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ASSOCIATIVE RESPONSIBILITIES AND POLITICAL OBLIGATION

BY MASSIMO RENZO

In this paper I criticise an influential version of associative theory of political obligation and I offer a reformulation of the theory in 'quasi-voluntarist' terms. I argue that although unable by itself to solve the problem of political obligation, my quasi-voluntarist associative model can play an important role in solving this problem. Moreover, the model teaches us an important methodological lesson about the way in which we should think about the question of political obligation. Finally, I suggest that the quasi-voluntarist associative model is particularly attractive because it manages to combine the main thrust of the traditional associative view with the most attractive feature of transactional theories, while avoiding at the same time the main problems that afflict each of these two approaches.

The debate on the justification of political obligation often revolves around the contrast between transactional and natural duty theories.¹ Transactional theories are those that ground political obligation in some kind of transaction or interaction that takes place between the state and its citizens. This interaction can take the form of a contract, as in traditional consent-based theories, or can be more indirect, as in the case of theories that ground political obligation in the duty to reciprocate for important goods provided by the state. These theories are appealing because they treat political obligation as something that individuals somehow choose to incur, rather than as an imposition. Their main problem however is of being under-inclusive: too few people are involved in the kind of transactions that are supposed to generate the relevant moral obligations. Only a limited number of individuals normally have a chance to accept the benefits provided by the state, let alone to explicitly consent. For this reason transactional theories cannot account for the so called

¹ See, e.g., J. Waldron, 'Special Ties and Natural Duties', *Philosophy & Public Affairs*, 22 (1993), pp. 3–30; D. Copp, 'The Idea of a Legitimate State', *Philosophy & Public Affairs*, 28 (1999), pp. 3–45.

requirement of *universality*, namely for the idea that most, if not all, members of the state have political obligation.²

Natural duty theories, on the other hand, are those that ground political obligation in some moral duty that all individuals owe to all human beings, regardless of any transaction or any special relationship – for example the duty to promote justice or the duty to promote utility. These theories do account for universality, but have the opposite problem of being over-inclusive: once we have established that a certain state, say Italy, performs the important function of promoting justice or utility, it is not clear why only Italian citizens should have a duty to obey and support it. Since the duty to promote justice or utility falls on all human beings, it should be all human beings, rather than only Italians, that have a duty to obey and support Italy. At the same time, if there are other institutions (either political or non political) that are equally positioned to promote justice or utility, there is no reason why Italians should obey and support Italy, rather than any of these other institutions. If what justifies political obligation is that by obeying the state we discharge our natural duties of justice, then why do we have to discharge these duties by obeying *our* state in particular?³

It is normally thought that a plausible theory of political obligation should be able to avoid both under-inclusiveness and over-inclusiveness. The theory should ground a duty to obey and support the state for *all and only* its members, thereby accounting both for universality and particularity. Is such a theory possible? One of the most interesting attempts to provide an account of this sort is offered by the *associative view*. The gist of this view is that political obligation is grounded in our occupation of certain social roles. These roles have not been voluntarily entered, but are duty-laden nonetheless, and thus generate obligations. Family obligations are a good example. Most people agree that family members have special obligations to each other simply by virtue of their membership in the family, in spite of the fact that this membership is not the result of a voluntary choice. Associativists claim that the same kind of obligations arise from our membership in political states.⁴ Thus we should not be looking for a moral principle able to provide an ‘external justification’ for

² A.J. Simmons, *Moral Principles and Political Obligation* (Princeton, NJ: Princeton UP, 1979), p. 35. Elsewhere I distinguish the problem of avoiding under-inclusiveness from the problem of accounting for universality and claim that defenders of political obligation only need to address the former (M. Renzo, ‘State Legitimacy and Self-Defence’, *Law and Philosophy*, 30 (2011), pp. 575–601.). However, for the purposes of this paper I will leave this distinction aside.

³ Simmons, *Moral Principles and Political Obligation*, pp. 31–5; M. Renzo, ‘Duties of Samaritanism and Political Obligation’, *Legal Theory* 14 (2008), pp. 193–217.

⁴ J. Horton, *Political Obligation* (London: MacMillan, 2010), 2nd ed., pp. 148–50.

political obligation (*Political Obligation*, 2nd ed., p. 162). Political obligation arises out of our being ‘embedded’ within our role as citizens, and the responsibilities that are attached to this role.⁵

If successful, the associative account seems able to account both for universality and particularity. If there are responsibilities that are attached to our membership in a political community, and if these responsibilities are what generates a duty to obey and support the state, the associative theory will avoid both the charge of being under-inclusive and the charge of being over-inclusive, for the theory will ground a duty to obey the law for all and only the members of the political community. However, the associative model has attracted a wide range of objections. Some deny the very existence of associative obligations. Others grant that the obligations exist, but claim that they can be ultimately reduced to transactional obligations. Finally, others suggest that even if we grant that these obligations exist and create genuine moral obligations, they cannot be successfully employed to ground political obligation.⁶

The aim of this paper is to provide a critical analysis and a reformulation of the associative theory. I will assume that associative responsibilities exist and, under this assumption, I will argue that they do ground political obligation. However, I will suggest that the correct way of understanding these responsibilities is in what I call ‘quasi-voluntarist’ terms. This is not to say that associative duties are ultimately reducible to transactional duties, for the two are structurally different. Rather, my claim is that once we pay attention to the quasi-voluntarist component of the associative model, it becomes clear that it fails to account for universality for the same reasons that traditional transactional theories fail to do so. But although unable to

