Chapter 6

Political obligation

The problems

Alfred Russell Whitehead is said to have said that all philosophy is a series of footnotes to Plato and Aristotle. It is a good saying and wouldn't be such a memorable falsehood if it did not contain a strong element of truth. It is a falsehood because, in the tradition of Western philosophy the Pre-Socratic philosophers deserve a mention. But just as obvious, there are more philosophical problems than were dreamt of by Plato and Aristotle in their philosophies (but perhaps not many more) and, equally, the repertory of arguments pro and con, the range of responses to these problems, has been enlarged well beyond the category of footnotes. But one can easily mistake the show for the substance in respect of touted philosophical advances. Another way of making Whitehead's point would be to say that Plato and Aristotle 'set the agenda' and this would be more true as well as more trendy, but still a falsehood. However, there is one philosophical problem which has not advanced far beyond the elaboration of Plato's

arguments and the development of challenges to it: the problem of political obligation.

In the *Crito*, Socrates is invited to collude with the plans of Crito and other friends and admirers who sympathize with his predicament by escaping gaol and the imminent (self)infliction of the sentence of death. He will be quite safe, he is assured, in Thessaly. If he accedes to Crito's scheme (the gaoler is beholden to him and informers can be bought off) Socrates will evidently be failing to fulfil the duties of a citizen of Athens. Should he or shouldn't he take up Crito's invitation? Should he do what the city requires of him? Or should he attempt to escape? Plato represents Socrates speaking in the voice of the Laws and Constitution of Athens and this voice argues convincingly in favour of his accepting the decreed punishment. The major themes of Socrates are first that he has consented to obey the laws and so to flee would be to break the covenants and undertakings he freely made; second, that he has received evident benefits from the city, that he ought to be grateful for these benefits, and that since by fleeing the city he would be doing it harm, this would be an ill return for the benefits received. These two arguments, the consent argument and the argument from received benefits have dominated the literature ever since, though they have taken many different forms, as we shall see.

First though, we should try to become clear about the precise nature of the problem of political obligation. We do best to think of our political obligations as obligations owed by us as citizens to the state. It is tempting to elucidate this concept by first outlining the general nature of an obligation and then explaining how specifically political obligations are to be construed. Such a course would require us to distinguish obligations from duties, and perhaps duties from reasons for action of a distinctively moral sort. The enterprise would be tricky and maybe interesting, but I am reluctant to engage in it for two reasons: in the first place, I doubt whether the exercise could be successfully concluded without excessive semantic legislation. Such distinctions could no doubt be forced. The language could be cleared up by careful stipulation which builds on distinctions made in the way we generally speak. I have no ambitions in this direction and, since judgement on whether such an exercise is valuable or pointless would have to

wait upon its outcome, I shall do no more here than register my doubts. In the second place, our chief interest is in the specific issue of political obligation, and it may well be the case that whatever distinctions can be traced between, say, obligations and duties taken generally, do not apply in the specific context of political obligation. In fact, I think this is the case. It makes no difference whether we speak of the political obligations incumbent on citizens or of the duties of citizens or, to my ear, of the moral reasons citizens should recognize as governing their conduct with respect to the political institutions of the state. The last of these locutions is a mouthful, so I shall try to avoid it. The first has all the virtues and vices of familiarity. I prefer the second.

My reason is informal and pragmatic. The concepts of legal obligation and political obligation are closely linked and the closeness of the linkage invites a narrowness of focus I wish to avoid. We speak of legal obligation when we wish to identify the demands legitimately made of subjects within a particular legal system. The model here is that of the (generally justified)[1] coercive law, proscribing or prescribing conduct on penalty of sanctions for non-compliance. Speaking substantively, our legal obligations comprise our obligations to obey the law. There may be one big legal obligation – to obey the law – or as many obligations as there are prescriptive or proscriptive laws. We are apt to think that political obligations march in step with legal obligations, and this is a natural assumption since legislation is a political process, effected or authorized by the sovereign. So we are apt to think that political obligation equates to the obligation to obey the law. If so, we are in error.

I think we have a political obligation wherever good moral reasons dictate the terms of our relationship with the political institutions of the state. If there are good moral reasons why we should obey the laws promulgated by the state, then we have a political obligation to obey the law. If there are good moral reasons why we should follow a call to arms made by the state, then we have a political obligation to volunteer. If there are are good moral reasons why we should participate in processes which elect representatives or enact laws through plebiscites, then we have a political obligation to do these things. Since I recognize that this list of standard political obligations is wider than is sanctioned by the

customary association of political and legal obligation, and since I don't want to beg the conceptual questions canvassed above, I think it most felicitous in point of style to speak of the duties of the citizen. There is nothing odd about the thought that citizens may have duties to volunteer some service to the state or vote in elections in circumstances where such conduct is *not* required of them on pain of sanction.

So the problem of political obligation is not on my account the narrow question of whether citizens have an obligation to obey the law. That problem can perfectly well be pursued within a wider agenda that includes other duties that may be imputed to the citizen. It may well take centre stage because characteristically the duty to obey the law is a duty that is *exacted* against the citizen and so one might expect arguments in favour of it to be the strongest available. But it is not the only duty that is in question, and, as we shall see, the question of whether we have such a duty may be most clearly answered in a context which brings into view other duties which citizens may recognize. That said, for the moment we shall retain the traditional focus on the duty to obey the law in order to frame more clearly other introductory questions.

The first such question concerns the ambition of the arguments that purport to establish this duty. How universal is the scope of application of the argument? Are these arguments designed to show that if any citizen should recognize such a duty then so should all?[2] Or may the arguments be custom-built, bespoke to the demands of citizens, severally? The classical liberal dialectic can be envisaged as a series of claims made by the state against citizens who independently review the cogency of these claims. The state advances its claims by way of arguments directed to all citizens. But each modern citizen assumes the right to examine these arguments independently. We imagine the state rehearsing its arguments because no modern state can expect its claims to be vindicated solely on the basis of its pre-established authority.[3]

The state hopes that its arguments will be of universal validity, convincing everyone. But of course it may not succeed. The arguments it employs may be failures, convincing no one, or they may be partially successful, convincing some but not all of those to whom they are addressed. I shall suggest that this is likely, and so shall represent the state as advancing a series of arguments that

successively widen the net over those it seeks to convince of its legitimate authority. The following outcomes are possible: (a) no argument convinces any citizen; (b) at least one argument convinces some citizens; (c) all citizens are convinced by at least one argument; but they are different arguments for different citizens; (d) there is at least one argument that convinces all citizens that they have a duty to obey the law. Outcome (d) is best for the state, but it may turn out that the state need not be so ambitious. If, as the dialectic proceeds, it transpires that there are no citizens who can reject every one of the arguments the state advances (outcome (c)), then its objective – of laying a legitimate claim to the obedience of all citizens – has been achieved. Third best, from the point of view of the state, would be the acceptance by most citizens of some of the arguments it puts forward.

The next question concerns the content of the state's requirements, a second dimension to its ambitions. The state, as we have surmised, will lay claim to the obedience of all of its citizens, for one reason or another. But does the state's claim on the obedience of its citizens require that they obey *all* of its laws? I think not. Again, this is too ambitious. First, we should recognize that the laws in place are likely to be a ramshackle collection. They are likely to be cluttered with dead wood. Alert students of the law of modern states will recognize plenty of laws in desuetude, relics of forms of life long gone, governing, perhaps, the rules of the road according priority to horses over pedestrians or vice versa. The invocation of such rules, as in the case of *Shaw* v. *Director of Public Prosecutions*,[4] whereby the Star Chamber offence of 'conspiracy to corrupt public morals' was resurrected to convict poor Shaw, is widely deemed unjust. Second, some laws seem designed to be broken so long as law-breaking remains within acceptable limits. I confess to having broken the licensing laws as a juvenile drinking below the age of state consent, as an adult serving drinks after closing time, and as a parent buying alcohol for my under-age children. (If you are not sympathetic to this example, think of *your* violation, as driver or willing accessory, of the Road Traffic Acts.) We are all, all of us car-drivers, law-breakers on a regular basis. So we shouldn't be too po-faced (unless we have chosen to be politicians!) about the content of the requirement to obey the law.

