

# In Defence of Associative Political Obligations: Part One

John Horton

Keele University

Part One of this article seeks to defend the idea of associative political obligations against a number of criticisms that have been advanced opposing it. The purpose of this defence is not to demonstrate that the associative account is therefore the best explanation of political obligations, but only that the principal reasons which have been given for rejecting it are much less compelling than its critics maintain. The argument focuses in particular on the various criticisms advanced by A. John Simmons. Two general lines of defence figure especially prominently. First, it is shown how many of the criticisms in one way or another ultimately rest on the *assumption* that political obligations must be voluntarily acquired, when it is just this assumption that is contested by an associative account. Secondly, it rebuts the charge that the idea of associative obligations faces a particular problem because it entails the view that members must have obligations to associations or groups that are evil. While it is not claimed that the idea of associative political obligations is entirely without difficulties, it is contended that stories of its demise are greatly exaggerated, and in this respect the ground is laid for Part Two of the article, which sketches a particular account of associative political obligations.

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[O]rdinary moral opinion ... continues to see associative duties as central components of moral experience. In so doing, it recognises some claims upon us whose source lies neither in our own choices nor in the needs of others, but rather in the complex and constantly evolving constellation of social and historical relations into which we enter the moment we are born. For we are, after all, born to parents we did not choose at a time we did not choose; and we land in some region we did not choose of a social world we did not choose. And, from the moment of our birth and sometimes sooner, claims are made on us and for us and to us. ... And if, in due course, we inject our own wills into this mix – straining against some ties and enhancing others, sometimes severing old bonds and acquiring new ones – the verdict of common moral opinion seems to be that we can never wipe the slate entirely clean. Our specific historical and social identities, as they develop and evolve over time, continue to call forth claims with which we must reckon, claims that cannot without distortion be construed as contractual in character, and which are not reduced to silence by general considerations of need (Scheffler, 2001, p. 64).

In a book now nearly fifteen years old, I sought to sketch an account of political obligation in terms that pretty much conformed to what have now become known as ‘associative obligations’, although that expression was never explicitly used (Horton, 1992).<sup>1</sup> However, the idea of associative obligations in general, and of associative political obligations in particular, has come in for extensive criticism in recent years (e.g. Dagger, 2000; Higgins, 2004, ch. 4; Jeske, 2001; Simmons, 1996; 2001; Wellman, 1997; 2001). In Part One of this article, I critically assess some of these objections, and in doing so I seek to defend what Samuel Scheffler, in the quote above, calls ‘ordinary moral opinion’ on such matters. The ultimate



challenge is to elaborate, as fully and convincingly as possible, a sense of what it is to have associative political obligations. That is not, though, quite what is attempted in Part One. Instead, I shall rest content with the still far from negligible task of responding to a raft of criticisms that have been directed at the coherence or moral acceptability of the idea of associative political obligations. In so doing I aim to undermine the claim that there is something irrational, unreasonable or inherently morally objectionable about this idea. Undermining these criticisms should make the idea of associative political obligations appear more plausible, and thus help to lay the ground for the constructive account of them offered in Part Two of this article.<sup>2</sup> However, this part stands (or falls) largely independently of the second. If its arguments are sound then it will have shown that the principal reasons advanced by critics for rejecting associative political obligations are at best weak and at worst simply mistaken. However, these arguments do not depend, for the most part, upon the merits or otherwise of the particular positive account set out in Part Two. While the positive account should enhance the persuasiveness and attractiveness of understanding political obligations in terms of associative obligations, it has little direct bearing on the effectiveness of the arguments that are propounded here.

In mounting this defence, it is important to note the way in which I characterise my project by distinguishing it from the more common understanding of what is meant by a philosophical theory of political obligation. In particular, the philosophical problem is not taken to be one of straightforwardly seeking to determine whether or not individuals have political obligations, at least not in the sense of purporting to offer a compelling *moral justification* one way or the other. Rather, the approach is more interpretative or explanatory in intent, seeking to explore the conceptual and moral coherence of the idea of associative political obligations. It is concerned with what *sense* can be made of the idea that people have associative political obligations, and whether or not it can be shown to be irrational or necessarily immoral for people to think in terms of their having such obligations. This is of course not unrelated to the more familiar question, but my primary concern is to 'justify' associative political obligations only in the weak sense of showing them not to be open to certain moral and philosophical objections; that is with showing the general intelligibility, moral reasonableness and plausibility of thinking in such terms. This difference bears importantly on one frequent criticism made of defenders of associative obligations. This is that their 'argument slides from the *sense* of obligation to the *obligation* itself' (Dagger, 2000, p. 108). This is a point I shall return to shortly, but it should be clear from the start that this characterisation of the argument, as involving an *illicit* slippage, itself rests on a conception of the theoretical task at hand that is far from uncontroversial. Perhaps this project will seem unduly modest, or even vacuous, to some, but, whatever more political philosophy can do, such a project genuinely engages with the fundamental philosophical concern of trying to make sense of our experience by exploring the intelligibility and coherence of the concepts and ideas through which that sense is expressed.

