Consent Theory of Political Obligation

In both the history of political theory and popular consciousness, the idea that political obligations rest on consent has played a dominant role. It is a common feature of popular discourse and important public documents. For instance, according to the Declaration of Independence, governments derive "their just powers from the consent of the governed." The idea that people must agree to their obligations to government is supported by the great weight liberal political theory places on values of liberty and autonomy. As Harry Beran puts this, rights to self-determination should extend to political self-determination. People should be under political authority only if they put themselves under it (Beran 1987).

In his essay "Or the Original Contract," David Hume notes the great appeal of consent as a basis for political obligations: "where it has place," he writes: "It is surely the best and most sacred of any." But Hume also notes that "it has very seldom had place in any degree." (Hume [1748] 1985: 474). In this essay, I support Hume's assessment. I argue that consent is a powerful basis for political obligations, but only on a theoretical level. It suffers from the significant defect of inapplicability to actual political conditions. Attempts to make it apply have been unsuccessful, either failing to account for the obligations of most citizens or distorting what is ordinarily meant by consent in attempting to do so..

By political obligation, theorists generally mean a moral requirement to obey the law of one's country. Traditionally, this has been viewed as a requirement to obey the law because it is the law, which is generally taken to mean that political obligations are "content-independent." In other words, reasons to obey stem from the authority of the legislator as opposed to the content of particular laws (see Hart 1958; Hart 1982). This view has a long provenance, dating back at least to the time of Thomas Hobbes. According to Hobbes: "Command is where a man saith, Doe this or Doe not this, without ex-
pecting other reason than the Will of him that sayes it." (Leviathan, Chap. 25; [1651] 1991: 176) Since moral requirements to obey laws follow from the means through which they are made rather than their content, legislators are able to establish obligations to obey all the laws that they make. A great strength of consent theory is its comprehensiveness, its ability to account for all political obligations.

In large part, consent theory's appeal is based on its relationship to promising, which is a clearly recognized means through which obligations are assumed. To the extent that consent follows this model, it too is intuitively clear, a basis that "[n]obody doubts," according to John Locke (Locke [1690] 1988: Sec. 119). In general, a promise is made by invoking appropriate conventions in a given society, generally by uttering some formula along the lines of "I promise that . . .", or "I swear that...", although a range of conventions may be employed, as long as the promisor communicates her intention of making a promise. However, considerable complexity is encountered in regard to conditions that must be satisfied for a promise to be successfully completed. Three conditions are generally noted. The promisor must not be forced to make the promise. She must do so freely, and so must have reasonable alternatives to making it. Second, she must be aware of what the promise entails. This includes such matters as exactly how the promise is made, to whom it is made, and to what it commits the promisor. Third, the promisor must be competent to make it. Generally, this includes age requirements, while similar restrictions hold in regard to various psychological conditions, including mental illness and intoxication. If any of these conditions is not satisfied, a given promise will not create a binding obligation. Accordingly, these conditions may be described as "defeating conditions," as failure to satisfy one or more of them will generally prevent a binding promise from being completed (Beran 1987: 5-9). Although various additional conditions could be noted, in general, if Adam makes some promise to Beth, we may presume that the promise is valid, unless it can be shown
that one or more of the defeating conditions is present. As we will see, analogous defeating conditions play a significant role in the consent theory of political obligation.

John Locke's Consent Theory

John Locke's *Second Treatise of Government* is the locus classicus for consent theory and one of the most familiar accounts of political obligation in the liberal tradition. A brief look at Locke's view provides an overview of both strengths and weaknesses of the position. According to Locke, people are by nature free. They originally exist in a state of nature, which is a situation without government, and so without moral requirements to obey. Because people are naturally free, nothing can remove them from this condition but their own consent (Locke 1988: Sec. 95). People in this condition are subject to the law of nature. But because there is no authority to enforce this law, Locke subscribes to the "strange Doctrine" (Sec. 13) that all men have the right to enforce it for themselves. While the state of nature is relatively peaceful, self-enforcement leads to conflict, and so people are willing to surrender this power and establish government, which they do by consenting to join together in political society and agreeing "to be concluded by the majority." (Locke 1988: Sec. 96)

The advantages of Locke's theory are apparent. In addition to its intuitive clarity, consent provides a clear basis for content-independence. In leaving the state of nature and consenting to be concluded by the majority, Adam undertakes an obligation to do whatever the majority decides--though not without limits, on which more directly. As noted above, this feature grounds political obligations that are comprehensive. Moreover, consent theory has the great advantage of accounting for what Leslie Green calls "the self-image of the state." As Green says, the state conceives of itself as a "duty imposer." By issuing directives, it is able to change
people's normative status, to impose duties and other requirements on them, the content of which it rather than they determines (Green 1988: 86). As Green also argues, other theories of political obligation encounter difficulties accounting for this feature of political obligations, which is presumably a strong reason for the continuing attraction of consent theory.

