidarity by providing goods or services for free. Examples include bus workers letting passengers on for free or café workers giving out free coffee. Nurses in one hospital went to work during a strike to protect patients but “forgot” to charge them for any prescriptions.

3. Breaking unfair laws

1955 Rosa Parks and the American civil rights movement

Issue: “Jim Crow” laws segregated black people from white people and were a key part of preventing black people from full participation in American society

Action and result: Rosa refused to give up her seat on a bus for a white man. Such actions became common in the civil rights movement in American with black activists deliberately breaking “Jim Crow” laws that segregated black people from white people.

4. Mass Trespass and land rights protests

1932 – Kinder Scout Trespass UK

Issue: Workers in cities and towns were not allowed access to walk on land around their homes and areas of natural beauty nearby. The land was privately held and often used as hunting grounds for the wealthy.

Action and result: In 1932 over 400 people from Manchester and Sheffield participated in a mass trespass on Kinder Scout in the Peak District. They notified the local press and as a result were met and had scuffles with game keepers and then the police; five men were subsequently jailed. The movement that was kick started by this action led to the creation of our National Parks after World War II.

5. Unofficial Marches, Occupations and Blockades

Powers that be have attempted to suppress or manage into ineffectiveness marches and occupations.

6. Debt refusal

Debt refusal is growing as both an idea and a movement. Andrew Ross, in *Creditocracy*, makes the case for debt refusal, including student loans, credit card debt and mortgages. Citizens Debt audits have been used successfully in countries like Iceland as part of a refusal to pay off toxic debt taken on by Governments from banks.

1. Deliberate debt creation and redistribution – modern Robin Hood

Enric Duran, a Barcelona-based anti-banking system activist took loans of 500,000 euro from 39 European banks, through 68 loan and credit-card operations, with no intention of paying them back. Whilst some of the money was used to pay off part of the loans to keep the circus going, the majority of the money was used sponsoring activism and alternative social networks.

2. Rent strikes

1915 – Mary Barbour's Army

Issue: In 1915 during the First World War huge rent increases took place as workers were drafted into Glasgow to work in the munitions factories. The housing shortage that resulted gave the landlords the opportunity to 'profiteer' by rent-racking and evicting all who couldn't pay.

Action and result: Mary Barbour led a group of 20,000 tenants on a rent strike. When the authorities tried to crack down on this, workers in local factories staged a mass walk out. Within weeks Britain's first Rent Act was passed, fixing rent at pre-war levels.

7. Tax resistance

1930 -The Dandi March, Salt Tax resistance- Ghandi

Issue: The East India Company (1757–1858), then the British Raj (1858–1947) ruled India as colonial powers

Action and result: Also known as the Salt Satyagraha, this was an important part of the Indian independence movement. It was a direct action campaign of tax resistance and nonviolent protest against the British salt monopoly in colonial India, and triggered the wider Civil Disobedience Movement.