A second preliminary point concerns how the term ‘obligation’ is to be understood. It is not used here in any technical sense; for example, as systematically differentiated from ‘duty’. Rather, I mean simply some general category of moral reason, ethical concern or ethical bond or relationship. I continue to use ‘obligation’ only because it is the traditional terminology; arguably, it might be better if it were replaced by something carrying less philosophical baggage. Although uncertain whether it does, I hope that this clarification meets Glen Newey’s criticism of earlier comments of mine on the relation between members and their polity as involving an ‘entirely gratuitous’ demand that the relationship ‘must consist in, or otherwise depend on, a thought about *obligation*’ (Newey, 2001, p. 74, original emphasis). Certainly, I would want to support a much richer moral landscape, in which there are multiple and diverse sources of normativity, than that which tends to be associated with an excessive focus on obligations, narrowly construed. But, important though these larger questions are, they raise complex and difficult issues which do not need to be addressed directly in the criticisms of associative political obligations that are considered in what follows.

I want now to move on to consider more systematically the principal objections to the idea of associative political obligations. These are sometimes directed towards the idea of associative obligations in general, but some are focused more narrowly on associative *political* obligations. Any adequate defence of associative political obligations must, therefore, address both sorts of criticism, as a vindication of associative obligations in general, while necessary and important, would not be sufficient. Probably the philosopher who has given the most sustained critical attention to associative political obligations is A. J. Simmons, and I want to repay that attention by organising my discussion largely around his arguments. He characterises associative obligations as ‘a special moral requirement, attached to a social role or position (including that of membership in a group), whose content is determined by what local practice specifies as required for those who fill that role or position’ (Simmons, 1996, p. 253). He would, I think, agree with Christopher Wellman that what is distinctive about them in generic terms is that ‘they (1) obtain only among special associations (as opposed to general duties that are owed to all of humanity); and (2) are neither explicitly agreed upon nor consented to (contrary to specific obligations generated through discrete actions or agreements)’ (Wellman, 1997, p. 182). *Political* obligations on this view are understood to be only one species of the genus ‘associative obligations’.

According to Simmons, five interrelated features characterise the idea of associative political obligations: antivoluntarism, the authority of shared moral experience, particularity, the analogy with the family and the normative power of local practice. Antivoluntarism is the explicit rejection of the claim that political obligations must be explained in terms of a voluntary choice to assume them by the person obligated. The commitment to the authority of shared moral experience amounts to the idea that any adequate account of political obligation ‘must be true to moral phenomenology, must be realistic’ (Simmons, 1996, p. 249).

'Particularity' is the requirement that political obligations relate to 'obligations of obedience or support owed to one particular government or community (our own), above all others' (Simmons, 1996, p. 250). The fourth feature suggests that political obligations are importantly or illuminatingly in some respects analogous to familial obligations. Finally, the normative power of local practice involves the claim 'that local associative obligations, including political obligations, are internally justified or self-justified, that local practice can independently generate moral obligations' (Simmons, 1996, p. 252). Taken together, these features 'jointly define a definite argumentative space within which the theses' proponents must locate their arguments for (justifications of) political obligation' (Simmons, 1996, p. 252). Within this general approach Simmons identifies two broad strategies for arguing for associative political obligations that he regards as having at least some *prima facie* plausibility, although in the end he firmly rejects both. The first is a form of nonvoluntarist contract theory. The second he dubs the 'communitarian theory' (Simmons, 1996, p. 261). While it is arguable how far all five features are of equal importance (and Simmons does not claim that they are) or always presented in the most defensible form, I shall not comment further on this characterisation at this stage, although caveats about his characterisation will be entered as the discussion proceeds.

My response is organised around Simmons' principal criticisms of each of the two argumentative strategies that he identifies. The first type of argument for associative obligations that Simmons criticises is 'nonvoluntarist contract theory'. The version of this view that he examines most closely is that advanced by Margaret Gilbert (Gilbert, 1993). She claims that political obligations arise directly from membership of a particular social group – a political community. More generally, Gilbert argues that 'social groups are plural subjects; plural subjects are constituted by joint commitments which immediately generate obligations' (Gilbert, 1993, p. 126). This argument is in turn underpinned by a complex and sophisticated ontological theory of the plural subject (Gilbert, 1989). Simmons does not address this theory and nor can I do so here. It is of particular importance, however, that the joint commitments which constitute a plural subject, including a polity, do not require explicit voluntary agreement. Admittedly, Gilbert does suggest that voluntariness in some rather weak sense is implied, and in this way she is able to present her account as a reinterpretation of 'actual contract' theory (Gilbert, 1996, ch. 6). However, I agree with Richard Dagger when he writes that 'Gilbert's account of political obligation seems to rely more on the idea of membership than on individual commitments' (Dagger, 2000, p. 106), and I concur with Simmons that it is, therefore, appropriate to treat her as a theorist of associative political obligations.