⁵ This has been labelled the ‘communitarian’ or ‘identity constituting’ version of theory (A.J. Simmons, *Justification and Legitimacy* [Cambridge: Cambridge UP, 2001], p. 80; L. Green, *The Authority of the State* [Oxford: Oxford UP, 1988], pp. 188–219; D. Lefkowitz, ‘The Duty to Obey the Law’, *Philosophy Compass*, 6 [2006], pp. 571–98, at p. 575). It is on this formulation that I will focus in this paper. Two alternative formulations of the associative view can be found in R. Dworkin, *Law’s Empire* (Cambridge, MA: Harvard UP, 1986) and M. Gilbert, *A Theory of Political Obligation* (Oxford: Oxford UP, 2006). For criticisms of these views see C.H. Wellman, ‘Associative Allegiances and Political Obligations’, *Social Theory and Practice*, 23 (1997), pp. 181–204; R. Dagger, ‘Membership, Fair Play, and Political Obligation’, *Political Studies*, 48 (2000), pp. 104–17; Simmons, *Justification and Legitimacy*, pp. 73–9; L. Green, ‘Associative Obligations and the State’, in J. Burley (ed.), *Dworkin and His Critics* (Oxford: Blackwell, 2004), pp. 267–84; W.A. Edmundson, ‘The State of the Art: The Duty to Obey the Law’, *Legal Theory* 10 (2004), pp. 215–59, at pp. 245–49; S.R. Perry, ‘Associative Obligations and the Obligation to Obey the Law’, in S. Herschovitz (ed.), *Exploring Law’s Empire* (Oxford: Oxford UP, 2006), pp. 183–206; D. Knowles, *Political Obligation* (London: Routledge, 2010), pp. 176–9, 184–9.

⁶ Simmons, *Justification and Legitimacy*, pp. 65–92; Wellman, ‘Associative Allegiances and Political Obligations’; Dagger, ‘Membership, Fair Play, and Political Obligation’; Lefkowitz, ‘The Duty to Obey the Law’, pp. 575–7; Knowles, *Political Obligation*, pp. 179–84.

account for universality, the model does contribute to solving the problem of political obligation and, as I will argue, it tells us something important about how to think about this problem. Moreover, I will suggest that once reformulated in quasi-voluntarist terms, the model is particularly attractive because it manages to combine the main thrust of the traditional associative view with the most attractive feature of transactional theories, while at the same time avoiding the main problems that afflict these two approaches.

My discussion is in four parts and a conclusion. In the first part, I present the associative theory and consider the three main objections that it needs to address. In the second part, I highlight its quasi-voluntarist component and argue that because of this component the theory cannot account for universality. A quasi-voluntarist reformulation of the associative model is then offered in the third part. Finally, in the fourth part, I explain how this model can answer two of the objections raised in the first part, neither of which can be adequately addressed by traditional associative accounts. Moreover, I focus on an important methodological lesson that the associative model teaches us about how we should conceive the problem of political obligation.

I. IDENTITY AND ASSOCIATIVE OBLIGATIONS

Associative accounts of political obligation typically start by recalling some ‘commonplaces’ about the way we relate to our polity, which are supposed to be largely uncontroversial. For example, we normally pay taxes and accept being subject to legal punishment for breaking the law, recognising that these are conceptually distinct from theft and the mere threat of harm. We also often feel pride or shame in relation to the actions of our polity, and we normally accept that it can act in our name, thereby committing us in many ways. Not only do we believe that our political community can legitimately make claims on us, but we generally accept that we are answerable for what it does, whether or not we approve or support its policies. As John Horton points out,

not all of this is equally true for everyone; but much of it is true for a great many of us. Our membership of a particular polity not only shapes our lives in a causal sense, it also enters conceptually and morally into the way we think about ourselves, our relationships with others, in what we feel and how we think about what we should do (*Political Obligation*, 2nd ed., p. 170).

These facts are not supposed to *prove* that we have political obligations. Rather they are supposed to draw our attention to the many ways in

which in our everyday life we act and think of ourselves as members of a polity. But once we recognise that these facts are so pervasive and play such a fundamental role in shaping our identity, as well as our relationships with others, we realise that our membership of a polity ‘has ethical significance for us; a significance that is partly cashed out in terms of relations involving responsibilities and obligations’ (*Political Obligation*, 2nd ed., p. 171).

The associative argument thus involves two steps. The first step consists in endorsing a particular conception of identity – one normally associated with communitarian thinkers such as Michael Sandel and Charles Taylor.⁷ According to this conception, we are all born into a ‘web of social practices and relationships’ (*Political Obligation*, 2nd ed., p. 174) that play a fundamental role in shaping our identity and the way we understand ourselves. Our identity is importantly determined by our being part of a specific political community, to the point that it would be hard to make sense of who we are if we abstracted from our role as members of our polity.⁸ The second step consists in pointing at the existence of a conceptual relationship between our membership within the political community and the obligations that are owed to the community. It is part of the very concept of being members of a polity that this membership involves some kind of political obligation, in the sense that to acknowledge that our membership within the group has non-instrumental value is just to see the other members as sources of special responsibilities in virtue of our relationship with them.⁹

This is why political obligation, according to associativists, does not need an ‘external justification’, (*Justification and Legitimacy*, pp. 95–6) i.e., a justification based on an independent moral principle such as consent or a natural duty of justice. What is required, instead, is some kind of hermeneutic effort aiming to uncover the social pre-conditions of our identity, as well as the role that political obligation plays within the relationships generated by them. Once we pay attention to the fact that political obligations are constitutive of our relationship to the particular polity of which we are members, and that this relationship is in turn constitutive of our own identity, it will become clear that instead of being in need of justification, these obligations may themselves be justificatory.¹⁰

⁷ M. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge UP, 1998), 2nd ed.; C. Taylor Taylor, *Sources of the Self* (Cambridge: Cambridge UP, 1989).

⁸ A. McIntyre, *After Virtue* (London: Duckworth, 1981), p. 56.

⁹ S. Scheffler *Boundaries and Allegiances* (Oxford: Oxford UP, 2001), p. 100. See also J. Raz, ‘Liberating Duties’, *Law and Philosophy*, 8 (1989), pp. 3–21, at pp. 18–21, on the idea that ‘intrinsically good’ relationships cannot be specified except by reference to the duties of their members.

¹⁰ J. Horton, *Political Obligation* (London: MacMillan, 1992), 1st ed., p. 157.