To be effective *at all*, laws need to be precise in contexts which

defy calculation and invite contravention. Citizens, unless they are paradoxically pernickety, know this too well, and are willing to accept, say, parking fines, as a tax rather than accept the imputation of moral wrong-doing which they would generally attach to law-breaking. They invoke parameters, of good luck or good judgement, where the law asserts specific constraints. Are such 'criminals' self-deceiving or do they draw fine but valid distinctions concerning the import of the criminal law? The argumentative terrain is unfamiliar to philosophers, but certain obvious truths deserve to be recited. Unless one accepts that all illegal behaviour is morally wrong – which is the question too often up for begging – one will be hard put to explain the wrongness of well-judged, unimpugned and harmless, law-breaking. The most sensible conclusion to reach, in the face of the philosopher who insists that we should emulate the rare but precious driver who never, or hardly ever, exceeds 70m.p.h. on a motorway, is that the state requires, not so much absolute literal obedience to its declared laws, as a disposition to law-abidingness.

This whole issue is cluttered by the evident overlap of laws and moral requirements. Where the dictates of law repeat and thereby endorse the requirements of morality, the scope for unashamed law-breaking will be severely constrained. Where the conduct is conventionally regulated – there must be *some* limit on the speed of cars, *some* limit on the age of permissible drinking of alcohol: what should it be? – one may expect social tolerance and personal insouciance. The most a sensible state will require, in respect of the private judgements, if not public statements by its representatives, is that citizens are disposed to take seriously its regulations, disposed within parameters of realistic laxity, to obey its laws. This is not quite the view, as told me by a local policeman, that Sicilians regard the traffic laws as possibly useful advice.

Finally, one should realize that laxity, on the part of the state, and low standards, on the part of the citizens, are one thing, conscientious disobedience quite another. This issue is too complex to take on board in its fine detail here. But we are required, as a final qualification to the thesis that the duties of the citizen require her to obey *all* of the laws, to acknowledge that normally obedient citizens may find, as a matter of idiosyncratic but not thereby mistaken moral beliefs, that they cannot, in good conscience, obey the

law. They may judge that the proper duty of the citizen in such cases is to disobey the law. In these (possibly tragic) circumstances, the state must accept the possibility that well-meaning citizens may get things right or wrong, without impugning the overall authority of the state. Indeed, such citizens may endorse this authority, in a peculiarly self-denying but recognizable fashion, if they invite prosecution as the inevitable, but publicity-acquiring, cost of disobedience.[5] They may view their disobedience as the most appropriate, because most effective, way of discharging their citizenly duty to participate in the enactment of just laws. Civil disobedience in appropriate circumstances may well be one of the duties of the good citizen.

The last formal point I shall raise concerns the stringency of the duties of the citizen. We should consider, in the first place, whether the duties are conditional or unconditional. Hobbes believed that the duties of the citizen were unconditional in the precise sense that their successful ascription did not require the fulfilment of any duty on the part of the sovereign. He used both formal and substantive arguments to make this point. Formally, the contract which is the normative basis of the citizens' duties is a contract made amongst the citizens themselves, 'a Covenant of every man with every man'. The sovereign is not a party to the contract: 'That he which is made Soveraigne maketh no Covenant with his subjects beforehand, is manifest.'[6] Since for Hobbes, duties can only arise by the voluntary concession of a liberty, and since the sovereign concedes nothing, the sovereign has no duties to the citizens which might operate as conditions on the citizens' fulfilment of their duties in turn. If this argument works by applying Hobbes's analytical apparatus to the facts of the matter (a Covenant was made amongst the people, the sovereign did not in fact take part, etc. . . .), it is worthless, since there are no facts to support it. The strength of the argument relies upon its standing as a reconstruction of how rational agents would behave were there, hypothetically, no government. Against the background of such a thought-experiment, Hobbes conjectures that rational agents would not endorse a limited sovereign, since, if the sovereign's competence were limited, his performance would be subject to adjudication. If the possibility of such adjudication were to be institutionalized, this would require an institution superior to the

sovereign to make a judgement of whether the sovereign had complied with his duties – and that institution would be the true sovereign. If, on the other hand, adjudication of whether or not the sovereign had met the conditions which constrain his exercise of sovereign power were not institutionalized, each citizen would retain exactly that power of private judgement which creates the problems of the state of nature in the first place, problems which the institution of the sovereign is designed to resolve. For Hobbes, there are these alternatives: either an absolute, unconditional sovereign and its corrollary, a citizen body with unconditional duties, or a degeneration of political life back into the state of nature, the condition of anarchy.[7] Life under even the worst, most self-serving, sovereign could not be as bad as reversion to the state of nature.

Hobbes's rigorous and daunting conclusion is disputed by John Locke, whose arguments, again, I brutally condense. Hobbesian man, famously, is motivated primarily by self-interest. He seeks to preserve his life and to enjoy commodious living. Lockean man is motivated by these goods, too, but in addition, he respects the tenets of natural law: 'Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Possessions.'[8] Such duties comprise a set of natural (negative) rights – 'side-constraints' in Nozick's useful terminology. Rational citizens recognize that such rights need to be enforced by punishment, but realize that effective punishment requires a state. Hence they would endorse a state which served the specific purposes of protecting the rights everyone claims. It follows that they would have no duty to obey a state whose demands exceed, and powers reach beyond, what is necessary to carry out this specific function and a right to rebel against a state which actively threatened the rights it was instituted to protect. The conclusion of this line of argument is that the duties of the citizen are conditional on the state's fulfilment of its assigned duties.

Should we deem the authority of the state to be absolute or limited, the duties of the citizen, unconditional or conditional on the satisfactory exercise of the powers assigned to the state? Should we follow Hobbes or Locke?[9] Technical weaknesses undermine Hobbes's position, since rational individuals could not be understood to give up their right of self-preservation and must

retain a power of judging how far the state threatens rather than secures their life prospects. But aside from this, at the heart of Hobbes's defence of absolutism is an empirical claim that the worst of governments is better than the state of nature. This supposes first, what many will dispute, that Hobbes is correct in describing life in the state of nature as so awful – 'solitary, poore, nasty, brutish, and short'.[10] But granting him this; it certainly does not follow that any sovereign is better. He was quite wrong to suppose that the self-interest of sovereigns would invariably counsel them to promote the well-being of their people, 'in whose vigor consisteth their own strength and glory'.[11] To be fair to Hobbes, the sovereign he envisaged was more like a jolly Restoration monarch than a Pol Pot or Hitler, his main concern being to let his subjects get back to dancing round the maypole whilst he sorted out the fractious clerics who disturbed the peace. But this won't do for the twentieth or twenty-first centuries. No state is so poor – think of Haiti – that a Papa or Baby Doc can't enrich himself at the expense of his tyrannized people and salt away the proceeds in some secure Swiss Bank prior to a hasty departure and secure retirement. Tyranny may even undermine the rationality of those who inflict it, dictators becoming madder than most of their citizens and striking out at them in a deadly uninhibited fashion. In the matter of the rationality of absolute sovereigns, history rather than Hobbes's cod psychology is decisive.

This judgement supposed, what Hobbes thought most efficacious, that the absolute sovereign would be a single figure, a monarch or her modern equivalent, the dictator with a gang of henchmen. Arguably, the position is different if the absolute sovereign is the people, as in a direct democracy, or complex, articulated, representative institutions governed by the rule of law. In such cases, more attention has to be paid to the meanings of 'absolute' and 'limited' sovereignty and it may well turn out that absolute authority and unconditional duty are not correlative terms. For the moment we should draw the more modest conclusion that citizens' duties are conditional on the proper exercise of sovereign power, however that is characterized.