Simmons' first point against Gilbert is that she confuses *felt* obligations with *real* (or genuine) obligations; and, as noted earlier, this is a common objection to a more descriptive or interpretative approach to what it is to give a philosophical account of some aspect of our experience. The fact that individuals often talk of

'our' government and feel that they have obligations to it does not, it is claimed, show that such people really do have these obligations. Now, it must be agreed that it is certainly possible for people to be mistaken about what they think or feel their obligations to be, and this is an important feature of their 'grammar'. For instance, a person may believe something that is factually untrue. Thus, Y may believe that X has done something to help her and that therefore she is under an obligation of gratitude to X, whereas in fact it was Z who helped her. Here the premise of obligation is straightforwardly empirically false. Or, a person may be conceptually confused about their obligations. For instance, one cannot (normally at least) have familial obligations to people who are not members of one's family. However, these are not the kind of mistakes that Simmons has in mind. He advances an altogether more ambitious contention: that there might be some kind of mass delusion, and that people generally might be confused, oppressed or unthinking. So they might, but then again they might not. In so far as Simmons does not appear to dispute that many intelligent, reflective and independent-minded people have thought of themselves as having political obligations, although of course they may never express the thought in quite those terms, it is not unreasonable to expect some weighty arguments in support of the claim that such people are suffering some mass delusion. But, in the absence of any compelling argument or evidence that they are mistaken, the bare possibility that they *could* be so mistaken does not of itself seem to establish very much. Of course, Simmons thinks that there are good reasons for believing such people to be deluded, and we shall look at some of those reasons shortly, but my point here is that this claim about the bare possibility of error has no independent weight. Defenders of associative political obligations are not committed to denying the mere possibility of error. 'Ordinary moral opinion' is the starting point, but the argument for associative obligations does not simply *assume* that just because people believe something it *must* therefore be true.

Simmons' second objection is that Gilbert confuses 'political acquiescence with positive, obligation-generating acts or relationships' (Simmons, 1996, p. 257). This, however, is something of a *petitio principii* in that Simmons' argument simply presupposes that obligations could only result from what he calls 'positive obligation-generating acts or relationships'. Although it is not quite clear what this expression is supposed to cover, it clearly cannot be intended to include the kind of 'joint commitments' with which Gilbert is concerned. If it were, of course, it would not be an objection. But, Simmons seems to do no more than assume what is a matter of dispute (Scheffler, 2001, pp. 71–2). In fact, though, it is not clear that he really does subscribe to this assumption, for he also accepts that there are also 'general, non-voluntary duties that bind us simply because we are persons' (Simmons, 2001, p. 95). True, these are not associative obligations, but once we grant that legitimate moral claims do not arise only through 'positive obligation-generating acts or relationships', we need more than mere assertion that Gilbert's elaborate and sophisticated account of how some obligations can be acquired must fail. This is especially so because there are some contexts in which,

*contra* Simmons, passive acquiescence – where silence is generally understood to signify assent – would plausibly be taken to generate obligations.

This last remark leads to Simmons' third objection. This is that Gilbert confuses reasonable expectations with entitlements. Simmons claims that 'simple reasonable expectation in no way implies obligation or entitlement' unless people are directly and personally involved with each other (Simmons, 1996, p. 258). He cites a hypothetical example of Königsberg housewives setting their clocks by Kant's consistent punctuality in always taking his daily walks at the same time. As he rightly says, the mere fact that the housewives have come to rely on Kant does not place him under an obligation to keep taking his walks at the same time. In Simmons' view, the kind of relationships that hold between fellow citizens are more like that between Kant and the Königsberg housewives than the kind of direct, personal relationships that could generate obligations based on reasonable expectations. In short, citizens have not 'committed themselves to one another – they have not tacitly agreed together on anything – in a way that would ground for them political obligations' (Simmons, 1996, p. 258).

Again, however, this seems less than the 'conclusive point' Simmons takes it to be. He is no doubt right, *if* we require commitment to be the kind of voluntary undertaking that we find in some versions of consent theory. But of course this is just what Gilbert's account of 'joint commitments' denies. Nor, I suggest, is this denial at all outlandish. While mere regularity is not necessarily sufficient, as the Kant example illustrates, it seems hard to imagine how social life could proceed in complex societies like our own unless there were some obligations explicable in terms of reasonable expectations arising from broad and impersonal patterns of behaviour, rather than just close interpersonal relationships. (And, surely, we are owed an explanation as to why they *are* justified only in the latter class of case, and not in others.) Social conventions and institutions, and even mere custom and practice, *may* generate obligations under appropriate circumstances. In English law, for instance, if a farmer allows people to walk across his land for long enough and they make plans based on this expectation, then anyone may come to have a *right* of pedestrian access through the farmer's land. He then has an *obligation* to respect that right. The obligations and rights here are legal, but the legal practice is, or certainly could be, grounded on some moral understanding, and there is no apparent reason to deny that moral obligations could *ever* be similarly generated. Thus, being law-abiding might itself be taken as a rather good example of how people can acquire obligations through generating reasonable expectations in others. It is far from obviously implausible, for instance, to think that people are, at least to some extent, reciprocally bound by their regular practice of obeying the law, whether or not their conformity to the law is entirely voluntary.<sup>3</sup>

This point also bears on Simmons' objection to Ronald Dworkin's contention that associative obligations arise from the equal concern that members show each other through their political practices (Dworkin, 1986, ch. 6). It may not be true 'that most citizens feel with respect to all of their fellows a deep, abiding concern'