In other words, having political obligation simply *is* part of what it means to be a member of a polity; and since being part of a polity is an indispensable component of our identity, having political obligation is ultimately part of our identity too. The social conditions that allow us to make sense of our own identities involve the existence of obligations which are owed to the political community. Societies in which obligations of this kind do not exist are maybe conceivable, but they are not relevant if we are interested in investigating how we should understand political obligation in *our* society.

As I will suggest, this line of argument captures something important about the way in which we should think about political obligation, but more needs to be said in order to develop it. As it stands, the argument seems to be going the wrong way: it is not because we have certain feelings and thoughts about our political community (e.g., the fact that we think of its government as our government, that we feel shame or pride for its actions and so on) that we have an obligation to obey and support our state. The process seems to be going the other way around: we have these feelings and thoughts because we are brought up in communities that impose these obligations on us. In other words, the commonplaces listed by associativists seem to be a consequence of the fact that we grow up in political communities, rather than what justifies the existence of such communities. It is certainly true that our identity is shaped in important ways by our growing up in a social environment in which we are treated as members of a political community, so it is no surprise that we feel that we have obligations to it. However, the question is precisely whether the community in which we are born can justifiably treat us in this way. To avoid circularities, an associative theory of political obligation will have to answer this question by specifying the conditions under which the political community can permissibly treat us as it does.

This objection overlaps to some extent with a second argument normally used against the associative view, namely that individuals can too often be manipulated into identifying themselves with morally repugnant or degrading practices. Two kinds of issues are at stake here. One is the problem of manipulation: we tend to believe that membership in a group cannot ground any genuine obligation if members have been manipulated into identifying themselves with the group. As John Simmons puts it, '[o]ppressed people are frequently brought by long periods of humiliation and indoctrination to identify with their subservient roles and to acknowledge as their own the degrading, locally assigned obligations of second-class members. But this can surely constitute no justification for

ascribing to them moral obligations to abase themselves and to selflessly serve their oppressors'.¹¹ The other problem has to do with the moral standing of the group in question, and the kind of obligation that membership can create. We normally think that membership in a morally repugnant group, such as racist communities or the mafia, cannot ground genuine moral obligations; particularly obligations to commit immoral acts. The two problems are clearly related, because most of the time morally repugnant groups manipulate their members to become part of morally degrading practices; still, it is worth keeping them separate for the sake of clarity.

Yael Tamir's reply to the problem of the moral standing of groups is simply to bite the bullet. She claims that membership in morally repugnant groups does ground genuine obligations to act immorally, but that this is not a problem. Since these obligations are only *prima facie*, whenever they give us reasons to do something morally repugnant, they are likely to be overridden by our independent moral obligations not to act immorally.¹² This position however seems problematic. The thought that mere membership in a morally repugnant group is enough to ground a genuine moral obligation, if only *prima facie*, to act immorally is one that many want to resist.¹³

A more sophisticated reply is offered by John Horton. First thing, Horton stresses that associative obligations can only be generated in the case of associations that have a minimal threshold of value – for example, in the case of the polity, when they provide vitally important goods such as social order and security (*Political Obligation*, 2nd ed., pp. 176–9). Once this condition is in place, Horton is ready to accept that immoral associations (including the mafia) can ground moral obligations for their members, but this is not to say that these obligations include a duty to act immorally (*Political Obligation*, 2nd ed., pp. 163, 179). This is because 'institutions which give rise to moral obligations ... exist within a wider context of other moral beliefs and commitments, ... [and t]hese may set various limits to the moral obligations to which institutions can legitimately give rise'.¹⁴ For example, we normally think that promises to commit profoundly unjust acts, such as killing innocents, do not ground any obligation to do so. The same thought, Horton argues, also explains why associative responsibilities

¹¹ Simmons, *Justification and Legitimacy*, p. 83. See also Wellman, 'Associative Allegiances and Political Obligations', p. 198; Dagger, 'Membership, Fair Play, and Political Obligation', p. 110.

¹² Y. Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton UP, 1993), p. 102.

¹³ A. Buchanan, 'Assessing the Communitarian Critique of Liberalism', *Ethics* 99 (1989), pp. 852–82, at p. 874; A. Mason, 'Special Obligations to Compatriots', *Ethics* 107 (1997), pp. 427–47, at pp. 438–9.

¹⁴ Horton, *Political Obligation*, 1st ed., p. 157. See also *Political Obligation*, 2nd ed., p. 160.

cannot ground an obligation to kill innocents or commit other morally repugnant acts.

While I find this largely convincing as a reply to the objection about the moral character of the groups to which associative obligations can be owed, it should be noticed that it does not answer the manipulation objection. The problem raised by the manipulation objection is to some extent independent from the question of the moral character of groups, in the sense that it is possible to think of a group that manipulates its members into identifying themselves with it, but does not pursue any particularly evil goal. Of course such a group would not be morally impeccable, given that it would be responsible for manipulating its members; still the members of the group would not be excessively oppressed, nor would they be required to commit anything morally repugnant.

I believe that the associative view can only be defended as a plausible account of political obligation if it avoids both the manipulation and the circularity objection but, at least in its traditional formulation, the view does not seem to have the resources to do that. Contesting the idea of ‘external justification’ is not enough to answer the circularity objection. An adequate associative theory will still have to explain how it is possible to incur political obligation as a consequence of our being born in a certain polity without being reduced to the thought that whoever is born in a certain polity acquires *ipso facto* political obligation. As to the manipulation objection, most associativists simply tend to ignore it, and focus instead on the question of the moral standing of groups, but as I have pointed out, the two problems are distinct, albeit related. In the fourth section I will show how the quasi-voluntarist model defended in this paper can address these problems, but first we need to consider a further objection to the associative view.

II. THE SUBJECTIVE SIDE OF THE ASSOCIATIVE ARGUMENT

In this section I argue that while associativists are right that whenever associative obligations exist in the form they describe, these obligations do not require any further justification, this is not to say that they *always* exist in that form, or that when they do exist, it would be unintelligible to reject them. Even if we grant that associativists offer a plausible account of the way in which many understand their membership in the state, this is not yet to say that it would be unintelligible for anyone not to understand their membership in that way.