Chapter 1

Political Obligation and Authority

A. John Simmons

The Basic Concepts

We know, of course, that much obedience to law and support for established governments is motivated by fear of legal sanctions, by habit, and by various nonrational attachments to community, nation, or state. We know as well, however, that both philosophers and laypersons frequently cite as reasons for obedience and allegiance the legitimate authority of their governments (and the laws they issue) or the general obligations that citizens are thought to be under to comply with and support legitimate government. It is common to suppose, in short, that (some) governments possess more than merely the power to threaten punishment and coerce compliance; they possess as well genuine authority over their subjects, a moral "right to rule" in the ways they do. Similarly, it is common to suppose that citizens in decent states have more than mere prudential reasons and nonrational motivations to obey and support their governments; there are in addition rational moral grounds for demanding from them obedience to and support for government. The philosophical problem of political obligation and authority is the problem of understanding when (if at all) and for what reasons we are morally required to be "good citizens" in these ways, and when (if at all) and for what reasons states and/or their governments possess a moral right to rule.

Political obligations, then, as these are commonly understood, are general moral requirements to obey the laws and support the political institutions of our own states or governments. The requirements are *moral* in the sense that their normative force is supposed to derive from independent moral principles, a force beyond any conventional or institutional "force" that might be thought to flow from the simple facts of institutional requirement (according to existing rules) or general social expectations for conduct. Our question is why (or whether) one ought morally to do what the rules require or what society expects. Political obligations are normally taken to be *general* requirements in the following two senses:

first, they are moral requirements to obey the law (or to support government) because it *is* valid law (or legitimate government) – or because of what its being valid law (or legitimate government) implies – and not because of any further contingent properties particular laws (or governments) might possess. (Being obligated to an authority, it is often claimed, involves a certain kind of "surrender of judgment," with the obligations displaying "content-independence"; it is the source of an authoritative command, not its independent merits, that binds those subject to the authority.) So, for instance, a moral duty to refrain from legally prohibited murders because of murder's independent moral wrongness would not constitute a political obligation (since valid law can prohibit acts which are not independently wrong), nor would a moral obligation to refrain from legally prohibited theft because of a promise made to one's mother to so refrain. Second, political obligations are general requirements in the sense that their justifications are thought to apply to all or most typical citizens of decent states. Most who have addressed the problem of political obligation would regard their accounts as unsuccessful if the obligations they identified bound only a small minority of the citizens of decent states.

There is far less agreement about how we should understand *de jure* political authority or legitimacy, but much of this disagreement is in fact due to theorists confusing questions about the nature or content of legitimate authority (on which we focus here) with far more contentious questions about the grounds or justification of authority (which we will address later). Confusion and disagreement is also generated by differences between accounts focusing on the authority or legitimacy of states (or political societies) and those focusing on the authority or legitimacy of governments (or regimes). The questions here are distinct but not independent, since governments can be illegitimate where the states they govern are not, but illegitimate states cannot have legitimate governments (except in a purely procedural, nonmoral sense of "legitimate"). While I will discuss here both governments and states, my arguments should be understood as concerning in the first instance the authority or legitimacy of states, not governments. Governments, in my view, obtain whatever authority they possess only from the authority that their states possess to empower particular governments.

The most common understanding of political authority or legitimacy sees it as a state's moral *right* to act in the ways central to the conduct of actual decent states, and particularly a right to perform the principal legislative and executive functions of such states. States with legitimate authority possess the "right to rule": the right to make law (within tolerable moral limits) for those in their jurisdictions and to coerce compliance with that law by threatening and (if necessary) applying legal sanctions. The dominant philosophical view of political authority takes the rights in which it consists to be still more extensive. Legitimate states have not only the right to command and coerce; they have the right to command and be obeyed. A legitimate state has not only a claim to discharge its legislative and executive political functions, but also a claim to obedience and support from its subjects. Understood in this way, the rights in which political authority con-

sists are taken to be just the logical correlates of subjects' political obligations (i.e., of their general moral requirements to support and comply with valid laws and political institutions). The justifications for political authority and for political obligation are on such accounts at least in part identical.

This understanding of political authority or legitimacy has not gone unchallenged. Some philosophers argue that political authority and political obligation should not be seen as correlative (e.g., Ladenson in Raz, 1990; Sartorius and Greenawalt in Edmundson, 1999). The rights in which authority consists are said either to be only moral liberties (or privileges), which correlate with no obligations at all, or they are claim rights (i.e., rights that do correlate with others' obligations) that correlate with obligations other than political obligations. The first suggestion – that political authority rights are mere liberties – is implausible, since states which are thought to enjoy legitimate authority surely are thought to possess at least the right to exclude rival provision of legislative and executive services (by, e.g., internal vigilantes or rival states), and so to possess rights that do correlate with others' obligations to refrain from "competitive governing." But the second suggestion – that political authority consists in claim rights not correlating with political obligation – is implausible as well, for we take actual states to have claims on subjects' obedience, not merely rights to use coercion to control people (as we might think zookeepers had rights to use coercion to control the zoo's animals). The traditional claim of states is to their subjects' obedience and support (and even to their loyalty and allegiance), not merely to the means of controlling them. So any "justification of political authority" that fails to justify these further claims will fail in its conservative ambitions (see below), failing to justify the central practices of actual decent states.

I will, as a consequence, concentrate here on accounts of political obligation and authority that treat these as (at least in part) moral correlates. Actual states claiming authority or legitimacy in fact typically make three kinds of rights claims, all of which rights correlate with moral requirements, including the political obligations of their subjects. States claim rights over their subjects (i.e., over those within their claimed legal jurisdictions), rights against aliens (i.e., against those without their jurisdictions), and rights of control over a particular geographical territory. The claimed rights against aliens correlate with the obligations of aliens not to interfere with or usurp the state's right to exercise its legislative and executive functions, while the claimed rights over territory correlate with obligations on all others not to oppose or compete with the state's territorial control. Finally, the claimed rights of legitimate states over subjects correlate with (among other things) citizens' political obligations of obedience and support (including their obligations not to attempt rival provision of central state services and not to resist lawful state coercion).

The Philosophical Problem

The traditional philosophical examination of the problems of political obligation and authority has been conservative in nature. That is, the project has been to show how we can justify the intuitive conviction (of many) that decent states in fact possess legitimate political authority and that citizens of decent states in fact owe those states general obligations of support and compliance (as these notions of authority and obligation have been specified above). It may, of course, be the case that familiar states have far more limited rights than they claim and enforce. It may be that typical citizens of these states have far narrower obligations than they or their governments suppose or that full political obligations apply far less generally than is normally supposed. Or it may be, as anarchists have insisted, that all (possible or actual) states in fact lack all components of the right to rule and that all (possible or actual) citizens lack even limited political obligations. These possibilities have been defended (until very recently) by only a very few serious philosophers; but it is certainly unclear why an otherwise acceptable account of political obligation and authority should be deemed a failure simply because its conclusions fail to conform to our pretheoretical beliefs on the subject. We will, accordingly, examine attempts to provide a positive philosophical case for a conservative conclusion about political obligation and authority, but we will also leave open the possibility that a less conservative result might still be acceptable.