(Simmons, 1996, p. 260); but is it true that most people are concerned exclusively with family and friends or the members of groups they have voluntarily chosen to join? Although their attachments to 'intimate' groups will typically be emotionally deeper, even this may not always be so, such as when their polity is under military attack. However, one does not need to invoke exceptional circumstances to see that people are often concerned about the quality of life in their society (and not just how it affects them personally). Many people acknowledge some obligations specifically to support fellow citizens who might otherwise be destitute, for example through compulsory redistributive taxation. People are sometimes shamed by the condition of 'strangers' in their own society and are capable of recognising and responding to appeals in terms of a common political membership. I take it that this is what is being appealed to (and not always speciously) in locutions such as 'fellow Americans' or 'it makes me ashamed to be British'. In so far as these expressions have genuine moral resonance, then, they provide strong evidence for the kind of mutual concern that might inform political obligations. These observations are further developed in Part Two, but the crucial point for the argument here, however, is not how many people in fact think this way, but simply that it is a genuinely intelligible and coherent conceptual possibility. And, this claim is not seriously challenged by anything Simmons has to say in this context, which is perhaps just as well if we think it desirable that people should be concerned about the condition of their own society.

In summary, therefore, so far as this first argumentative strategy is concerned, I do not think that Simmons has done much to show that accounts of political obligation in terms of nonvoluntary commitments must fail. He too readily *presumes* that only some voluntary act could justify such obligations, rather than showing how or why this must be so.<sup>4</sup> On the other hand, it might be said that nor have I done much to support such a view other than indirectly, by undermining his objections and by trying to show the ubiquity and familiarity of such thinking. But, while in a sense true, this would be to miss my point. For, even this indirect defence indicates that such a way of thinking has considerably more plausibility than critics, like Simmons, allow; and, given the limited nature of my project, this sort of argument goes some way to vindicating the position I want to defend. Is it also possible to mount a defence of the communitarian argument for associative obligations? I shall try to show that it is.

Simmons distinguishes two theses as central to the communitarian approach. He terms these the 'identity argument' and the claim for 'the normative independence of local practice'. In the end, though, he thinks that the first thesis – the identity argument – only has any force if the claim for the normative independence of local practices is true. I shall follow Simmons, however, in examining each in turn, beginning with the identity argument. The key contention of this first thesis is 'the fact that my identity is partly constituted by my role as a member of some political community means that my identity includes being under political obligations' (Simmons, 1996, p. 261). Against this view, Simmons argues,

first, that from the mere fact that some social role partly constitutes my identity, nothing follows about the justification for ascribing obligations as moral requirements. After all, my identity may be partly constituted by evil or pernicious practices. This is why the identity argument needs to be supplemented by the thesis of the normative independence of local practices. However, this does not mean that the identity thesis does no independently useful work, and this observation connects with his second objection to it. Here, he responds to the claim that what is important about identity is identification; that the argument is not so much about what our socially constituted identities *are* but about what *we understand them to be*. But, Simmons argues, self-identification does not fare any better, and for similar reasons – the identification may itself be with something immoral or pernicious. His general point is that in the absence of some morally compelling argument, the fact that we identify with our polity or government has no ethical significance. He thinks it is best explained, as we saw earlier, as ‘a kind of false consciousness’ that we have been socialised into accepting (Simmons, 1996, p. 264).

This effectively repeats, if in a different context, Simmons’ first objection to Margaret Gilbert’s nonvoluntary contract theory. I suggest that it is no more compelling here than it was there. Obviously, the *possibility* of something like false consciousness cannot be ruled out *a priori*, but it does not seem to have much to commend it in this case. The general fact of socialisation has no implications for the validity of the beliefs into which we are socialised. We can, moreover, reverse the logic of Simmons’ position. Unless there is some powerful reason to reject such beliefs, especially if they are widespread across a diverse range of people, within and between cultures, then it does not seem unreasonable to operate at least on a presumption of their validity.<sup>5</sup> It is Simmons who needs to advance an argument against such beliefs. It is most certainly not enough to point to the fact that we *could* identify with immoral roles or positions. For, it can be similarly argued, we *could* just as easily join or form evil associations voluntarily. Whether voluntary or nonvoluntary, associations can be good, bad or indifferent. I return to this latter point, which is widely neglected in unfavourably comparing associative obligations with voluntarily assumed obligations, a little later.

In sum, therefore, Simmons’ objections to locating political obligation in a sense of identity are less than overwhelming, although he is probably right that the identity argument, if shorn of *all* ethical content, would not be *sufficient* to explain political obligation. However, while for analytical purposes he distinguishes this strategy from the normative independence thesis, typically both arguments are deployed in a mutually supportive relationship. If, then, the normative independence thesis can be also be defended from Simmons’ criticisms, understanding political obligations in terms of associative obligations may turn out to be markedly more resilient than he allows. It is the normative independence thesis that, for Simmons, is the crux of the defence of associative obligations. He presents this thesis as the general claim ‘that local social practices (and our roles and places



in them) independently determine (some or all) moral requirements' (Simmons, 1996, p. 262). The additional, more specific claim is that political obligations are an example of such normative independence. Although conceding that he cannot 'deal decisively' with the general claim about normative independence, he maintains that there are powerful considerations against the general thesis, and still weightier ones against locally generated associative *political* obligations.