In his most recent reformulation of the associative model Horton writes that ‘not only are non-voluntary groups integral to social life, they can be (and often are) important sources of value for us. And this, in turn, is at least sufficient to support the claim that we can intelligibly and defensibly understand ourselves to be ethically bound to at least *some* non-voluntary groups’ (*Political Obligation*, 2nd ed., p. 174, italics in the original.). Now, I am happy to concede that we *can* intelligibly understand ourselves in this way, and that we *can* value our membership in non-voluntary groups like the state. The problem however, as Horton acknowledges, is whether we *must* do so. What if some of us do not understand themselves in this way and do not value such membership?¹⁵

We should here pay attention to the existence of two sides in the standard associative argument. A key part of the argument, on which I have been focusing so far, is that our identity, and the obligations that go with it, are not the object of a choice, but rather the consequence of our being born in a certain social context. This is what Horton calls the *objective side* of the associative argument.

‘Notwithstanding suspicions to the contrary, the idea that we acquire identities that we have not chosen is neither metaphysically suspect nor morally objectionable. It is simply the way things are, a consequence of being born into the world at a particular time and place, with specific forms of social life in which we find ourselves already situated: we all start from somewhere, and that somewhere is not of our choosing’ (*Political Obligation*, 2nd ed., p. 182).

Horton however is aware that this cannot be the whole story. If it is true that the very fact of being born in a certain place at a certain time carries with it specific responsibilities, rights and expectations, it is also true that in order for our membership in the polity to have the kind of meaning which is central in associative writings it must be something more than a mere label imposed on individuals simply because they happen to be born in a certain territory. In order for this membership to be meaningful, individuals need to acknowledge it and, at least to some extent, endorse it. And as both Horton and Tamir recognise, this requires at least a minimal sense of identification with the political community (*Political Obligation*, 2nd ed., p. 183–4; *Liberal Nationalism*, pp. 134–6).

¹⁵ Horton, *Political Obligation*, 1st ed., p. 158. In the rest of this section and the following one I will focus on Horton’s model in particular but, as I understand it, Tamir’s theory has the same structure, broadly speaking. The reason why I focus on Horton’s formulation is that he develops the most comprehensive version of the associative theory, directly addressing many of its criticisms. Since the focus of Tamir’s book is on a wider series of issues concerning the relationship between liberalism and nationalism, the problem of political obligation is there addressed only briefly.

This is the *subjective side* of the associative argument. We can truly make sense of our identity as members of the polity only if we identify with it and endorse, more or less explicitly, its practices and values. Of course, this endorsement need not be extensive. Given the heterogeneous composition of most modern societies, it is unlikely that all their members will be able to approve and endorse the same values and practices. Still, 'an ongoing and comprehensive refusal to embrace any of its practices or values would, to say the least, raise serious questions about whether, or in what sense, someone could truly be said to identify with his or her polity' (*Political Obligation*, 2nd, p. 184). Now, the question is: what happens when this is the case? Can members of a polity ever deny their political obligation, if they fail to minimally identify with the practices and values of the polity to which they belong? In other words, what happens when the objective and the subjective aspects of political identity come apart?

In his more recent work Horton considers two kinds of problems that this situation might give rise to: the case of those who identify with a political community other than the one to which they belong, and the case of those who have a very low level of identification, but do nonetheless obey the law out of habit or self-interest. Neither of these however, poses a serious challenge to his theory. As to the second, Horton remarks that a weak identification might be enough to justify political obligation over those who are motivated to obey the law mostly by habit or prudential reason. Although he does not expand on this, I think he is right: the question of what justifies political obligation over these individuals (the fact that they do identify, though only weakly, with the political community) is not to be confused with the question of what motivates them to obey the law (habit or self-interest).

As to the first problem, this is in fact a non-problem. When individuals identify themselves with a political community other than the one in which they were born, a case can be made for naturalisation (in case of single individuals) or secession (in case of groups). However, this confirms, instead of denies, the validity of the associative account. For what explains the fact that these individuals have political obligation to a polity different from the one in which they were born is precisely that they identify themselves with the former, rather than with the latter.¹⁶

The real problem for the associative view is posed by those individuals who do not identify themselves with *any* political community, rather than by those who identify themselves with a political community different

¹⁶ J. Horton, 'In Defense of Associative Political Obligations. Part Two', *Political Studies* 55 (2007), pp. 1–19, at p. 14.

from the one in which they were born. These individuals do not simply deny that they have a duty to obey and support the polity that they happen to be part of, but rather that they have a duty to obey and support *any* polity. How can the associative view handle these cases?

Horton seems to be aware of the problem, but dismisses it rather quickly by suggesting that most of the times denials of political obligation will be disingenuous. Given that our life inevitably takes place within the context of the state, and is heavily dependent on the structures of social life that this context enables, rejecting our identity as citizens does not seem to be a real option (*Political Obligation*, 2nd, p. 193). Indeed, the only example of a potential dissident that he seems to take seriously is the case of the ‘unworldly hermit whose understanding of himself lacks any sense of identity with the political community and who exists as far as possible apart from it’.¹⁷ However, since this kind of case is obviously exceptional, Horton plausibly concludes that it constitutes no objection to his account of political obligation.

In the rest of this section I will argue that Horton is wrong in assuming that only the ‘unworldly hermit’ can coherently deny her membership in the political community. The same option, I will claim, is available to standard anarchists and would-be independents. This will be obvious once we pay attention to the fact that, in addition to being determined by our membership in the political community, our identity is equally determined (indeed determined to an even greater extent) by our memberships in other social groups: our family, our religious community, our ethnic group, and a whole series of other groups whose memberships we take up, more or less voluntarily, in the course of our life. The case of the unworldly hermit is exceptional because her identity consists in denying *all* of these memberships, while this is not what normally happens in the case of other would-be independents. This seems to be the only possible explanation for Horton’s view that the latter cannot reject their membership within the polity in the same way as the former. But the obvious reply here is that denying membership in all social groups is only one way of denying membership in the political community. It makes perfect sense for would-be independents to deny membership in the political community without denying at the same time their membership in other social groups. Indeed this is why denying political obligation does not commit them to the implausible claim that their identity can exist in some sort of social vacuum.