Because answers to questions about political obligation and authority (or legitimacy) appear to have quite immediate practical implications for our political lives, they seem to be the point at which social and political philosophy makes its most salient contact with the concerns of ordinary men and women. Political philosophy, of course, tries to answer not only questions about how we as individuals ought to act qua political persons or qua citizens of particular kinds of states, but also questions about the kinds of political societies we collectively ought to create – and so questions about social justice and the division of property, about forms of government and institutional means for resolving political differences, about the proper extent of individual liberty and the proper influence of cultural identities, etc. Few of us, however, are ever in a position (except in fortuitous concert with many others) to influence decisions about these latter concerns. We may care deeply about justice or liberty, but rarely are we able, individually or in small groups, to make much of a difference to how (or whether) our societies pursue these values. By contrast, we all face, individually and frequently, questions about whether or not to obey the law, support our government, or treat governmental dicta as authoritative: whether to exceed the speed limit or drive while intoxicated, to cheat on our taxes or use illegal recreational substances, to evade jury duty or registering for the military draft, to engage in civil disobedience or even revolutionary activity.

These are questions that are *immediately* addressed (even if not, perhaps, fully resolved) by solutions to the problems of political obligation and authority, in a

way that day-to-day questions about conduct are routinely not addressed by solutions to problems about the most just institutional structure or other aspects of "ideal" political philosophy. Showing that a political structure or form of government is just or ideal often has far from immediate practical consequences, since both our individual duties to promote the good and our individual abilities to bring about such political ends are severely limited. Questions about political obligation (and about authority narrowly conceived as its correlate), however, are questions we, perhaps unwittingly, grapple with regularly. Is it really wrong to break this law, even if I can easily get away with it and even if nobody else will be obviously harmed by my disobedience? What portions of the conduct prescribed by political convention are morally compulsory, and what parts are morally optional? The answers to such questions matter to most of us, since most of us take our moral obligations at least reasonably seriously.

Brief History

Like most enduring philosophical problems, the problems of (what we today call) political obligation and political authority (or legitimacy) have gone in and out of fashion during the course of the history of philosophy. Some aspects of the problems, of course, were addressed very early in that history, as Plato's *Crito* attests, while others were touched on by a very few among the other great pre-modern philosophers (such as Aquinas). But pre-modern theorists, though keenly interested in the legitimacy of particular rulers or political institutions, tended to accept as inherently legitimate the general social and political order (which was thought to be instituted by God, nature, or inviolable tradition), and so tended not to raise questions about the legitimacy of their states. Similarly, the worries about individual liberty that prompt questions about our political obligations tended not to be central in pre-modern thought. Only with the breakdown of feudal hierarchies and traditions did concerns about the general legitimacy of the social order become prominent enough to sharply focus theoretical attention on individuals' political obligations and the authority of the state. As a result, concerns about political obligation and authority did not come to have their place near the center of political philosophy until the great early-modern political treatises and the multifarious tradition of social-contract thought that flowed from them – a tradition that includes the classic works of Hobbes, Locke, Rousseau, and Kant. In those works we find the twin challenges of obligation and authority clearly posed and energetically accepted.

To call these "twin" challenges is perhaps misleading, for most of the contract theorists treated the two problems as one problem, with authority and obligation viewed as correlates justified by the same arguments. Citizens have political obligations only if (and for the same reasons that) their political societies (or governments) have authority over or are legitimate with respect to them. The very same

social contract – sometimes seen as actual, sometimes hypothetical – both authorized or rendered legitimate political society (or government), and obligated citizens to do their parts in maintaining that society.

The utilitarian and positivist critiques of social-contract theory – best known from the works of Hume, Bentham, and Mill – succeeded in driving the problems of political obligation and authority to the fringes of political philosophy. Indeed, they succeeded so completely that, with a few noteworthy exceptions (such as the work of T. H. Green [Green, 1882]), little serious attention was paid to these problems again until the mid-twentieth century. Hume, who inspired most of these critiques, famously argued (Hume, 1742) that social necessity (or utility) could by itself explain our political obligations and governments' authority, without any need to resort to the artificial (and largely fictional) device of a binding contract or general consent. Our political obligations were simply placed by Hume on the same footing as all of our other obligations. There was no longer any *special* problem of political obligation, to be addressed (as the contract theorists addressed it) *after* our more basic, nonpolitical obligations (such as the obligation to keep a promise or honor a contract) had been established. Instead, we were to treat our political obligations as we treat all of the other moral obligations we have that depend for their force on beneficial sets of social conventions. Nor was the problem of political obligation and authority an especially *hard* problem to solve, in Hume's view. For viewed as a simple question of social necessity, there appears to be an easy case to make on behalf of at least most governments' authority (hence legitimacy) and most citizens' obligatory obedience (or allegiance).

Nearly a century after Hume wrote, we can find J. S. Mill still taking the success of Hume's critique for granted. At the start of chapter 4 of *On Liberty*, for instance, Mill's casual assertions make it plain that he takes it as simply obvious both that no contract is necessary to explain (what he calls) our "social obligations" and that all those protected by society owe to it their shares of the burdens of maintaining the society. The social-contract theorist's version of the problems of political obligation and authority had largely disappeared from the philosophical landscape by the time Mill wrote. And it was not really until the 1950s that it reappeared, the problems revived (as were so many other long neglected problems in their areas) by the most influential legal and political philosophers of their generation, H. L. A. Hart and John Rawls. The American civil rights movement and the Vietnam war both provided practical contexts in which doubts about political obligation and authority were frequently raised, further stimulating the revival of interest in the theoretical problems, which has continued to this day.

Socrates and the Three Strategies

Probably most of us living in reasonably just societies believe in a general obligation to support our governments and comply with our laws, or at least would *say*

that we believe in such an obligation (see Green in Edmundson [1999]). But even if most people *feel* obligated in these ways, we should not regard such feelings as justified, or as accurately tracking true obligations, unless we can support them by reference to some intelligible line of moral reasoning. After all, many people feel obligated to act in ways that we cannot comfortably say reflect their true obligations: the housewife who still feels obligated to wait hand and foot on her husband, to fashion no real life of her own; the black man who still feels obligated to defer to whites in both trivial and important matters; the brainwashed political prisoner who finally feels obligated in just the ways his tormentors have so long and so forcefully insisted.

Where relations of domination and subjection are at issue, as they certainly are in all political communities, we should be extremely wary of trying to defend judgments about moral obligation simply by appealing to the "feelings of obligation" of the subjects – feelings that may be simple elements of "false consciousness" or vague sentiments of misplaced loyalty to the only authorities one knows. Resolving the problem of political obligation must involve bypassing questionable appeals to felt obligation and looking instead straight to the recognizable moral arguments that might yield conclusions about our political obligations.

Similarly, defenses of "attitudinal" accounts of political legitimacy or authority, which are dominant in social-scientific literature (see the essays in Connolly, 1984), constitute an unpromising path to justifying judgments of legitimacy. On such accounts, legitimate authority is ascribed to states or regimes whose subjects feel toward them loyalty, allegiance, or other kinds of approval, or to states or regimes with the capacities to generate such feelings. But this kind of account implies, of course, that states can acquire or enhance their legitimate authority by misleading or by indoctrinating their subjects, or on the strength of subjects' extraordinary stupidity, immorality, or imprudence. Any plausible argument that a state (or kind of state) enjoys the rights in which legitimate authority consists will appeal not to the fact of subjects' positive attitudes (or states' capacities to produce those attitudes), but rather to more obviously morally significant features of the state's history, character, or relations with its subjects.

We can begin, then, by identifying these more plausible argumentative strategies for addressing the problems of political obligation and authority. One natural place to start is with a brief examination of Plato's dialogue the *Crito* (in Woozley, 1979), the earliest recorded treatment of these philosophical problems (now nearly 2,400 years old). For in that dialogue we can find hints of each of the three basic strategies for solving the problems of political obligation and authority that I will identify. The *Crito*, of course, is Plato's (probably nonfictional) recounting of Socrates' reasons for refusing to flee Athens after his trial and death sentence. Tried for criminal meddling, corrupting the young, and believing in false gods, Socrates refuses the offer of his friend Crito to assist him in escaping into exile; and in the process, Socrates presents a complex argument to the conclusion that justice (or right) requires him to remain and accept the unjust sentence of the Athenian court, outlined in Socrates' imagined conversation with the Laws of Athens.