Simmons' arguments against the normative independence thesis involve deeper and more far-reaching issues than most of the objections against associative obligations examined so far. He says, 'the pressure to deny the normative independence of local practice derives primarily from one obvious fact and from one broad theoretical disposition' (Simmons, 1996, p. 266). The obvious fact is that local practices can be unjust, oppressive or pointless. The theoretical disposition is the belief that universality, or at least a very high degree of generality, is an essential feature of moral judgements. But, Simmons concedes, there is also a fact and a theoretical disposition that make the normative independence thesis attractive. The fact is that we do often ascribe obligations to people on the basis of their occupying a particular social role without reference to more general moral principles. The theoretical disposition 'is the belief that universalism in moral theory is a failed moral tradition' (Simmons, 1996, p. 266). Simmons, however, believes that it is the first of these pairs of facts and theoretical dispositions that is much the more compelling.

Simmons does not advance any reasons in favour of the theoretical disposition he prefers. Reasonably enough, he says that the theoretical dispute 'is too substantial and complex to be usefully addressed here' (Simmons, 1996, p. 266). However, it may be worth calling into question whether he is right to formulate the issue in relation to universality in the way that he does. Although not myself wedded to the claim that universality is an *essential* feature of morality, at least in any very interesting, non-trivial sense, it is possible to defend something like the normative independence thesis in a way that poses no significant challenge to universalism. For, the claim that political obligations are owed to a polity by virtue of people's membership of it can plausibly be presented as itself universal in form (or at least very general). The contention that we have obligations to parents or to legitimate political authorities seems consistent with the requirement of universality according to most moral theories.<sup>6</sup> (Also, since every polity is in some respects unique in its particular circumstances and composition, the fact that people belonging to different polities may have obligations with a different content does not necessarily impugn universalism.) So, there is no reason to think that the proponent of the normative independence thesis must be of a strongly anti-universalist theoretical disposition. This may help those who are more troubled by this issue than I am to accept the idea of associative obligations, as such an acceptance need not be inconsistent with universalism.

One of Simmons' main arguments for denying the normative independence thesis – the 'obvious fact' – is that on any plausible view there will be general

moral constraints on what local practices can justify: 'This suggests that local associative obligations, conceived as independently generated by local practice, are at best a reasonably weak sort of moral obligations' (Simmons, 1996, p. 269). However, Simmons' conclusion would follow only if it is true that 'the more weighty general moral concerns' are also so extensive as to restrict severely the scope of local practices to generate obligations (Simmons, 1996, p. 269). If, however, we hold, like Michael Walzer (Walzer, 1994) or John Gray (Gray, 1996) that these general moral concerns are fairly weak, in the sense of leaving scope for a wide diversity of local practices, then obligations independently generated by local practices could comprise a large and significant part of people's ethical life. Nor does it follow that because local practices must not violate some general moral constraints that it is the general moral constraints that really make associative obligations morally binding. All that the general moral constraints do is set limits to what those who endorse them will recognise as a genuinely moral obligation, and hence to the kinds of association that can give rise to them. With respect to political obligation, therefore, obligations may be owed to very different polities, so long as they do not systematically violate what may be some fairly minimal moral conditions. Nothing in what Simmons says, therefore, shows that what local practices justify cannot be both extensive and significant.

The whole question of what might be called 'the moral standing' of groups that generate associative obligations is frequently thought to be the Achilles heel of theories of associative political obligations. As Richard Dagger expresses the point:

Tracing political obligations to obligations of membership, especially of membership in nonvoluntary or noncontractual associations, presents [a] problem because membership is not confined to groups or associations that are decent, fair or morally praiseworthy. ...All families have members, but some families are so abusive or dysfunctional that some of their members presumably have no obligation to abide by family rules. The same is certainly true of political societies. If the character of a polity is such that some or even many of its 'members' are routinely exploited and oppressed, it is difficult to see how they are under an obligation to obey its laws (Dagger, 2000, p. 110).

Dagger concedes that an answer along the lines that only those groups or associations that are valuable give rise to obligations is perfectly possible. However, he claims that this move undermines the defence of associative obligations because, as he puts it, 'membership is not itself sufficient to generate an obligation. Something extra must be added – an appeal to justice or to the nature of a true community – to supply what a straightforward appeal to membership lacks' (Dagger, 2000, p. 110). This, though, seems to me to misstate the matter in a way that does a serious disservice to the robustness of the idea of an associative obligation.