¹⁷ Horton, *Political Obligation*, 1st ed., p. 160. This discussion does not appear in the second edition of the book, where the problem of non-identification is addressed very quickly (*Political Obligation*, 2nd, pp. 193–4). The text however, suggests that Horton has not changed his mind from the first edition.

In other words, anarchists can certainly accept that their identity is embedded within certain roles that they occupy qua members of different social groups. What they deny is only their membership in *one* of these groups: the political community. They do not see themselves as Italian citizens or Spanish citizens, but can still see themselves as brothers or sisters, as sons or parents, as Catholics or Muslims, as environmental activists, football fans, academics and so on. All these memberships and relationships do shape their identity and allow them to make sense of who they are, even when they reject their membership in the state in which they live.

Horton suggests that denying our membership in the political community (and the obligations attached to it) would be unintelligible, but what seems to be really unintelligible is the possibility of denying all, or even most, of these memberships. Denying *any* of these, even those most deeply connected with our sense of who we are, seems possible, as Horton himself acknowledges when discussing cases of individuals dissociating from their own family or their religious group (*Political Obligation*, 1st ed., pp. 157–9). Thus the question still stands: can the associative theory provide a justification for political obligation in the case of those who do not identify themselves with the polity in which they live? Does the state have the right to subject them to its authority, and do they have a duty to obey and support the state?

Although Horton does not directly address this question, his treatment of the case of the ‘unworldly hermit’ suggests what his answer should be. He argues that since the hermit rejects his membership in the political community, and this membership does not play any role in his own sense of identity, ‘the political community should recognise that it has no authority over such a person and no reciprocal obligation obtains. In such exceptional cases the political community will have the right to protect itself against any serious infraction of its rules and standards, but it may have no legitimate claims on his allegiance and he should, by and large, be left alone’. Presumably the same will be true in the case of anyone who seriously rejects political membership but does not reject at the same time her membership in other social groups. Here too the minimal sense of identification with the polity is lacking, and thus no associative political obligation can be said to exist.

Some might be tempted to object that the anarchist is simply wrong in denying the existence of a morally significant relationship between her and the polity. The fact that she does not recognise the existence of this bond does not change the fact that the bond does exist and imposes obligations on her. However, this reply is not available to associativists like Horton or Tamir, who claim that ‘at least a minimal sense of belonging to, or identification with’ the polity is necessary for political obligation to exist (*Political*

Obligation, 2nd, p. 183).¹⁸ If no political obligation can obtain when this sense of belonging and identification is absent, this must be equally true both in the case of the unworldly hermit and in the case of those anarchists who reject membership in the political community while maintaining at the same time their membership in other kinds of social groups.

If my argument is correct, two conclusions follow. First, the traditional associative account is less far-reaching than what its defenders suggest. For the theory fails to justify political obligation not only in exceptional cases such as that of the unworldly hermit, but in the case of *anyone* who genuinely intends to reject her membership in the political community. Second, once we pay attention to the subjective aspect of the theory, we realise that it cannot be defended in non-voluntarist terms, as Horton would like to do. These two conclusions will be developed in the next section, where I offer a reformulation of the associative model in quasi-voluntarist terms.

III. THE QUASI-VOLUNTARIST MODEL

In the previous section I have argued that the associative theory cannot justify political obligation over anyone who genuinely rejects membership in the political community. The theory thus ultimately fails to account for universality for the same reason that traditional voluntarist theories fail to do so (although not necessarily to the same extent).¹⁹ Does this mean that the theory should be rejected? This is the conclusion to be reached by those who believe that, in addition to accounting for universality and particularity, a theory of political obligation should also account for ‘singularity in ground’, namely the requirement that there be *only one* principle grounding political obligation for all the members of the state. (*Moral Principles and Political Obligation*, p. 35). But as many have suggested, there is no reason why this should be the case;²⁰ and if we give up singularity in ground, the associative theory can become part of a multi-principle model that combines different principles of political obligation to account for the

¹⁸ *Liberal Nationalism*, p. 135. The idea that identification is required in order for membership in a group to ground obligations is also defended by David Miller in his *On Nationality* (Oxford: Oxford University Press, 1995), pp. 22–3, 65.

¹⁹ The number of those who identify with their political community is likely to be higher than the number of those who consent to the state, but lower (I suspect) than the number of those under a duty to reciprocate for its benefits. (see my ‘Fairness, Self-deception and Political Obligation’, manuscript).

²⁰ J. Wolff, ‘Political Obligation: A Pluralistic Approach’, in M. Baghramian and A. Ingram (eds.), *Pluralism* (London: Routledge, 2000), pp. 179–96, at pp. 182–90; G. Klosko, *Political Obligations* (Oxford: Oxford UP, 2005); Knowles, *Political Obligation*, pp. 66–70.

fact that all those living within the territory of the state have a duty to support it and obey the law.

According to this view, those who actually identify themselves with the practices and the values of the state (thereby satisfying both the objective and the subjective side of the associative argument) can be said to have political obligation on associative grounds; those who do not meet this condition, might have political obligations on other grounds – say, because they consented to the state, or because they accepted its benefits. In other words, different principles can kick in and complement the associative model by justifying political obligation over those not captured by it. I believe that this is how we should address the problem of political obligation, but this is not the place to develop this suggestion.²¹ What I want to do instead is to show how the associative model should be reinterpreted in *quasi*-voluntarist terms.