How, then, does Socrates identify the ground or justification of his obligations to obey the state's commands? Three arguments, at least, seem to be clearly articulated by the Laws. The first is that the state (the Laws) is like a father and master to Socrates, having "begotten, nurtured, and educated" him. This status requires Socrates to "either persuade it or do what it commands" (50d–51e). The second is that the state, in bringing him up, has given Socrates a "share of all the fine things" that it could (51d). And the third argument is that by remaining in the state without protest, raising children in the state (and so on), even after "seeing the way in which [the Laws] decide [their] cases in court and the other ways in which [they] manage [their] city," Socrates has, "by his act of staying, agreed with [the Laws] to do what [they] demand of him" (51d–52d).

The first argument points to who Socrates *is*, to his identity, by noting a role or status he occupies. Just as a child is said to owe its parents honor and obedience, simply by virtue of the nonvoluntary role ("child" or "offspring") it occupies, so Socrates, having been "begotten" by the state, owes the state honor and obedience. Thus, Socrates' obligations to the state, on this model, are "role obligations," "obligations of status," or "associative obligations." I will hereafter refer to accounts of political obligation that explain the obligation in this way as "*associative* accounts" of political obligation.

The second argument points to what Socrates has *received*: Athens has provided him, as it provides all its citizens, with numerous significant benefits; and the recipients of important benefits owe their benefactors a fair return for them. The third argument points to what Socrates has *done*: he has freely, if only implicitly, consented or agreed to abide by the verdicts of Athens' courts (and, presumably, agreed as well to go along with the other basic ways in which the city is managed).

The second and third arguments employed by Socrates (through the Laws) appeal not to who Socrates is, or to what role he occupies, but rather to the nature of his morally significant interactions or transactions with the state. It has benefited him. He has promised or agreed to obey. While the second of these transactions (the agreement) is necessarily voluntary (if it is to be binding), and the first (the benefaction) need not be, both arguments concern what has been *done by or for* Socrates. I will call accounts of political obligation that appeal to such justifications "*transactional* accounts."

The three arguments specifically individuated by the Laws in the *Crito* all appeal to either associative or transactional obligations to the state, obligations which bind not only Socrates but (presumably) many or all of his fellow citizens as well. But Socrates (through the Laws) does also apparently advance in the dialogue other kinds of considerations that seem to bear on his obligations to the state. For instance, the very first response made by the Laws against Crito's proposal for escape is this: "Do you intend to do anything else by this exploit . . . than to destroy both ourselves the laws and the entire city – at least as far as you can?" (50a–b). If private individuals in the city disregard their courts' lawful verdicts, for instance, the city cannot long survive; and it is this destruction at which Socrates' proposed escape must be taken to aim.

There is a variety of ways in which this argument might be understood. Socrates surely does not want to argue that (aiming at) the destruction of *any* city, in any circumstances, is wrong or unjust. The destruction of (e.g.) deeply unjust cities, of cities involved in genocide, of cities with which one is (legitimately) at war, and so on, may be a good thing to try to accomplish, not a wrong. So it may be that Socrates instead intends for the Laws to argue only that it is wrong to (try to) destroy a city to which one antecedently owes indefeasible obligations of honor and obedience – such as those which Socrates owes to Athens, but which he does not owe to Sparta, and would not (perhaps) owe to an imaginary, genocidal Athens. That would make the "argument from destructiveness" a simple supplement to the three arguments we have already discussed.

But there are other possible ways of reading the "argument from destructiveness" which see it as advancing an approach to the problem which is both free-standing and quite different from the associative and transactional approaches. Two obvious possibilities are to read Socrates' argument either as a direct consequentialist argument or as a consequentialist generalization (a "What if everyone did that?") argument against disobedience. On the direct consequentialist reading, the claim would be that Socrates' escape would be wrong because it would have worse consequences than would his remaining to face his lawful punishment. The escape would contribute incrementally to a quite awful possible result (destruction of the Laws) and might well encourage others to do the same. On the consequentialist generalization reading of the argument, Socrates would be claiming that escaping would be wrong because if others, similarly situated, did the same, the consequences would be far worse than if others, similarly situated, remained to face their punishments. No appeal to the actual, expectable results of Socrates' escaping (as on the direct consequentialist line) is necessary here; the hypothetical consequences of generalized escape in similar circumstances is supposed to be sufficient by itself to establish the wrongness of escape.

Neither of these readings of the text makes the argument convincing, but both readings anticipate later (18th–20th century) attempts to defend utilitarian accounts of political obligation and authority. Direct consequentialist arguments for obedience fail in our day for the same reason they did in Socrates' day: it simply seems empirically false that Socrates' escape would either have made an interesting incremental contribution to a bad end or have encouraged enough others to disobey that Athenian law would have been weakened. More generally, while disobedience may often have worse direct consequences than obedience, there is no guarantee that this will be the case, and we are all familiar with commonplace instances in which it quite plainly is not the case. Similarly, so-called arguments from "necessity" for authority and political obligation – which maintain that authority to act is justified for those who perform "necessary" tasks, such as imposing the rule of law on a society (e.g., Anscombe in Raz, 1990) – seem utterly unable to explain why authority should extend as far as those frequent instances in which compliance with authoritative commands simply is *not* essential to the accomplishment of the state's necessary tasks.

The actual language used by the Laws, of course, looks more like an appeal to consequentialist generalization, but the argument fares no better if we read it that way. For consequentialist generalization arguments are either thoroughly implausible or simply extensionally equivalent to direct consequentialist arguments. If everyone ate lunch at noon, the consequences for society would be far worse than if people ate their lunches at different times. But from this it surely does not follow that it would be wrong for me to eat lunch at noon. If we adjust the example so that the argument yields the desired conclusion – by generalizing over more specific acts, such as eating lunch at noon when doing so would have bad direct consequences – we simply render the argument equivalent to a direct consequentialist argument.

Consequentialist (including utilitarian) theories of obligation and authority can, of course, be advanced in more sophisticated "rule-consequentialist" forms in which they are not equivalent to direct consequentialist arguments. But such approaches face the equally daunting problem of explaining why they do not count as endorsing rule-following in circumstances where it is simply irrational (from a consequentialist viewpoint) to conform one's conduct to the rule. These obstacles, along with the difficulties such theories face on the issue of particularity (see below), seem to me sufficient to render unconvincing all consequentialist (and "necessity") accounts of political obligation and authority, regardless of form.

There is, however, at least one other, *non*consequentialist reading of the "argument from destructiveness" that we might consider here. As already suggested, it seems unlikely that Socrates intends to categorically oppose the destruction of any state on any occasion. Which cities, then, is he saying that we must not (try to) destroy? Perhaps Socrates' idea is not that it is wrong for him to (try to) destroy Athens per se, or that it is wrong for citizens generally to (try to) destroy the states that have begotten and nurtured them, or the states with which they have made agreements, but instead that it is wrong for anyone to (try to) destroy any just or good state. The Laws' speech makes it clear that Socrates has no complaint with Athenian law and government. Perhaps he does not regard Athens as a model city, but he at least seems to regard it as acceptably just or good. The Laws, remember, remind Socrates that "as things stand, you will leave here, if you do, wronged not by us the laws but by men" (54c). On this reading of the argument, then, because Socrates has an obligation never to do an injustice, and because it is unjust to (attempt to) subvert a just city, Socrates has an obligation not to (try to) subvert his own just city. The justice or goodness of cities binds us to respect or support them.