One feature of this criticism of associative obligation that appears to go unnoticed, or at least unremarked, by those who advance it is that it applies equally to

obligations arising from voluntary commitments. Such commitments, whether the result of a promise to perform a particular act or of voluntarily joining an association, may just as easily involve an undertaking to do wrong. Presumably, in these cases people will either be regarded as not having acquired an obligation at all, or whatever *prima facie* obligation they have acquired will be overridden by their duty not to do wrong. (In the context of the particular point under discussion here, it does not matter which of these formulations is chosen, although of course for other purposes it may.) However, although voluntarily assumed obligations can be rendered void or overridden in a wide variety of circumstances, there appears to be no comparable inclination to want to deny that voluntary commitments can ever generate moral obligations, or to claim that they must be 'a reasonably weak sort of moral obligation'. It is unclear, therefore, why the fact that some associations may not be 'decent, fair or morally praiseworthy' should undermine or trivialise the significance of associative obligations *in general* any more than it does voluntarily assumed obligations. Moreover, this line of argument acquires additional force once the case for associative obligations is better understood.

While defenders of associative obligations do not all tell the same story, one appeal that can be made is to the character of the relationships, and their value, that generates these obligations (Mason, 2000). So, for instance, on this view, familial obligations would be accounted for in terms of the meaning and value of familial relationships. This need not involve any general appeal to justice, or even to the nature of a *true* family: valuable familial relationships can and do take many different and diverse forms. It does require one to say *something* about familial relationships that shows them to be valuable, but this is surely not an unduly demanding requirement. Most of us, at least, do think there is something valuable about those relationships, and would not be too hard put to say what it is. Moreover, in characterising what is valuable about such relationships one need not be driven to arguing that their value is, therefore, solely instrumental. It is not that the value of families lies only in their being a means of achieving independently valuable ends (although of course they are also likely to do that) but that the relationships that comprise the family are themselves partly constitutive of the value. Similarly, although more of the benefits arising from membership of a polity are likely to be 'instrumental' in character, there are goods of citizenship, for instance, which it can be argued are internally related to what it is to be a member of a polity.<sup>7</sup> Nor are the bonds between members of a family or those in other obligation-generating relationships merely 'psychological', as Christopher Wellman asserts (Wellman, 1997, p. 107). They are typically subject to a rich ethical vocabulary that allows us to distinguish 'right' and 'wrong' ways of behaving and to praise or blame members accordingly. Characterising what it is that is valuable in particular relationships or groups will no doubt draw on some values that are not unique to those relationships or groups – in the case of the family, intimacy, emotional support, a secure environment for the raising of children and so on. However, this in no way compromises the idea of associative

obligations, by somehow surreptitiously implying that they must depend upon an 'external justification' (Simmons, 2001, ch. 5). The 'justification' is to be found in part in the very relationships that constitute the group and the corresponding goods associated with membership.<sup>8</sup>

Simmons' treatment of the normative independence thesis as being a claim that local practices are *entirely* independent of all broader moral considerations is more demanding than is required by the idea of associative political obligations, and has the effect of making it sound more implausible than it need be. The claim of normative independence is not the claim that local practices must make *no* reference to any general moral values such as truthfulness, loyalty, integrity and so on. Rather, it should be understood as, at least in part, the claim that local practices give these values a particular substance or content, a particular form, shape and meaning within a specific social or institutional setting or way of life. Take, for example, the idea that monogamous marriage generates particular obligations. This does not mean that these obligations must be explained without reference to general values such as intimacy, fidelity and such like. But, nor do they depend upon some derivation of the particular obligations or the institution of monogamous marriage from universally valid or externally justified moral principles. We simply need to describe the relationships that are intrinsic to the practice of monogamous marriage in a way that brings out their value, if indeed we think that monogamous marriage does have value.

Of course, and I must emphasise this point, nothing said so far precludes scope for moral disagreement about whether or not any *particular* group or association does have value. This is as it should be, and does not distinguish associative obligations from other moral claims. In some cases there will be a large measure of agreement supported by a broad range of reflection and argument; in others, much less so. It is also likely that most groups or associations will have both valuable and negative aspects, so that disagreements will often partly revolve around how the valuable and negative are to be 'weighed' in relation to each other. It is perhaps this fact that explains how even members of what may be judged to be seriously morally deficient groups can still legitimately regard themselves as having obligations towards the group. The notion of honour among thieves is not merely a *façon de parler*. Is there nothing morally commendable, for instance, about a thief who refuses to inform on his co-conspirators to save his own skin? Some relationships – friendship for instance – have an openness or elasticity such that when one person behaves badly towards another, the other may not immediately conclude that therefore the moral bonds which are part of that relationship are dissolved. So, too, within quite severely 'dysfunctional' families mature children may reasonably regard themselves as having obligations to seriously morally and emotionally deficient parents. The moral force of 'he is my father' is not necessarily rendered null by the response of 'but he treated you very badly'. (This also suggests that such relationships cannot *simply* be reduced to relations of reciprocity or gratitude, although a full defence of that claim would require further

argument.) Thus, although even the best polities will not be entirely just – whatever one’s understanding of justice – and most will no doubt have a number of serious ethical failings, this is not of itself enough to show that people in such polities are therefore without any political obligations, so long as the polity has some value. However, perhaps there is more to be said specifically against associative *political* obligations.