Whereas Tamir explicitly acknowledges that associative obligations can have a voluntarist component, (*Liberal Nationalism*, pp. 135–6) Horton tries to distance his view as much as possible from the voluntarist model. In *Political Obligation* he claims that the subjective side of the associative argument should not be read as introducing a voluntarist component because whilst recognising our obligations of membership is important, this does not imply that it is the act of acknowledgment that *creates* the obligation. This will be obvious, Horton suggests, if we compare family obligations with obligations arising out of promises. In both cases we need to acknowledge the obligation in order to act upon it, but while in the second case the obligation arises from a voluntary undertaking on the agent's part, in the first the obligation is already there and only needs to be recognised by the agent.²²

Now, Horton is certainly right that there is an important difference between the case of family obligations and the case of obligations arising out of promises. In the latter, the obligation is created by an act that we choose to perform, while in the former no such act is required. We have

²¹ Elsewhere I suggest that there are three further principles that can be successfully employed to justify political obligation: consent, fair-play and a natural duty not to harm others. I believe that the associative argument and these three principles all complement each other by grounding political obligation over different groups of people: some citizens have political obligation because they identify themselves with the practices and the values of their polity; others because they consented to the state; others because they have a duty of fair-play to reciprocate for the benefits provided by it; finally, *all* citizens have political obligations because they have a duty not to harm others by exposing them to the dangers of the state of nature. These groups are not mutually exclusive. Quite the opposite, they typically overlap, which is why the justification for our duty to obey the law is normally overdetermined (Renzo, 'State Legitimacy and Self-Defence', p. 598).

²² *Political Obligation*, 2nd ed., pp. 148–9; Horton, *Political Obligation*, 1st ed., pp. 149–50.

family obligations simply because we occupy certain roles (of son, brother etc.), and since in many cases we do not choose to take up those roles, we cannot be said to have chosen the obligations attached to them. Still, I submit, the fact that we did not choose to take up these roles does not necessarily mean that we do not voluntarily occupy them. The sense in which we can be said to voluntarily occupy them is that we could have stepped out of them if we had wanted.

For example, if I 'deny' my parents, I stop occupying the role of son, and consequently I stop having the obligations that normally attach to that role. True, stepping out of the role is different from not having occupied it in the first place (*Boundaries and Allegiances*, pp. 106–7), and we could probably think of cases in which some residual obligation might survive our rejection of the role. Nevertheless, the fact that the obligations attached to these roles are normally significantly reduced, if not altogether cancelled, when we decide to step out of them, suggests that they do have an important voluntarist component. We do have some control over the roles we occupy, and therefore over the obligations attached to them.

Horton is right that saying that certain obligations must be acknowledged is not the same as saying that what grounds the obligation is the fact that we acknowledge them. Still, as the subjective side of the associative argument suggests, we can have family obligations only to the extent that we identify with the roles of son, brother and so on. Our endorsing these roles is crucial in justifying the existence of the obligations, and we do have the option not to do so. But since not endorsing these roles is an option, the obligations that they ground can ultimately be said to be voluntary, at least to some extent.²³

Notice that this is not to reintroduce some sort of tacit consent story. Saying that what grounds our family obligations is tacit consent is misleading in at least two important ways: firstly, it conflates the *grounds* of associative obligations with the *preconditions* of these grounds; second, it misrepresents the nature of the obligations. In the rest of this section I will focus on these two problems in order to show that the associative model I suggest is ultimately different from, and not reducible to, traditional transactional models based on consent.

Let me start with the first problem. Saying that what grounds family obligations is tacit consent is misleading because it suggests that it is the

²³ My approach here is similar in some respects to the one adopted by Leslie Green (see his *The Authority of the State*, p. 204–6), but whereas Green's strategy is to defend a 'hybrid' theory that combines the associative view with consent, I believe that reintroducing consent at this stage would be misleading (as I go on to explain in the remaining part of this section).

fact that we consented to them that creates the obligations.²⁴ This however distorts the nature of these obligations, since what grounds family obligations is not the fact that we consented to them. We incur these obligations simply in virtue of the fact that we occupy certain roles, to which the obligations are attached. Nor can we be said to have chosen, in the sense of ‘having voluntarily entered’, these roles. This again would be a distortion, for the truth is that, at least in many cases, we were just born in them. Still, our occupying the roles is voluntary in the sense that we could have stepped out of them if we had not endorsed them; and in this case we would have stopped having the obligations attached to the roles. In other words, what grounds the obligation is the fact that we occupy the relevant role, but since our occupying that role is conditional on us not stepping out of it, our willingness not to do so constitutes a precondition of the obligation.

Similarly, none of us ever chose to be born in the polity in which we were born, but this does not change the fact that since we were born in it, we came to occupy a role – the role of citizen – which brings with it specific responsibilities and obligations.²⁵ However, our occupying this role is conditional on the fact that we endorse our membership. If we do not identify with the polity in which we happen to be, we cannot be said to be members; nor, as a consequence, can we be said to have any of the obligations attached to that membership. In this case, when states treat us as if we had such obligations, they do so unjustifiably.

Thus, according to this reformulation of the associative model, what grounds political obligation is the fact that we occupy a certain role in the political community, but having endorsed our membership is a precondition that needs to be fulfilled in order for us to occupy the role.²⁶ We cannot be said to be members of the political community unless we identify with it and endorse its practices and values. But once we do identify with the polity and endorse our membership, it is this membership, rather than the fact that we endorsed it, that grounds our obligations to the community.

Most importantly, it should be stressed that although it makes sense to say that we choose to endorse or step out of a certain role, the sense of

²⁴ Tacit consent is expressed by the failure to do, rather than by actively doing, certain things. However, this does not change the fact that what grounds the obligation is the deliberate undertaking of certain obligations (Simmons, *Moral Principles and Political Obligation*, pp. 79–83).

²⁵ At least under the assumption that the polity has value (*Political Obligation*, 2nd, pp. 176–9).

²⁶ In a passage of her book, Tamir also suggests that feelings of belongings can sometimes work as ‘preliminary conditions’ of political obligation (*Liberal Nationalism*, p. 138), although I am not sure that she would accept my distinction between *preconditions* and *grounds* of political obligation, or that she would agree with my account of the voluntary character of associative obligation.