An additional advantage is that consent to government accounts for the fact that government's authority is limited. Historically, the doctrine of consent arose in connection with limitations placed upon royal authorities that originated in their need to secure the agreement of other grandees to their plans or projects (see Klosko 2011). In a simple case, a king would summon nobles who would be asked to agree to a plan to raise taxes or undertake some war. Their consent would strengthen his position, although, in order to secure it, he would also have to make concessions. Similarly, according to consent theory, when people surrender their power to government, this is done on certain conditions. They enter into a contractual relationship with government--"the social contract"--agreeing to obey it as long as it performs the specific functions for which it was established. If it fails to fulfill these or oversteps the bounds of its original commission, it loses its legitimacy and can be resisted or overthrown. Thus consent theory is especially useful in justifying revolutions, as in Locke's Second Treatise and the Declaration of Independence.

Tacit Consent and Its Requirements

At first sight, Locke's doctrine of consent provides strong protection for individual liberty. Political obligations require personal consent. One is not bound by the consent of one's father, or by the terms of an original contract made at the foundation of society. Each individual must agree himself (Locke 1988: Secs. 116-18). However, although "express consent"
establishes clear political bonds, Locke recognizes that few people consent in this way. And so he turns to what he calls "tacit consent," other actions that people perform that are capable of binding them:

And to this I say that every Man, that hath any Possession, or Enjoyment of any part of the Dominions of any Government, doth thereby give his tacit Consent, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether this his Possession be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely traveling freely on the Highway; and in Effect, it reaches as far as the very being of any one within the Territories of that Government. (Sec. 119)

The actions Locke lists would account for the political obligations of all or virtually all inhabitants of the relevant territory. Frequently in modern societies, the only people who may be viewed as consenting expressly are naturalized citizens, who voluntarily move from country A to country B, and, in doing so, voluntarily assume obligations to B. For all intents and purposes, then, the consent theory of political obligation is a theory of tacit consent. However, careful examination of exactly what constitutes tacit consent reveals that, like express consent, it has difficulties accounting for the obligations of more than a fraction of society.

As A. John Simmons has argued in one of the most celebrated criticisms of tacit consent, in its essential characteristics, it is equivalent to express consent. It differs from express consent not because it is not communicated but in the manner through which it is communicated, that it is communicated through inaction rather than by action. (Simmons 1979, 80-2). For instance, imagine that I tell my class that I am going to reschedule an examination unless anyone objects, and I give them adequate opportunity to speak up. If no one raises an objection, then I may take it
that they have agreed, although no one has explicitly said so. Consideration of such examples, indicates the role of defeating conditions. In this case, competence may be assumed. More im-
portant, for the students' tacit consent to bind, they must not be forced to give it. They must con-
sent voluntarily. In addition, as Simmons says, the means of expressing lack of consent should not be unduly difficult to perform (Simmons 1989: 81). Thus if I tell my students that, rather than expressing themselves verbally, the means through which they should object is by doing standing backflips, their failure to perform this action would ordinarily not be viewed as constit-
tuting consent. For tacit consent, the awareness requirements are especially significant. One must not only not be forced to consent, but one must be aware that tacit consent is called for and how one goes about giving it and not giving it. One must be aware of the period of time--if there is one--during which one may or may not consent. One must also be aware of what she would be committing herself to, and the fact that this commitment would not exist unless she consented.

In regard to obligations to obey the law, then, one must recognize that if one did not consent tac-
itly, one would not have moral requirements to obey.