Certainly, Simmons thinks that ‘the case against associative *political* obligations is stronger than the case against the normative independence thesis’ (Simmons, 1996, p. 271, emphasis added). So, even if it is possible, in general terms, to vindicate the normative independence thesis, this will not count decisively in favour of associative political obligations. Why does Simmons think this? There are two reasons. First, he says that communal, associative obligations are typically ‘vague and indeterminate at best. ... By contrast, most people have quite a clear sense of the content of their political obligations’ (Simmons, 1996, p. 271). This latter assertion seems to me, to say the least, highly contestable. He offers no reasons or evidence in its support. *Contra* Simmons, surely people can be, and often are, uncertain of exactly what the bonds to their polity require of them, about what can be legitimately demanded of them and about how strong those bonds are in relation to other moral concerns. Nor is it clear why, if we do think that political obligations are open-ended and indeterminate, ‘we simply threaten the basis of the entire argument’ (Simmons, 1996, p. 271). Simmons, though, it should be noted, is not alone in his view about the need for a determinate content to political obligations: a similar view is taken by George Klosko (Klosko, 1998). He, like Simmons, characterises their content in traditional terms as ‘obligations to obey the state or to submit to political authority’, arguing that ‘strong moral requirements to obey the law would counter widespread current scepticism about the possibility of a workable theory of political obligation founded on liberal premises’ (Klosko, 1998, p. 53). Maybe so, but perhaps this is too limited a view of political obligation. Although any account will need to say something specifically about political authority and the place of government, some accounts explicitly seek to move away from an understanding of political obligation as exhausted by a narrow duty to obey the law. Once political obligations are understood to be those ethical responsibilities that we have by virtue of being members of a polity then their content becomes potentially richer, but also more open-ended (Parekh, 1993).

Simmons’ second objection raises a different kind of point, and one that merits a fuller reply than can be given here. This is the contention that, at least in modern states, there is nothing sufficiently substantial to constitute a common life or a shared identity that can plausibly be thought to entail political obligations. It is, though, worth pointing out that if this is a historical claim about the loss of the conditions under which political obligations are meaningful, it involves a significant concession to the idea of associative political obligations. For, this claim does not deny the *possibility* of associative political obligations under markedly different

circumstances from those that we happen to inhabit. But, of course, this might not turn out to be much of a defence if it is a largely empty possibility. It is in this context that Simmons also takes issue with some earlier remarks of mine where I suggest that perhaps the communal life of a polity can be fairly minimal and still generate obligations (Horton, 1992, p. 168). I agree that Simmons is, at least to some extent, right about the unsatisfactory nature of those remarks, and I try to improve on them in Part Two of this article, but, even if rather inadequately as they stand, they do gesture towards the right sort of response.

In particular, this response rejects Simmons' claim that unless a polity is 'a community of principle', in Dworkin's sense, then political obligations would be 'so utterly different in character from the associative or role obligations of families, friends or neighbours that the point of stressing the analogy seems altogether lost' (Simmons, 1996, p. 272). Although, as accepted earlier, there does seem to need to be something valuable about an association or relationship if it is to generate obligations, we should not jump too quickly to Simmons' conclusion. Take the case of neighbours, which he mentions. Here one might invoke the spirit of Robert Frost – 'good fences make good neighbours' – and it is not implausible to think that at least part of what constitutes being good neighbours is achieving a degree of mutual tolerance and accommodation between people. Indeed, the very idea of neighbours, or a family for that matter, constituting 'a community of principle' sounds, at least to my ears, rather odd. There is at work here an overly demanding, narrow and rationalistic conception of morality in which notions like 'principle' and 'rule' dominate to the exclusion of the many, varied, complex and subtle ways in which ethical considerations interweave with other goods and values in the fabric of our lives. The general point, however, is to emphasise that it may not be so much a moral consensus or moral homogeneity that is needed to underpin associative obligations, as a reasonably cogent sense of belonging to a single political community, and this may take many different forms. This suggests that what theorists of associative political obligation require is an account of a polity as a nonvoluntary association, united neither by strong interpersonal emotional bonds, nor by an extensive, substantial moral consensus, but which has sufficient value to generate obligations.

An adequate account of associative political obligations will certainly need to speak more specifically about the value of polity, and also what it is to be a member. This will involve going beyond analogies with families, friends or colleagues to explore the distinctiveness of *political* community. This is not virgin territory but it has not, I think, been widely explored in the context of the current debate about associative political obligations. We are not, though, entirely bereft of ideas of what such an account could look like. For instance, one might invoke something like Charles Taylor's argument about the Canadian federation possessing a unity that acknowledges 'deep diversity' through a 'plurality of ways of belonging' (Taylor, 1993). Or, rather differently, there is Michael Oakeshott's conception of a state as a 'civil association' in which citizens are united only by



their subscription to a common but limited set of general rules (Oakeshott, 1975, Essay II). Or, differently again, it is possible to read Rawls' later work as attempting to furnish an answer to a broadly similar question through his conception of a political ethic informed by an overlapping consensus (Rawls, 1993). Or, less easily labelled, there are certainly helpful ideas to be found in Andrew Mason's work on political community in culturally diverse societies (Mason, 2000). These fleeting allusions are of course no more than gestures towards possible theoretical resources, and none is without difficulty or free from controversy. At the very least, however, they give us reason not to be too defeatist about the prospects for developing an understanding of the modern state consistent with the conditions for associative obligations.<sup>9</sup>