'choice' at stake here is quite different from the one normally invoked in transactional theories (and this is why I prefer the term 'quasi-voluntarism'). Choosing to deny my parents, or to disown my son, does involve an act of the will, but this act of the will is meaningful only to the extent that it is grounded in a process of self-understanding in which I come to realise that those ties that used to bind me to my parents or to my son are not in place any more. This process however is not completely under my control, and has more to do with my attempt to make sense of the various roles and identities that I gradually take up in my life (which often end up being in conflict with each other), than with a conscious plan to give up any of them in particular. Although we can probably identify a moment in which an act of the will corresponding to my choice to deny my parents or disown my son takes place, this is only on the backdrop of a process in which I came to see that the relationship with them is permanently damaged. This is what I mean by the 'quasi-voluntary' nature of associative obligation.²⁷

To see this better, consider the case of a promise made in an unreflective way. Imagine that I hastily promise you to drive you to the station tomorrow, but this is not something I really want to do. Had I thought more carefully about it, I would have realised that I will miss my favourite TV show, and this would normally count as a good reason for me not to promise you to drive you to the station. We normally think that in this case my promise is morally binding nonetheless, and the reason is that in the case of promises an act of the will is all that is necessary to create the obligation (provided that certain conditions are in place).²⁸ Now compare this case to the one in which I deny membership in the family in an unreflective way. Imagine that I declare that I intend to detach myself from my family, but I still have the kind of meaningful ties to it that are normally associated with membership. Had I thought more carefully about it, I would have realised that I still feel part of that complex web of practices, emotions and beliefs that constitute family relationships. In this case it is less obvious that my choice to detach from my family is morally significant. Indeed, I think most would agree that in spite of my formal rejection of family membership, I still am in an important sense a member of the family, with at least many of the obligations (and the rights) that generally follow from this membership. While in the case of promissory obligations an act of the will is all that is necessary in order to modify my normative position, in the case of associative obligations my choices can change

²⁷ As it should be clear by now, my quasi-voluntarist model does not have much in common with the one defended by David Estlund in his *Democratic Authority* (Princeton, NJ: Princeton University Press, 2008), except for the name.

²⁸ For example, promises to commit profoundly unjust acts, or promises obtained by force or fraud, are generally considered not binding.

my normative position only if they take place on the backdrop of a process of self-understanding which is only partially under my control.

I hope these considerations are enough to show that the quasi-voluntarist model of associative obligation outlined here cannot be reduced to genuine transactional models based on consent. What I want to suggest now is that, once reformulated in these terms, the model is quite attractive, for it combines the core idea of the associative approach with the most appealing aspect of transactional theories. The model is faithful to the central intuition of the traditional associative view in that it grounds political obligation in those responsibilities we have simply by virtue of our membership in the political community; but it also captures the most attractive aspect of transactional theories, namely the idea that individuals cannot be subjected to any group membership against their will.

IV. A METHODOLOGICAL LESSON

Let me start by expanding a bit on the difference between the version of the associative model advanced here and the classic transactional model. While transactional theories typically start with some kind of state of nature scenario and then appeal to voluntarist considerations in order to justify political obligation (understood as a duty for those living in the state of nature to subject themselves to the authority of their state), the associative story goes the other way around. It starts with individuals already situated in a social context made of practices and relationships which structure their lives, and then appeals to the responsibilities that these individuals have in this social condition in order to justify the fact that they have political obligation. However, the model I suggest acknowledges that no political obligation is incurred when the quasi-voluntarist considerations underlying the subjective side of the associative story are not fulfilled.²⁹

Philosophers often think that having a presumption in favor of individual liberty (i.e., placing the burden of proof on those who intend to defend political obligation) necessarily requires that our argument starts with some kind of state of nature condition, and then proceed from there to justify political authority. To be sure, individuals in the state of nature are supposed to

²⁹ This is not to be confused with the view that failing to leave the state is a way of tacitly consenting to it. Although those who do not identify with the political community might decide to leave, it is certainly not the case that identification can be simply assumed for anyone who does not. The reasons why some do not try to leave might be that migration is typically a costly option and, more importantly, that there is nowhere to go for someone who does not want to be part of *any* state. According to my view, failure to exit does not ground political obligation unless the right sort of attitudes are in place.

share a language and to be engaged in various kinds of social relationships (family relationships, friendship relationships, etc.), but not to be part of a *political* community. The idea is that any argument that would justify political obligation starting with individuals that already are part of a political community would be circular. This however is not necessarily the case.

The best way to see this is precisely to consider why we normally postulate that individuals in the state of nature share a language and are engaged in various kinds of social relationships. The reason why we make these assumptions is that we want to justify political obligation for people *like us*. We do not exist in a social vacuum and thus we do not want to justify political obligation for hypothetical individuals that exist in a social vacuum, as this would be a futile exercise. Justifying political obligation for individuals who are not engaged in social relationships of the type we are normally engaged with would be pointless, as it would not help us in establishing anything interesting about the justification of political obligation for people like us, who normally do engage in this kind of relationships. Associativists however are right in pointing out that one of the most important social relationships that we find ourselves engaging with since the moment we are born is the relationship with our political community. Thus it would be a mistake to leave this element out of the picture, as voluntarist theories do.³⁰

This is the important methodological lesson that the associative view teaches us about how to understand the task of justifying political obligation. Since our own identity is importantly determined by our being born within a specific political community, we should think about the problem of political obligation by starting with individuals that are born within a net of relationships *which include* their relationships within the political community. Of course this is the beginning, not the end, of the story. We must then go on and ask whether these relationships ground political obligations by asking if they have actually been endorsed. But where we start is important: starting with abstract individuals existing in some kind of state of nature, and then asking whether they have any reason to get into the relationships typical of political communities simply misrepresents the way in which most individuals are related to their polity.³¹

Notice that this is not to shift the burden of proof onto those who wish to argue that the authority of the state is in need of justification. The

³⁰ J. Horton, 'Political Legitimacy, Justice and Consent', *Critical Review of International Social and Political Philosophy*, forthcoming.