The appropriate reply to such an argument will have to await our consideration of the particularity problem. Here, however, we should notice that, like the consequentialist readings of the "argument from destructiveness," the reading of it as an argument from justice takes the wrongness of Socrates' disobedience to be explained by neither transactional nor associative "facts" about Socrates and Athens. It is not who Socrates is, who the Laws are in relation to him, what

Socrates has done or what has been given to him by Athens that (on this strategy) explains his obligation not to (try to) destroy Athens. It is rather the moral quality of the state and the impartial moral values that his obedience to the state will promote – values such as social happiness or social justice. Our general duties to advance or respect such values, by (in this case) upholding the institutions that embody and promote them, is what explains the wrongness of Socrates' proposed escape, on all of the three readings of the "argument from destructiveness." I will refer to accounts of political obligation that appeal in this way to general duties to promote utility, justice, or other impartial moral values as "*natural duty* accounts."

I want now to suggest that all of the accounts of political obligation and authority familiar to us from Western political philosophy can be classified as belonging to one of the three general types (or strategies) that we have discovered in (or read into) the argument of the *Crito*. Natural duty accounts, as we have seen, have been advanced by both the classical and contemporary utilitarians. But the "justice" variant of the natural duty approach is also much in evidence, in the work of Kant and the many contemporary Kantians (including Rawls, 1971; Waldron in Edmundson, 1999). Associative accounts of political obligation (and of correlative political authority) are familiar to us from the work of contemporary communitarians, who themselves are routinely inspired by the work of Aristotle, Burke, Hegel, or Wittgenstein. And transactional accounts of political obligation and authority are the most familiar of all, given the centrality, in writings on those topics, of the consent and contract traditions of thought. Consent theory, of course, was given its first clear formulation by Locke and is appealed to in the foundational political documents of many modern nations (including the American Declaration of Independence). But reciprocation theories – which find our obligations (and correlative authority) in our responsibilities to reciprocate for the benefits we receive from our states or governments – are equally transactional in nature; and they both capture much commonsense thinking about political obligation and authority and have been amply represented in the writings of contemporary political philosophy. The details and variants of, along with the problems faced by, the three strategies identified here will be more precisely specified below.

Particularity and Natural Duty Accounts

In order to be clearer about my proposed classification of theories of political obligation – and in order to be clearer about the kind of moral requirement we should be prepared to count as a "political obligation" – it is necessary to make some relatively elementary observations about the nature of moral requirements. Let us say first, that all moral requirements are either general or special requirements, and second, that all moral requirements are either voluntary or nonvolun-

tary. Moral requirements are general when they bind persons irrespective of their special roles, relationships, or performances. Thus, duties not to murder, assault, or steal count as general requirements, as do duties to promote impartial values like justice or happiness. Such duties are commonly said to be owed to humanity or to persons generally – or not owed to anyone at all. Special requirements, by contrast, arise from (or with) special relationships we have (or create) with particular others or groups; and these special requirements are owed specifically to those others or groups. So promissory or contractual obligations, obligations to cooperate within collective enterprises or groups, and obligations to friends, neighbors, or family members will all be special moral requirements. Even more familiar is the (related, but not identical) division of moral requirements into those we have because of some voluntary performance of our own – such as a promise, the free acceptance of benefits, injuring another, or freely bringing a child into the world – and those that fall on us nonvoluntarily, simply because we are persons or because we occupy some nonvoluntary role or status.

These two exhaustive dichotomies might at first appear to give us four general classes of moral requirements: general, voluntary; general, nonvoluntary; special, voluntary; and special, nonvoluntary. But the first of these suggested classes of moral requirement – the general, voluntary – seems clearly to be empty, indeed self-contradictory. Voluntary acts cannot both ground moral requirements and do so irrespective of our special relationships or performances; morally significant voluntary acts are morally significant precisely by virtue of creating or constituting such special relationships or performances. So I will say that all moral requirements belong to one of three classes: general, nonvoluntary; special, voluntary; or special, nonvoluntary.

It is important to see, I think, that the three strategies for solving the problem of political obligation – the associative, the transactional, and the natural duty – utilize in their accounts quite different kinds of moral requirements. Natural duty approaches, focusing as they do on the requirement to promote impartial values, plainly characterize our political obligations as what I have called general, nonvoluntary moral requirements. Associative approaches, with their emphasis on nonvoluntary roles, clearly identify our political obligations as special, nonvoluntary moral requirements. Finally, transactional approaches may either utilize special, nonvoluntary requirements – as when Socrates points to the debt he owes for benefits he received nonvoluntarily (that is, "nonvoluntarily" in the sense that he had no option of refusing them) – or utilize special, voluntary requirements, such as the obligation Socrates claims he owes Athens by virtue of the implicit agreement he freely made with the state.

From these simple observations about the three strategies, an important point follows. The associative and the transactional strategies have a clear advantage over the natural duty approach, by defending accounts of political obligation that seem to square better with our ordinary conception of that obligation. Both the associative and the transactional strategies involve claiming that our political obligations are *special* moral requirements. That means, as we have seen, that political

obligations (on these approaches) will be based in our special transactions, relationships or roles, and will be owed to particular others or groups. The natural duty approaches, however, understand our political obligations as general requirements, which bind us irrespective of these special features of our lives and which are owed to persons generally or to nobody at all.

Now it is, as we have also seen, common to understand our political obligations as moral requirements that bind us specially to *our own* countries (communities, governments, states, constitutions) above all others, and that are based in the special relationships or dealings we have with our own countries or fellow citizens. Political obligations, we typically suppose, are owed *to* our particular states, governments, or fellow citizens. And it seems clear that the associative and transactional strategies, by appealing to special moral requirements in their accounts, can easily explain these features of ordinary thought about political obligation in a way that natural duty strategies cannot.

This is the problem of *particularity*. Political obligations, properly understood, must bind us to one particular political community or government in a way that is special; if an obligation or duty is not "particularized" in this way, it cannot be what we ordinarily think of as a political obligation. As we have seen, political obligations are associated with bonds of obedience, allegiance, loyalty, and good citizenship. But we do not normally suppose that it is possible to fully satisfy such requirements with respect to many political communities at the same time; indeed, it may be incoherent to suppose this. If political obligations are special requirements, this particularity requirement seems to be straightforwardly satisfied. Socrates was the offspring of only one political community, was given the goods of citizenship by only one community, and only promised to "persuade or obey" one state's laws. Indeed, even if some more cosmopolitan Socrates had subsequently made promises to (or received goods from) *other* states, he could acquire obligations to second (and subsequent) states only insofar as these obligations were *consistent with* his prior obligations to Athens. And we may suppose, I think, that this means that his obligations to other states, however real, would have to be in certain ways – and perhaps in many important ways – less complete than or secondary to his obligations to Athens. Thus, (our counterfactual) Socrates' true or primary obligations would still all be specially owed to one particular state, as the particularity requirement demands.

One can, of course, consistently satisfy the legal demands of more than one state at once, as holders of multiple citizenship routinely do. One can pay required taxes to more than one state, obey the laws in more than one state, even serve in the military of more than one state, and so on. What is less clear is whether one can satisfy all of the *possible* demands of obedience and support to more than one state simultaneously, or even fulfill one's basic legal duties where these are simply more restrictive than we might like them to be. We cannot consistently be obligated to "serve (in the military, on a jury) when called" in more than one state. We cannot honestly accept an obligation to defend more than one state "against all enemies, foreign or domestic." Nor can we both obey legal commands from

our government to refrain from dealings with, say, Iraq, and still satisfy political obligations we might suppose we owe to Iraq. Political obligation, as this is commonly understood, requires a kind of exclusivity in many of our dealings with political communities. It is only good fortune that allows holders of dual citizenship to satisfy all of the political obligations that we normally suppose citizens lie under. But it may well be that in the final analysis, if we really believe that all citizens owe their states political obligations, we must believe as well that the position of dual (or multiple) citizenship is simply morally untenable. And that would seem to imply that transactional and associative accounts of political obligation only *can* justify or explain obligations specially owed to one particular state, above all others, as the particularity requirement demands.