The defeating conditions cause severe difficulties for acts that have been claimed to con-
stitute tacit consent. Consider staying in one's country, which is widely viewed as the most plau-
sible basis--as in Locke's theory. Most people are probably aware that if they remain in a given country, they will be required to obey its laws, while this requirement will no longer obtain if they leave. Along similar lines, most people probably recognize that they undertake similar re-
quirements when they voluntarily enter another country. For instance, a tourist entering Canada is probably aware that, if she drives, she must abide by Canadian traffic laws and may be re-
quired to pay fines if she does not. But do these considerations support the view that staying in one's country and not emigrating to another constitutes consent to obey its laws? In order for this
conclusion to hold, failure to leave must not fall foul of the defeating conditions. However, how many people actually believe that continued residence constitutes consent? Unlike naturalized citizens, most people are simply born into their societies and live there largely because they have always lived there. They probably recognize that, if they leave country A for country B, they will no longer have requirements to obey the laws of A. But it seems unlikely that they recognize that tacit consent is called for, or that there is a definite period of time in which to consent or not to. Severe problems follow from the voluntariness requirement. Hanging over this form of tacit consent is the criticism of Hume, who rejects the claim in question, because the means of expressing lack of consent are not ordinarily available:

Can we seriously say that a poor peasant or artizan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master, though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her ([1748] 1985: 475).

Certainly, continued residence does not constitute tacit consent, if one is actively prevented from leaving, e.g., if borders are closed and guarded, as in the former East Germany. But as Hume says, even if borders are open, for many people it may not be possible to leave, while others would find the costs of leaving prohibitively high. If Adam is to leave country A, another country must be willing to take him. Even then, financial costs of moving could be prohibitively high, while he must be able to function adequately in B. For instance, he must know the language, be able to find a job, etc. Even if all these conditions are satisfied, it still may be extremely difficult to leave. As Simmons argues, much of what is precious in life cannot be taken with
one: family, friends, a particular culture (1979: 99). Therefore, choice of either leaving or consenting tacitly could well be viewed as coercive.

Given the problems with continued residence, theorists have identified other actions that might serve. An attractive possibility is voting. If Beth votes in an election, one could argue that she has agreed to be governed by the winners, and so to obey the law (Plamenatz 1968: 168–71; Singer 1974). This argument is supported by an analogy with games. If she starts to play chess with another person, she is ordinarily viewed as agreeing to abide by its rules. But this analogy takes us only so far. First of all, in the US, many citizens do not vote. The vote in the 2008 presidential election was around 58%, which by recent standards was unusually high.\(^1\) Does this mean that the 42% of citizens who did not vote do not have political obligations? In order to make the argument bind most or all citizens, we must move from the act of voting to possessing the right to vote as constituting tacit consent. In regard to voting, knowledge requirements are especially damaging. It is unlikely that many people vote with the idea that, by doing so, they are agreeing to obey the laws of their countries, and that, if they did not vote, they would not have obligations to do so. In addition, does voting in one election bind one for the rest of one's life, or must one vote continually? Moreover, how many people would vote--and continue to vote--if they realized that, by not voting, they would free themselves from moral requirements to obey the law, including, e.g., requirements to pay their taxes? It seems clear that these and perhaps other knowledge conditions as well prevent voting from constituting tacit consent to obey the law. Although it may seem that someone who votes is among other things expressing support for her political system, this is not enough for voting to ground political obligations. To

\(^1\)http://www.presidency.ucsb.edu/data/turnout.php (downloaded Sept. 2015).
use a distinction of Simmons’s, we may say that voting is “consent implying” (Simmons 1979: 88–91). By this Simmons means that voting is the kind of act one would ordinarily perform only if one had consented to obey the law. But in spite of this, it itself does not constitute consent.

Consider other possible actions, e.g., saying the Pledge of Allegiance or taking the appropriate oath upon joining the armed forces. If we carefully assess these actions against the necessary conditions, we will likely conclude that they too come up short. While most people may be presumed to say the Pledge of Allegiance voluntarily, do they do so in the belief that saying it constitutes an agreement to obey the laws of their society? Once again and more important, do they believe that, if they did not say it, they would not be bound to obey?

Although the oath one takes upon entering the armed forces does appear to generate moral requirements in regard to its contents, it ordinarily binds only as long as one is serving. When one leaves the armed forces, such oaths ordinarily expire.