³¹ This is not to say that traditional state of nature arguments cannot be used to justify political obligation over those who do not relate to their polities in the way suggested by the associative argument. I myself develop one of these arguments elsewhere (Renzo, 'State Legitimacy and Self-defense').

model I am advancing firmly places the burden of proof on those who claim that the authority of the state is justified. Although we find ourselves in the position of having to endorse or reject our membership in the political community when we are already treated as members of a political community, this does not mean that such treatment does not need to be justified. Quite the opposite, my position is precisely that only when such membership is endorsed, can this treatment be said to be justified.³² This is why the quasi-voluntarist model avoids the circularity objection: the model spells out the conditions under which the political community can permissibly treat us as it does, and cannot be charged with begging the question because it explicitly acknowledges that those who do not endorse their membership in the polity do *not* incur political obligation.

But reformulating the associative model in quasi-voluntarist enables us not only to answer the circularity objection, but also to address the manipulation objection. I have argued that the subjective component of the associative argument plays a larger role than acknowledged by Horton: it is only to the extent that we identify with our political community that we acquire political obligation. But what if the identification is the result of indoctrination and manipulation? What happens in the case of those who are manipulated to endorse their membership in the polity? Do they acquire a duty, although only *prima facie*, to obey and support the state?

The answer that the quasi-voluntarist model offers to this question is that no one who has been manipulated to identify with a certain group can be said to have truly endorsed her identity as a member of a group. A genuine identification with a role requires that we have not been brainwashed into endorsing it, for whatever sense of belonging created by indoctrination cannot but lack the appropriate connection between our identity and the role. The identity we end up acquiring when manipulated is not meaningful because it does not reflect who we really are, but rather what our exploiters want us to be. And if we cannot be said to have truly endorsed our identity when manipulated, no genuine obligation will follow from being manipulated into accepting membership in a political community. Any feeling of identification we might have in this case, no matter how strong, cannot ground genuine obligations any more than a promise that has been extracted with force or obtained by fraud.

Finally, the quasi-voluntarist model is particularly attractive because in addition to answering the circularity and the manipulation objection, it

³² This is a further difference between my model and the one advanced by Horton, as Horton seems to suggest that since human beings are 'political animals', the burden of proof is on those who argue that they are to be considered free of political obligation (Horton, 'Political Legitimacy, Justice and Consent').

captures the most appealing feature of transactional theories, while avoiding at the same time the main problem that afflicts both consent and fair-play theories. The model accounts for the idea that political obligations cannot be imposed on us against our will, but does not have the problem of having to identify a specific act by which most citizens can be said to have consented to the state or accepted its benefits. Nothing like that is required by the quasi-voluntarist model, for the process through which we endorse our membership within the political community is not the result of a specific act performed at a specific time, but rather the product of a gradual process of identification that we carry out throughout our entire life.³³ It is through our ongoing engagement with the practices of citizenship that we come to endorse our membership in the polity. No specific moment can be singled out as the one in which we become members, any more than we can single out the exact moment in which we become friends with someone.³⁴

Thus not only does the quasi-voluntarist model combine the central ideas of both traditional associative views and transactional theories, but it does so while avoiding at the same time the main problems afflicting each of them. It avoids the main objection afflicting traditional transactional theories because it grounds political obligations that have an important voluntarist component *in spite of* the fact that most citizens never had the chance to explicitly consent to the state or accept its benefits. It avoids the main problems of the associative view because it does not incur in the manipulation objection or in the circularity objection.

V. CONCLUSION

The aim of this paper has been to evaluate the contribution that the associative view can make to the solution of the problem of political obligation. I have argued that associative responsibilities do ground political obligation, but that they cannot be defended in non-voluntarist terms. I have then reformulated the theory in quasi-voluntarist terms and have suggested that this model combines the central intuition of traditional associative accounts with the most appealing aspect of transactional theories, while at the same time avoiding the main problems that afflict each of them.

³³ J. Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), pp. 97–8; Dworkin, *Law's Empire*, pp. 197–98.

³⁴ We can sometimes identify the moment in which we realise that we are friends with someone, but generally we cannot identify the moment in which we *become* friends. When we realise that we are friends with someone we normally recognise that the relationship of friendship is already in place.

According to the quasi-voluntarist model, only those who identify themselves with the practices and the values of their polity, thereby endorsing their role of citizens, have a duty to obey and support the state. Of course this identification will take different forms and exhibit different levels of strength and awareness. It is not part of my view that members of the political community need to closely scrutinise their identity as citizens or consciously conceive themselves as having endorsed it. Although some will no doubt do that, at least to some degree, many will instead take their membership in the polity more or less for granted. They will not even conceive of the possibility of choosing between endorsing and not endorsing this membership, precisely because their identity is so bound up with their being members of the political community that they cannot even imagine themselves withholding such endorsement. This kind of case is not a problem for my model. Indeed this probably constitutes one of the strongest possible forms of identification with the polity – one that clearly generates obligations on associative grounds.³⁵

The main problem for the associative model is rather the case of those who lack any of the attitudes required to have a meaningful identification with the values and the practices of the political community. While I agree with Horton that a weak identification might be enough to justify political obligation over those who are motivated to obey the law mostly by habit or prudential reason, I also believe that when the identification is too weak, no associative obligation can be said to exist. For this reason, the quasi-voluntarist model cannot account for universality. Still the model can become part of a larger theory that integrates the associative principle with other valid principles of political obligation. Moreover, the model tells us something important about how we should conceive the problem of justifying political obligation. In justifying political obligation we should start *in medias res* – with individuals who, since the moment they are born, relate to each other and are treated as members of the political community. This treatment is certainly in need of justification, but any justification that starts by ignoring this fundamental aspect of the problem of political obligation is likely to move in the wrong direction.³⁶

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