Obligation Schmobligation

With regards to cases where one can break the law without hurting others and incurring punishment for doing so, such as failing to stop at a red light in the early hours of the morning when no one is around, Hobbes, Locke and Rousseau each fail in their accounts of political obligation to explain why flouting a law in such a situation is impermissible. Hobbes’ view that running the red light would revert mankind to the violent state of nature it sought to escape seems implausible due to the trivial nature of the act. Locke’s idea that one’s presence in a state’s territory serves as a kind of tacit consent to obey the law faces Simmons’ criticism that it is unreasonable to ask people to leave the state if they do not wish to obey its laws. Rousseau’s belief that if one is a member of a state he or she is “forced to be free” and uphold the general will faces the objection that such an act is so small and isolated that it would have little to no impact on the general will and disrupting one’s as well other’s freedom. Finally, it is entirely possible that it is permissible to not stop at the red light in the middle of the night when no one is around as the law does not apply to such a circumstance.

In *Leviathan*, Hobbes characterizes the state of nature as full of “continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish, and short (58). While humans in the state of nature are selfish and seek to dominate others, producing an eternal war among men, Hobbes decrees through his first and second laws of nature that people should attempt to live peacefully with each other and form a contract to do so. In this contract, each person sacrifices some of his or her freedom to do as he or she pleases. However, Hobbes knows that due to the viciousness of human nature, people will not follow such an agreement unless there is a third party or sovereign, in the form of an individual person or body, is appointed to enforce the compact through its judgement and exercise of force.

With a sovereign in charge, one is compelled to follow the law out of fear of punishment by the sovereign. Yet, in the case of the not stopping at the red light, the motivation for obeying the law, avoiding punishment, does not apply. Hobbes replies to this objection claiming that the purpose of instating the sovereign is to save people from the “miserable condition of war” that defines the state of nature (77). It is therefore in one’s best interest to obey the law to prevent a return to the state of nature.

Assuming the state of nature is indeed a violent and unpleasant one, it is not clear that a singular act of defiance especially a small one on the level of running a red light would so undermine the authority of the sovereign and cause a regress to the state of nature. Perhaps if such a violation would occur and go unpunished, the sovereign is not powerful enough or capable of enforcing the laws. If others became aware of this and break laws, the sovereign would eventually lose control of the people and a state of nature would resume. But it seems unlikely that this one act will serve as a catalyst for the destruction of the sovereign.

Locke suggests that tacit consent by one’s presence in and use of a sovereign’s territory and ability to secure benefits of that presence requires one to obey the laws set forth by the state. He specifically states this idea as such: “[E]very man that hath any possession or enjoyment of any part of the dominions of any government doth hereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government” (38). For the red light example, by being in the state’s territory and profiting from its roads, it would seem that one is required to stop at the red light regardless of the situation. Locke says that if one does not want to adhere to the laws of the state, then he or she should go elsewhere. Yet, as Simmons suggests, this is not a reasonable request because one may not have the option to relocate due to many reasons such as lack of resources (55). Additionally, in order for the driver to efficiently travel anywhere, he or she will have to make use of a road whether he or she wants to or not. Since the driver does not have any alternatives to using the state’s roads for travel, he or she cannot choose whether or not to travel on the road and as result never could express consent to the rules of the road. Unfortunately, Locke’s tacit consent does not explain why one must obey the red light traffic law in this situation.

Rousseau faces his own difficulties when trying to justify political obligation in circumstances such as whether it is permissible to run a red light early in the morning if no one is around. He explains that in the state of nature each man must “provide for his own preservation” (22). However, it is difficult on an individual level to do so. Therefore, the only way that each man can guarantee his survival is to work with others to overcome difficulties and submit “his person and all his power in common under the supreme direction of the general will” (7). As a result, it is in one’s “self-interest to give each other help” or to promote our preservation by assisting in the preservation of others (8).

While supporting the general will usually aids an individual’s wellbeing, issues arise when a person free rides by not upholding societal rules and taking advantage of the collective benefits produced by others. The red traffic light example falls into this category. In this situation, however, Rousseau argues that “anyone who refuses to obey the general will is compelled to do so by the whole body,” and as a result each person is “forced to be free” (9). This idea suggests that if one does not contribute to the common good, he or she will fail to facilitate the freedom of others and in return forfeit his or her freedom. In other words, if someone does not contribute to support the rest of society, society will not be able to support him or her.

While Rousseau believes one is forced to contribute to his or her freedom, it does not seem as if running the red light will violate the compact and others’ as well as one’s own freedom. The only person involved in the situation is the driver, and in terms of the general will, it is only the driver’s will that matters. So, he or she should be able to determine whether to go through the light promotes the general will or not.

In order to answer the question of whether disobeying the law is permissible in the case where doing so would not hurt anyone else and one would not be caught or punished for doing so, it is important to examine the reasons why the law was enacted in the first place. With regards to the red traffic light example, the law that requires us to stop when the light turns red and proceed once the light changes to green was created to provide for smooth and safe traffic flows. Therefore, the only reason we have the red light law is to handle streams of traffic. Next, it is necessary to define the term traffic. It seems that if there are least two cars on the road in proximity to one another, then there needs to be some traffic rules in place (maybe laws about pedestrians and speed for one car). If it were normal for roads to be as deserted as in the 3 a.m. traffic light example, there would be no need for a red light law (and no need for lights at all). As traffic laws are made to handle traffic, a solitary car on the road in the wee hours of the morning seems to be exempt from the red light law. Therefore, running the light would not be violating the law. Perhaps this kind of analysis works particularly well for this example but not for others. Nevertheless, to determine if it is permissible to violate a law, one must use his or her judgement to evaluate whether the law truly applies to the particular situation.