An additional distinction of Simmons's is helpful in understanding the significance of these actions. It is likely that, when people talk about “consenting” to their government, they frequently use the term in a loose sense. Rather than accepting a moral requirement to obey the law, they have in mind an “attitudinal” sense of consent, which amounts to little more than an attitude of approval. When Claudia says that she consents to her government, what she frequently means is that she approves of it, she views it as legitimate (Simmons 1979: 93–4). Perhaps she would give it her consent, if she had an opportunity to do so--on which, more below. But this does not mean that she has actually undertaken moral commitments to obey its laws through acts of tacit consent.

Acceptance of Benefits
An additional possible basis for tacit consent is that citizens consent in this manner by accepting benefits from government. An attractive quality of this position is that it connects political obligations with central functions that government performs. According to basic themes in liberal political theory, we need government to provide important services, e.g., law and order, national defense, and other necessary benefits. And so when we make use of these benefits, we consent to obey the laws through which they are produced.

Careful examination of Locke's doctrine of consent, provides evidence that he subscribed to this position, although perhaps not entirely consciously. In the passage quoted above, Locke speaks of tacit consent as given by "every man, that hath any possessions, or enjoyment, of any part of the dominions of any government" (Locke 1988: Sec. 119; italics supplied). In a later section, he speaks of a foreigner living in another territory "and enjoying the privileges and protection of it" as bound to obey its laws (Sec. 122). Locke is not entirely clear on what he means, but these remarks could help to fill in his view on residence as the basis for consent. One reason residing in a country could establish obligations to obey its laws is because of the benefits society or government provides. There is a certain plausibility to this position; because one receives these benefits, it seems reasonable that one should give something in return. This is especially plausible in regard to benefits that depend on the behavior of large numbers of people. For instance, law and order requires that most people obey the law. National defense requires that large numbers of people serve in the military, pay taxes to support defense industries, etc. Thus if one benefits from the cooperative efforts of one's fellow citizens, it makes sense to hold that one too should cooperate in similar manners (see Hart 1955). However, regardless of how plausible we view this position, it has little to do with consent. One could perhaps claim that, because Adam receives benefits from government, he has consented to obey it and should obey
the law. This claim makes a certain sense in regard to benefits that Adam accepts, e.g., when he makes use of public parks or clean water. But does he do so in the belief that accepting these benefits commits him to obeying the law? More important, the main benefits provided by government are public goods, which Adam does not voluntarily accept. Law and order, national defense, and other similar benefits of government may be described as non-excludable. They cannot be provided to certain members of the community without being made generally available, provided to everyone else in the relevant territory who cannot help receiving them. Consent, including tacit consent, above all requires intentional actions, which, if the relevant benefits are simply provided, Adam does not perform. Once again, if we assess this position against the defeating conditions, we will see that the awareness conditions are damaging. It is unlikely that, in enjoying the benefits of law and order, Adam believes himself to be consenting to obey the laws. It seems more likely that few if any citizens make these connections.

Further examination of the connections between receipt of benefits and political obligations would take us beyond consent theory. While receipt of benefits from government can plausibly be interpreted as giving rise to political obligations, the latter can be accounted for without invoking consent. Rather, the relevant moral principles turn on reciprocity, a requirement to make appropriate return for benefits one receives. Proponents of these positions typically argue that government benefits generate the relevant moral requirements, either from gratitude or from a principle of fair play, that one should not profit from the labors of other people without performing similar labor oneself. The literature is replete with developed versions of these notions (see Walker 1988; Klosko 1992). But once again, these theories leave consent and tacit consent behind.
Hypothetical Consent