Natural duty accounts of political obligation, as I've characterized them above, portray our political obligations instead as belonging to the class of general moral duties. These duties bind those who have them not because of anything those persons have done, or because of the special positions those persons occupy, but because of the moral character of the required acts. Justice must be done and promoted because of the moral value or importance of justice, period. Happiness must be promoted because happiness is good. Murder must be refrained from because of the moral significance of murder. This means that my general moral duties will hold as strongly with respect to states that are not my own and persons who are not my fellow citizens as they do with respect to those that are. Murdering Russians is as wrong as murdering Americans. The happiness of Israelis is as valuable as the happiness of my neighbors. Just Swedish political institutions merit support as much as, and for the same reason as do, just political institutions in the United States. Because all this is true, it is difficult to see how a general moral duty, of the sort employed in natural duty accounts of political obligation, could ever bind citizens specially to their own particular countries, communities, or governments. It is easy to see why Socrates should support and promote justice, by supporting just states or laws. It is much harder to see why Socrates should specially support *his own* just state or laws over all others, if it is the value or importance of *justice* that grounds his duty in the first place.

A government's or state's being *ours*, of course, usually has consequences that might well seem to tie us specially to it. But these consequences – such as the benefits we receive from it alone, or the reliance it alone places on us – all involve transactional or associative features of the citizen–state relationship, features for which a natural duty approach cannot, it seems, independently account. Now a general duty to promote justice (or happiness) could obviously give us a moral reason to support *our own* just (or happiness-producing) state, among others, if these impartial values (of justice or happiness) would be well served by doing so. But a moral reason for supporting other states as fully as we support our own could not be a political obligation. Equally obviously, such general moral duties could even, quite contingently, give us moral reasons to support *only* our own state, if only our own state were just or if only supporting our own state would

best (or satisfactorily) promote happiness. But we do not normally take our political obligations to depend on such contingent factors as whether another just state has come into or gone out of existence. The point here is only to observe that the natural duty strategy for explaining our political obligations faces an immediate and considerable hurdle that the other two strategies I've identified do not. It must explain how general duties can bind us specially and non-contingently to our own particular political communities, without overtly or covertly utilizing in its explanation associative or transactional features of our relationships with those communities. Or it must explain why non-particularized moral duties should nonetheless be thought of as "political obligations" in some recognizable sense. It is not at all clear that any natural duty account of political obligation can clear this hurdle. When combined with the further difficulties for such theories noted above, natural duty accounts must be regarded as unpromising. We shall turn, then, to the prospects for the other two strategies.

Associative Accounts

Associative accounts of political obligation and authority, as we have seen, try to justify the relevant requirements and rights by appeal to basic facts about persons' identities or facts about the social and political roles they occupy. Usually such accounts form part of a broadly communitarian approach to the central issues of political philosophy, though associative accounts have also been defended by some prominent liberals (e.g., Dworkin in Raz, 1990). In some versions of this approach, the claims made are especially strong: it is alleged to be analytic or to be a conceptual truth that citizens are subject to the de jure authority of their states and owe them political obligations. But these uses of the associative strategy are either wildly implausible or simply irrelevant. Nobody believes that just anyone who occupies the legal position of "citizen" in any kind of state is morally bound to give it support and obedience. States can be monstrously unjust and oppressive (and so illegitimate), and they can name whomever they please as their "citizens." But if we modify the argument to claim that only citizens of legitimate states are subject to de jure political authority and bound accordingly, we have claimed something true (indeed, something analytic) at the cost of claiming something utterly uninteresting; for we have said nothing at all about what it is that *grounds* political obligation or authority, which is the question our argumentative strategies are supposed to address.

More convincing associative accounts have fallen into three main camps, which we can call nonvoluntarist contract theories, identity theories, and normative independence theories (Simmons, 2001). According to nonvoluntarist contract theories, citizens of decent political societies simply come to find themselves involved in networks of expectation and commitment that jointly define a kind of nonvol-

untary, but nonetheless binding, contract with one another to act as good citizens of that society (by, e.g., obeying the law and accepting the authority of the state). But while such theories may seem well equipped to address the obligations that friends and neighbors might owe one another, they appear quite incapable of explaining how members of a large-scale, pluralistic political community could be taken to owe obligations to all of their fellow citizens (or to their state generally); for the interactions of typical members, hence their opportunities for commitment and for raising expectations, are routinely quite local, not national.

Identity theories (e.g., Horton, 1992) attempt to base our obligations in the practical incoherence of denying certain aspects of our identities, such as our roles as obligated members of some political community (which roles are taken by some to be central to their sense of who they are). But it is unclear why we should think such mere identification with a social role sufficient to ground genuine moral obligations. The mere fact that, for instance, one's role as citizen of the Third Reich is central to one's practical identity surely does not show that one has a moral obligation to discharge all of the duties associated with that role (such as revealing the hiding places of Jews). Only, it seems, when our social and political roles are themselves morally defensible (and non-refusable by those unwilling to occupy them) could the duties associated with them be taken to be morally binding; but that simply returns us to the independent question of the appropriate arguments to use for demonstrating the moral authority of certain kinds of political arrangements.

The last associative approaches – normative independence theories – simply affirm what the arguments above implicitly reject: namely, the normative authority of local practices. If the source of (some of our) genuine moral obligations is simply their assignment to individuals by local social and political practices, then there is every reason to suppose that widespread political obligations might be among these genuine obligations, given the widespread local social expectations of compliance with and support for the legal and political institutions of our states of residence. But to accept this style of argument is to accept that the mere social instantiation of a practice, independent of any externally justifying point or virtues, is sufficient to allow that practice's rules to define genuine moral obligations for those subject to the rules. And accepting that, I think, is to reduce the relevant idea of a moral *justification* for obligation claims to a farce; something cannot count as a justification of X if it does not claim for X some special point or advantage. If, however, associativists allow that only externally justified practices can define genuine moral obligations, then they owe us an explanation of why we should regard the practice, rather than the values that certify it, as the source of the relevant obligations. For this reason (along with those noted above), associative accounts of political obligation and authority, though enjoying the advantage of a ready explanation for the particularity of political obligations, have failed to satisfy reasonable standards for argumentative plausibility.

Transactional Accounts

Transactional accounts of political obligation and authority have typically utilized either consent theories (as in Plato's *Crito*; Locke, 1689; and Beran, 1987) or reciprocation theories (as in Klosko, 1992). According to consent theories, our political obligations (and the political authority with which these correlate) arise from those of our deliberate acts that constitute voluntary undertakings of political obligations, such as our promises or contracts to support and obey or our consent to be so bound. Reciprocation theories portray our political obligations as required reciprocation for the receipt or acceptance of benefits provided by our states, governments, or fellow citizens. Both kinds of transactional accounts have been defended in many varieties, but all varieties face by-now-familiar obstacles.

Consent theories differ principally in the kinds of consent to which they appeal in their justifications. Locke (Locke, 1689) famously appealed to the *actual* consent of persons to justify their obligations, distinguishing between actual express consent (i.e., consent explicitly given in, e.g., an overt promise, contract, or oath) and actual tacit consent (i.e., consent given inexplicitly by kinds of acts whose conventional point is not solely that of giving consent). Both kinds of consent bind us fully, Locke thought, though express consent binds more permanently. Other philosophers, however, have appealed to kinds of non-actual consent in their accounts of political obligation. Dispositional accounts hold that we are bound not only to that conduct to which we have actually consented, but also to that to which we would have freely consented had the occasion for giving consent arisen. And hypothetical consent/contract theories derive our obligations from the consent that would be given by some idealized version of ourselves, ranging from versions of ourselves that are merely purged of obvious defects to perfectly rational (and motivationally simplified) versions of ourselves (Rawls, 1971). Dispositional accounts, however, seem straightforwardly implausible; from the fact, for instance, that I would freely have agreed to purchase your property last year had I known it was available, it surely does not follow that I now have an obligation to pay for it. And hypothetical consent theories are really better understood as a kind of natural duty account than as a kind of transactional account, despite their being clothed in the language of consent. For the point of appealing to the consent of idealized persons (rather than that of actual persons) is precisely to stress that our obligations flow not from our actual transactions with our states, but rather from the virtues or qualities of those states that would elicit the consent of ideal persons (who rightly perceive and appreciate true virtue or quality, which actual persons may not do). Actual consent theories, then, seem to be the only promising form of transactional consent theory.