Trying to meet that challenge, though, is something I attempt to begin in Part Two of this article. Here, I have sought only to show how the principal criticisms that have been advanced against associative political obligations are considerably less compelling than their proponents maintain. Nor can I claim to have shown in any systematic way that the conception of associative political obligations is superior to some other theories of political obligation, such as the fairness theory (Dagger, 2000; Klosko, 1992), although some comments relevant to such an assessment have been made occasionally *en passant*. What I do claim is that, as yet, none of the objections that have been examined provide persuasive reasons for abandoning the idea of associative political obligations. Even if I am right, this may seem only a very modest achievement, but given the continuing widespread hostility of many philosophers to this conception, it is, I would contend, still a worthwhile one. There is widespread and influential resistance to the idea of associative political obligations. And, one important initial step in making that idea plausible is to show that it does not succumb to what are, as I argue, mistakenly believed to be good reasons for thinking it implausible. Another, more ambitious, step is to offer an account of the idea of associative political obligations that is both attractive and persuasive, and that is what I attempt in Part Two.

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## About the Author

**John Horton**, School of Politics, International Relations and Philosophy, Keele University, Keele, Staffs ST5 5BG, UK; email: [j.horton@keele.ac.uk](mailto:j.horton@keele.ac.uk)

## Notes

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- 1 Other terms that are sometimes used include 'obligations of membership' or 'communal obligations'. It seems that Ronald Dworkin was responsible for coining the term 'associative obligations'. He defines them as 'special responsibilities social practice attaches to membership in some biological or social group, like the responsibilities of families or friends or neighbours' (Dworkin, 1986, pp. 195–6). Other important work on associative obligations includes Hardimon (1994), Mason (2000), Scheffler (2001) and Tamir (1993), and (although she prefers not to use the term) Gilbert (1993). (Gilbert's recent, major book on political obligation appeared too late for me to be able properly to take it into account, but I have benefited considerably from having had the opportunity to read a draft of the manuscript. See Gilbert [2006]). Also relevant is Waldron (1993).
- 2 'In Defence of Associative Political Obligations: Part Two', *Political Studies*, 55 (1) (forthcoming).
- 3 Of course, this line of defence is not only available to proponents of associative political obligations, but also, for example, to fairness theorists. It is perhaps worth stating explicitly at this point, to avoid any confusion, that I am not claiming that all my responses to criticisms *uniquely* support associative obligations. Simmons is a 'philosophical anarchist', so some of his criticisms apply to other theories of political obligation too, and so also do some of my responses. In this article I am not addressing the question of the merits of the associative account relative to other theories of political obligation.
- 4 While the appeal of claims like Jeske's that 'voluntarism is particularly compelling in the political case' (Jeske, 2001, p. 40) is easy to see, they are also deeply implausible. However much liberals and others would like it to be different, there are powerful reasons for thinking that modern politics can never be based on a genuinely voluntaristic principle.
- 5 Although her concerns are in some respects very different from my own, we might adopt the approach of Nancy Hirschmann, when she writes: 'One approach suggested by the feminist analysis is to take obligation, as opposed to freedom, as the starting point for writing theory and assessing social relations. From the argument that consent theory and much else of liberal theory works from the premise that freedom is "natural" or a given, a premise derived from a prior, unacknowledged assumption of basic human separateness, I explore the possibilities that arise from taking obligation as a given (an idea to be distinguished from "natural" obligations), which might result from a basic assumption of human connectedness' (Hirschmann, 1992, pp. 32–3).
- 6 See, for example, Brian Barry's discussion of impartiality (Barry, 1995, chs 8 and 9). Some versions of utilitarianism would be examples of moral theories with a more demanding idea of universality.
- 7 Christopher Wellman has challenged the idea that citizenship can be construed as an intrinsic good (Wellman, 2001, pp. 222–4). I cannot address this point in detail here, but, even if Wellman is right, it could still be argued that that a polity is an (empirically) necessary, or the most effective, condition, at least under most circumstances, of other indispensable goods, such as security and social order (as I claim in Part Two). This would be weaker than claiming that it is an intrinsic good but would be sufficiently strong in its argumentative import to support a similar case.
- 8 Diane Jeske argues that political relations 'are not relationships in any substantive sense' (Jeske, 2001, p. 37). Clearly, such relationships are different from those of a 'face to face' kind, like those between friends, neighbours, colleagues or families. However, they are certainly not ethically negligible, having enough substance commonly to figure in our ordinary moral reasoning and practical deliberation.
- 9 Thus, notwithstanding her criticisms of my earlier views, some of which I accept and attempt to respond to constructively in Part Two, I take comfort from Ruth Higgins' judgement that 'Horton's account, though flawed, contains a germ of an important truth. If I genuinely consider myself a member of X, this entails certain responsibilities. Otherwise I live unintelligibly or in bad faith. Social and institutional practices define these responsibilities' (Higgins, 2004, p. 155). This grants me a good deal of what I want to claim here.

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