In response to the difficulties of tacit consent, theorists have extended what they mean by consent. One possibility is that the consent in question need not actually be performed. Instead, if conditions in one’s country are such that one would consent to obey the laws if given the opportunity to do so, then this hypothetical consent could ground moral requirements to obey the law. Historically, a position along these lines can be traced back to Immanuel Kant, who contends that government’s power is limited by the requirement that the legislator should “frame his laws in such a way that they could have been produced by the united will of a whole nation” (Kant [1793] 1970: 79). In a celebrated article, Jeremy Waldron argues that a conception of hypothetical consent underlies fundamental commitments of liberal political theory. Waldron views the liberal mindset as rejecting "tradition, mystery, awe and superstition as the basis of order" (1987: 134). Because of its determination to subject authority to requirements of reason, liberalism requires that laws be transparent. Society's fundamental principles should be capable of being understood by all individuals who are subject to them (Waldron 1987: 146). However, as bases for political obligation, these conceptions of hypothetical consent are immediately subject to criticism. To use the words of Ronald Dworkin: “A hypothetical contract is not simply a pale form of an actual contract; it is no contract at all” (Dworkin 1977: 151). The fact that the laws are such that we would consent to them does not entail that we actually have consented. Rather than grounding obligations to obey the law, hypothetical consent is a useful device for assessing the moral quality of the laws, whether they should be viewed as legitimate or the kind of laws it would be acceptable to obey, but again, not as the actual basis for requirements to obey. Hypothetical consent performs a useful service in drawing attention away from voluntary actions performed or supposedly performed by citizens in order to assume political obligations
to aspects of the political system that would justify consenting to it. But because it itself is not able to establish moral requirements to obey the law, if it is to ground these, it must be supplemented by additional moral principles.

"Normative Consent"

A notable recent development in consent theory is David Estlund's theory of "normative consent," which is related to hypothetical consent (Estlund 2008: Chap. 7). Estlund recognizes the difficulties with express and tacit consent noted above. Normative consent proceeds from the fact that, under certain circumstances, it would be wrong to consent to a given authority—e.g., if the authority is unjust or immoral. Invoking a kind of symmetry, Estlund argues that there are circumstances in which it would be wrong not to consent. In these circumstances, one attains obligations equivalent to those one would have if he had consented. As an example, consider a plane crash. A flight attendant is best positioned to get the passengers out safely if they coordinate their activities in accordance with her directions (2008: 124-25). Estlund claims that, under these circumstances, it would be wrong for people not to consent to obey her, and so they have obligations to obey her that are equivalent to those they would have if they had consented to do so. According to Estlund, normative consent, unlike hypothetical consent, is an actual contract theory. The reason the passengers should listen to the flight attendant is not that they would consent to do so if they had the opportunity, but because of actual obligations rooted in normative consent. However, there is an obvious weakness in this position. If there are moral reasons of sufficient weight to make it wrong not to consent to some authority, it is not clear why consent is necessary. Why are not the reasons themselves sufficient to establish the obligation? (Sreenivasan 2009) In regard to the flight attendant example, it seems that duties to help others
in distress, not to cause harm, and similar moral principles provide plausible explanations why the passengers should listen to her. Like the benefit arguments discussed above, normative consent does not require a role for consent.²

"Reformist" Consent

Given the problems with the different forms of consent that we have examined, some theorists have tried a different tack. Because consent is an especially plausible basis for political obligations, they propose changing political circumstances to allow people expressly to consent. I will refer to these efforts as "reformist consent."

A possible mechanism would allow citizens to consent when they reach a certain age. Various political systems have had such procedures, among them ancient Greek cities. For example, in ancient Athens, at the of 17, an individual could apply to be enrolled as a citizen and to acquire rights to the judicial and legislative privileges of adult Athenians. For instance, only citizens could take part in legal proceedings. Otherwise, one could not bring a case to court and would have to be represented by a father or guardian in legal matters. The details may be set aside, although we should note that this process was not at all merely a formality. Under certain circumstances an individual whose application was rebuffed could be sold into slavery. (For discussion, see Kraut 1984: 154-57.)

² An additional actual contract theory is that of Gilbert (1993 and 2006), though it is central to Gilbert's position that the relevant commitments are not expressly entered into. In the absence of conscious intent to undertake them, the "joint commitments" that she discusses are too tentative and too weak to ground obligations to obey government.
A mechanism along these lines could be adapted to contemporary circumstances. According to Beran, at some point citizens would be given the option of consenting or not. If they chose not to, they would have to emigrate to a “dissenters’ territory” (Beran 1987: 31–2, 109, 150). However, such a policy is obviously flawed. Forcing people to emigrate would be coercive for the reasons discussed above, and in this case would include additional stigma of forcing them to reside in a dissenters' territory.

Consider a similar mechanism that could be set up in the United States but that does not require emigration. At the age of 18, the age at which men are presently required to register for military service, they would be given the opportunity to swear an oath of allegiance to the government and/or Constitution, with advantages for taking the oath and/or penalties for not doing so. Because requiring such an oath would be coercive if non-consentors were forced to leave society, they would not be required to do this. The resultant policy would have to tread a narrow path between sanctions that were so harsh that they rendered consent coerced and others that were too weak to induce many people to take the oath and with it the responsibilities of citizenship.