But actual consent theories face some clear difficulties of their own. The most obvious are difficulties in terms of realism and voluntariness. Consent theories rely on the model of the free promise for their intuitive force, for everyone seems to accept that free promises yield genuine moral obligations. But real citizens in real

political communities seldom do anything that looks much like either a promise or any other kind of freely made commitment to support and comply with their laws and political institutions. The occasions for making explicit oaths of allegiance seldom arise except in situations tainted with threats of state coercion; and even free acts such as voting in democratic elections are typically performed against a conventional background assumption that such acts are *not* to be taken to be the source of our political obligations (since those obligations are taken both to precede one's acts of voting and to be in no way limited by one's declining to vote). Similarly, it is difficult to locate any kind of act performed by most citizens in decent states that could be plausibly understood as an act of tacit consent to state authority. Mere continued residence (Locke's suggestion) or non-resistance, for instance, while widely practiced, are particularly feeble candidates. For many persons there are few viable alternatives to remaining in their states, and for most, resistance to the state is impossible (while for all of us there are no real alternative options to living in *some* state that makes statelike demands on us); and these facts raise serious doubts about the voluntariness (hence, bindingness) of the alleged consensual acts (Hume, 1742).

Transactional reciprocation theories fall into two main groups: those that appeal to the requirements of fairness and those that appeal to debts of gratitude (or simple mandatory return for benefits conferred). Fairness theories maintain that persons who benefit from the good-faith sacrifices of others, made in support of a mutually beneficial cooperative scheme, have obligations to do their own fair shares within those schemes. To take benefits in a cooperative context without doing one's part would be to unfairly ride free on the sacrifices of others. Gratitude theories maintain more simply that we are obligated to make an appropriate return for services rendered by others. Since political life in decent states seems to involve both elaborate mutually beneficial schemes and the provision of important services by the state, both styles of reciprocation theory seem prima facie promising.

But gratitude theories of political obligation and authority (such as that in Plato's *Crito*) collapse under even quite charitable analyses of moral debts of gratitude. Even if it is true that we owe others a return for unsolicited benefits they provide for us, *what* we owe others cannot be characterized in any way that makes it plausible to think of political obligation as such a debt. What is owed for a benefit received is at most some kind of fitting return; and if anything on the subject is clear, it is that our benefactors are not specially entitled to themselves specify what shall constitute a fitting return for their benefaction. I may not confer benefits upon you and simply name my reward. It is, however, crucial to the ideas of political obligation and authority that our states (our "benefactors" in this case) *are* specially entitled, at least within limits, to specify the content of our obligations, by specifying what shall be valid law within the state.

Fairness theories have in the twentieth century been the more popular option for reciprocation theorists, largely due to the influence of Hart and Rawls (in, e.g.,

Rawls in Edmundson, 1999). But even Rawls eventually rejected fairness theory (in Rawls, 1971), arguing that persons in actual political societies seldom freely accept (routinely only receiving) the benefits their societies provide and so cannot reasonably be thought to be treating others unfairly if they decline to reciprocate. Those who have attempted to avoid this objection by maintaining that even benefits we have not freely accepted obligate us, provided those benefits are substantial enough (e.g., Klosko, 1992), threaten thereby to collapse the fairness theory either into a simple (inadequate) gratitude theory or into a natural duty account, focused on the independent moral importance of providing the benefits in question (rather than on genuine issues of fairness). Finally, it seems appropriate to question whether the model of the small-scale cooperative venture, on which fairness theories rely in motivating their obligation claims, can even be realistically applied to the kinds of large-scale, pluralistic, loosely associated polities within which political obligations and authority have to be demonstrated; for in small-scale ventures, much of our sense that participants are bound to do their parts derives from their shared personal interactions and subsequent reliance on one another, features missing in large-scale groups marked by social, regional, economic, or racial divisions (Simmons, 1979).

Pluralist and Anarchist Responses

All of the accounts of political obligation and authority discussed above – natural duty, associative, and transactional – can be defended in less conservative forms than is standard in political philosophy. That is, such accounts can be defended as correct accounts of the obligations and authority actually possessed by persons and their states, but with the admission that few actual persons or states satisfy the requirements of the account. Thus, actual consent might be defended as the sole ground of political obligation and authority, but with the admission that few persons in fact give binding political consent and that few states enjoy extensive authority; or associative ties could be defended as the true ground, but with the admission that few actual political societies qualify as the kind within which genuine associative political obligations could arise. In light of the difficulties facing all of the argumentative strategies discussed above, this less conservative approach to the problem appears especially attractive. Those who acknowledge these difficulties have tended to opt for one of two responses to them. Either they have retained conservative ambitions and tried to cobble together a pluralist account of political obligation and authority (e.g., Gans, 1992), or they have abandoned those ambitions and embraced anarchist conclusions. The former response acknowledges the inability of the various accounts to separately justify sufficiently general obligations and authority, but maintains that the various accounts can collectively accomplish this end. The latter response involves accept-

ing the apparently counterintuitive result that few (if any) citizens of existing (or possible) states have political obligations and that few (if any) existing (or possible) states have de jure or legitimate political authority.

Pluralist theorists have not yet been able to show that the traditional accounts of political obligation and authority explain the obligations of enough real persons in modern political societies that they can even collectively provide a suitably general result. Instead, pluralists seem to offer not much more than lists of sometimes applicable reasons for obeying the law and supporting our political institutions. But this falls far short of an adequate general account of political obligation, and in fact seems to yield the field to the anarchists, who deny such general obligations (without ever having denied the existence of sometimes applicable reasons for complying with legal requirements).

Anarchists deny general state authority and general political obligations, but they differ on both the strength and the consequences of this denial. Some anarchists have argued on *a priori* grounds that a legitimate, authoritative state is conceptually impossible (e.g., Wolff, 1970), while others have argued (only *a posteriori*) that all existing states fail to live up to standards for legitimacy (e.g., Simmons, 1979). Anarchists are also divided between those (the "political anarchists") who take the anarchist denial of state legitimacy to imply that all states must be opposed and if possible destroyed, and those (the "philosophical anarchists," e.g., Wolff, 1970; Simmons, 1979) who take the anarchist denial to imply only that persons must make no presumption in favor of obedience, but instead decide on a case-by-case basis what response to the state is best. While all anarchist theories must embrace apparently counterintuitive conclusions about political obligation, *a posteriori* philosophical anarchism seems to be less counterintuitive than its rivals in the anarchist camp; for it can acknowledge both the possibility of legitimate authority and political obligation (e.g., in an ideally free and just contractual democracy) and the wrongness of acting in ways that undermine the useful functioning of decent states. *A posteriori* philosophical anarchism may prove to be on balance the most defensible position on the problem of political obligation and authority.

Bibliography

Beran, H. (1987). *The Consent Theory of Political Obligation*. London: Croom Helm.

Connolly, W. (ed.) (1984). *Legitimacy and the State*. New York: New York University Press.

Edmundson, W. A. (ed.) (1999). *The Duty to Obey the Law*. Lanham, MD: Rowman & Littlefield.

Gans, C. (1992). *Philosophical Anarchism and Political Disobedience*. Cambridge: Cambridge University Press.

Green, L. (1990). *The Authority of the State*. Oxford: Clarendon Press.

Green, T. H. (1882). *Lectures on the Principles of Political Obligation*. Ann Arbor: University of Michigan Press, 1967.