One possible model would be like the Athenian system. Only people who consented would be eligible for the privileges of citizenship. Policy details could assume different forms, although all would result in dividing the population into two classes: full-citizens, who had consented to the government and so assumed political obligations, and lesser citizens, who refused to consent and so were without political obligations but also without at least some privileges of full citizenship.

An ingenious account of a possible system is described by Michael Walzer, who uses resident aliens as a model for the lesser citizens (Walzer 1970). According to Walzer, indi-
viduals who consented would be full citizens and obligated to support the state's military policies (His article was written during the Vietnam War period and is primarily concerned with military service.) “Resident aliens at home,” lacking the privileges of citizenship would have only negative obligations to obey the law and support domestic tranquility.

As a basis for political obligations, Walzer’s proposal is immediately flawed. As just noted, people who refuse to consent are still required to obey the law. This of course means that some other basis for political obligations is operating. As with other possible mechanisms discussed above, Walzer’s logic on this topic appears to make consent or the need for consent otiose. In addition, it is not immediately clear why people would consent if doing so required that they undertake military service, which they would not have to do if they did not consent. Are the privileges of citizenship in modern states of sufficient importance to motivate people to consent, in spite of so heavy a burden?

More important, a serious flaw with reformist consent proposals concerns what happens to individuals who refuse to consent (Klosko 1991). As we have repeatedly seen, it would not be acceptable to require them to leave the territory. But if they stay, they will benefit from the important public goods provided by government. Will non-consenters receive these benefits without being required to support the institutional mechanisms that provide them? If this were the implication, not consenting would seem quite a good deal and clearly unfair to consenters, whose efforts produced the benefits in question. On this plan, the benefits of non-consent could lead increasing numbers to refuse to consent, causing the full-citizens’ costs in producing the public goods to rise, thereby encouraging additional people not to consent, and so leading to possible social collapse. It appears, then, that non-consentors must be required to cooperate in the provision of major public goods—however they are treated in regard to other functions of
government. But this raises a problem we have repeatedly seen. If they are required so to contribute, what is the basis for such requirements? From the brief discussion here, it appears that these requirements stem from principles of reciprocity, that they should contribute to the provision of benefits they receive. But if this is the case, then once again, in regard to central political obligations, consent becomes otiose. These moral requirements would follow from other considerations, in this case the need to make appropriate return for benefits provided by the state.

Conclusion

At the beginning of this essay, I cited Hume's contention concerning the strengths and weaknesses of consent. On a theoretical level, he says, consent is not only a plausible basis for political obligations but likely the best there is. As we have noted, consent affirms liberal commitments to freedom and autonomy, and also accounts for the content-independence of political obligations and supports the self-image of the state. But as Hume notes, in regard to accounting for the political obligations of actual citizens, it does not succeed. We have surveyed a large numbers of attempts to ground political obligations in consent, all of which appear to come up short. In spite of these difficulties, it is likely that consent's intuitive appeal largely explains its continuing hold on public consciousness and theorists' repeated attempts to explain how, in spite of appearances to the contrary, citizens have actually consented.

To my mind, somewhat ironically, consent's theoretical advantages have had adverse consequences for dealing with problems of political obligation. Because of the features we have noted, consent has served as a model for what a successful theory of obligation should look like. A suitable theory must not only account for the obligations of actual citizens but, like consent, it
should be intuitively plausible, account for content-independence, and explain obligations to obey all laws. The problem is that these are exacting standards, which it is widely believed no theory in the literature is able to meet. I believe the appeal of consent theory has contributed to current efforts to find a single moral principle that is able satisfactorily to account for all political obligations, while difficulties finding such a theory have contributed to currently widespread skepticism about the existence of political obligations in a more general sense (see esp. Simmons 1979).³

________. (1982) “Commands and Authoritative Legal Reasons.” In Essays on Bentham:

³I am grateful to Richard Dagger and Avia Pasternak for helpful comments on a previous version of this essay.


Sreenivasan, Gopal, 2009. “Oh But You Should Have: Estlund on Normative Consent.” Iyyun:
