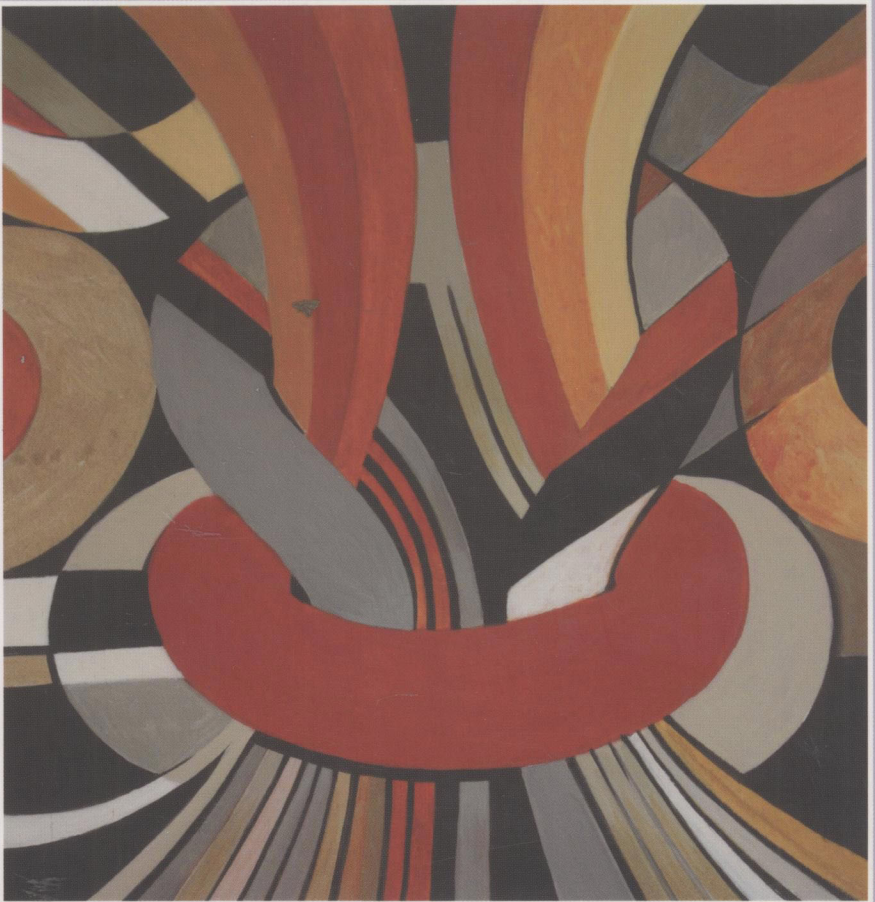


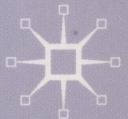
POLITICAL OBLIGATION

John Horton



SECOND EDITION

Revised, updated and extended



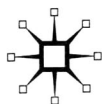
Political Obligation

Second Edition

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To Chris

Preface to the Second Edition

The aim of this revised edition is, as with the original, to introduce a range of philosophical questions and arguments concerning political obligation that will be useful for students and, I hope, also of some interest to fellow political theorists. Much of the book is taken up with the attempt to sketch the more prominent arguments that seek to justify political obligation; to explore some of their assumptions and implications; and to suggest what seem to me to be both their virtues and weaknesses. However, an increased proportion of the book is concerned with my attempt to offer a distinctive alternative to the traditional theories, in terms of an associative account of political obligation. The approach adopted in the book is analytical rather than historical, and my concern to address arguments of particular relevance in the modern world is reflected in the focus primarily being on contemporary writings rather than the history of political thought.

Returning to revise a book that one wrote around twenty years ago is a slightly odd and unnerving experience, and inevitably raises the question of whether indeed it is worth revising. Somewhat to my surprise, I felt that I could still stand by the substance of much, although by no means all, of what I had written. Moreover, having continued to think off and on about many of the issues in the intervening period, I also thought that I could significantly improve it. And it remains one of only a few books that seek to combine an accessible overview of the terrain with the attempt to defend a distinctive view. Further, encouraged by a number of friends and colleagues who were kind enough to tell me that they still found the book useful both for teaching purposes and in thinking about the issues, even if as is often the case they do not agree with me, and assisted by Steven Kennedy, my indefatigable, enthusiastic and long-suffering editor at Palgrave Macmillan, a new edition, therefore, seemed worthwhile. I can only hope that readers will agree.

I would not, though, want anyone to think that I have been unable to see quite a lot of flaws in the original book. Some of the most embarrassing are stylistic, and I have to confess that I have not found reading my earlier prose an especially enjoyable experience. For the most part, at least, I do think that it had the merit of clarity, but I hope that this new

edition, while retaining that clarity, will read a touch more fluently. Seeking to make the writing rather less stilted has meant that there is scarcely a paragraph that remains entirely unchanged, although many of these changes are merely verbal or trivial. (At least those readers sensitive to the distinction between 'which' and 'that' should find reading the book a less painful experience!)

Substantive changes to Chapters 2–4 have been, for the most part, relatively modest: the arguments for and against many of the standard views have not altered dramatically. Therefore, I have not necessarily discussed more recent work simply because it is more recent, although there is for example an entirely new section on Samaritanism in Chapter 4. I have, though, made major revisions to some parts of the text, including, along with comprehensive revisions of Chapters 1 and 8, a complete rewriting and restructuring of what was formerly Chapter 6, now spread over and enlarged into two chapters (6 and 7). This reflects the fact that there was general agreement among critics, with which I concur, that the view set out in Chapter 6 was too underdeveloped. I have also tried, to a degree, to remedy a related weakness. This is that in my desire to resist, as I see it, a particular kind of justificatory excess common among philosophers, I underestimated the extent to which I still needed to say something more substantial by way of explanation of political obligation. I have come to the view that George Klosko is basically correct when he remarked that 'saying that no explanation is necessary does not constitute an explanation' (Klosko, 2005, p. 114). I have also tended to find a little more merit in many of the views that I criticize. I have not been won over by any of them as convincing general theories of political obligation, but I had previously understated the extent to which some of them could be seen to offer good reasons why at least some people should acknowledge obligations to their polity. There are other changes of emphasis that readers inclined to make detailed comparisons with the earlier edition will easily identify, but which it would be tiresome to document in detail. Much of the new material in Chapters 6 and 7 draws on my two-part article in *Political Studies* (vol. 54, 2006, pp. 427–43, and vol. 55, 2007, pp. 1–19), and I am most grateful to the editors and publishers for permission to use that material here.

I have come to identify my own account as an 'associative theory' of political obligation. I sometimes have doubts about whether that is, perhaps, the best label – commentators on the first edition also called it, *inter alia*, a 'communitarian theory' or an 'identity theory', to neither of which designations do I have any particular antipathy – but, on balance, I am content to stick with 'associative', especially as it now has a certain

currency in the literature. And, for all the dangers of labelling and its intrinsic unimportance, a label has its uses, too.

I should reiterate my thanks to those who helped with comments, suggestions, personal support and in other ways with the original edition. These include: Keith Alderman, Alex Callinicos, the late John Crump, Pamela Dowswell, David Edwards, Margaret Gilbert, Terry Hopton, Peter Jones, Paul Kelly, Preston King, Adrian Leftwich, John Liddington, Barbara McGuinness, Chris Megone, Jackie Morgan, David Morland, Glen Newey, Dorothy Nott, Igor Primoratz, Keith Povey, Steve Reilly, Claire Roberts, Rian Voet, Albert Weale and especially Jenny Bradford, Susan Mendus and Peter Nicholson. I should also reiterate my gratitude to the C. & J. B. Morrell Trust for their generous support of my writing the first edition. Similarly, I would like to repeat my acknowledgement to my original teacher and inspiration, the late John Rees.

Versions of papers that formed the basis of some of the more important revisions were helpfully discussed at workshops/seminars/panels at the Universities of Essex, Keele, Newcastle, Pennsylvania, Sheffield and Stirling; at the 2001 American Political Science Association Conference in San Francisco; and at the 'Hobbes, Theories of Justice and the Social Contract in the Twentieth Century' seminars in London, Paris and Berlin, supported by the British Academy and the Centre National de la Recherche Scientifique. I am especially grateful to the following who made particularly helpful contributions on one or more of those occasions or commented in writing: Andrea Baumeister, Chris Brewin, Thom Brooks, Richard Dagger, Andy Dobson, Cecile Fabre, Matthew Festenstein, Luc Foisneau, Eve Garrard, Iain Hampsher-Monk, Ian Harris, Nancy Hirschmann, Iseult Honohan, Peter Jones, Duncan Kelly, Ellen Kennedy, George Klosko, Yoke-Lian Lee, Graham Long, Jeff Lustig, Andrew Mason, Dan McDermott, Veronique Munoz-Darde, Anne Norton, Peter Nicholson, Rosemary O'Kane, Emmanuel Picavet, Massimo Renzo, John Rogers, Jonathan Seglow, Kara Shaw, Rogers Smith, Tom Sorell, Hidemi Suganami, Andrew Vincent, Rob Walker, Steven Wall, Albert Weale and Jo Wolff. I am also grateful to Paul Kelly and several anonymous referees for *Political Studies*. For their contributions, often in a gently sceptical vein, to my thinking about political obligation more generally I am especially indebted to Margaret Canovan, Margaret Gilbert, Massimo Renzo, Richard Vernon and, especially, Ryan Windeknecht and Glen Newey. I am also pleased to acknowledge the generosity of Keele University in granting me research leave that enabled me to work on the revision. Finally, I am particularly grateful for comments on all or most of a final draft of the text to Glen Newey,

Massimo Renzo, Richard Vernon, Bas van der Vossen, Ryan Windeknecht and the two editors of the series, Peter Jones and Albert Weale. They all had better things to do with their time, but each made valuable corrections and suggestions to help improve the final version. Of course, none of them can properly be blamed for what remains.

I have also incurred numerous additional debts to colleagues at York, Keele and elsewhere who have helped me in significant ways intellectually and/or practically over the last twenty years. These include, in addition to those people mentioned earlier, Sorin Baiasu, Paul Bou-Habib, Paula Casal, Alex Danchev, Maria Dimova-Cookson, Josie D'Oro, John Gray, Bruce Haddock, Susanne Karstedt, Cecile Laborde, Peter Lassman, Rex Martin, Caroline Merritt, Monica Mookherjee, Enzo Rossi, Gabriella Slomp, Pauline Weston and Anne Worrall. In addition to Steven Kennedy, I am also grateful to Stephen Wenham at Palgrave Macmillan, and to Keith Povey and Nick Fox for their editorial work on the text. As I have grown older I have become increasingly forgetful, so I hope that anyone I have inadvertently omitted to acknowledge will accept my sincere apologies. And, if I do not thank successive classes of students over the years, this is not because I think that I have never learnt anything from students – several of my former graduate students are acknowledged individually above – but because, curiously enough, in over thirty-five years of university teaching I have still to teach a class specifically on political obligation!

Keele, 2010

JOHN HORTON

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1 Problems of Political Obligation

The term ‘political obligation’ is not one that has much currency in contemporary political discourse, and will likely be unfamiliar even to those who are generally well-educated and politically informed. It is not a term like ‘rights’, ‘freedom’ or ‘justice’, which although also the subjects of extensive academic debate and inquiry, some of it quite technical and difficult, are omnipresent in popular political discussion. Most people have views about rights, freedom and justice, however naive and unreflective, whereas if challenged to say what they think about ‘political obligation’, without further explanation, the same people would be unlikely to have much idea what they are being asked. In fact, political obligation is something that appears scarcely to be mentioned outside books and articles on political philosophy; and even in that context the best evidence suggests that it dates from as recently as the late nineteenth century (Green, 1986). It is not, therefore, possible to begin by assuming even a rudimentary understanding of the term.

It would be a mistake, however, to infer from this fact that the complex of issues that the term denotes are only of recent origin, or that it is solely the concern of professional philosophers and academic political theorists. In truth, it is only the term that is arcane or unknown, as the idea that political obligation marks is a familiar one of considerable importance. The cluster of questions and issues with which it is concerned lie at the heart of political life and have done so, with greater or lesser urgency and self-consciousness, for as long as people have reflected on their relationship to the political community that claims them as members. It is this relationship – that between people and their political community – with which political obligation is fundamentally concerned. The problem of political obligation is about how this relationship is to be understood and what, if anything, it implies about the responsibilities we have to our political community. In particular, it is

about whether we can properly be understood to have some ethical bond with our polity, and if so how this manifests itself. The purpose of this chapter is, thus, to introduce the problem, to sketch some important preliminary distinctions, and to indicate in general terms the concerns of this book. I shall begin, however, by trying to show in a very simple way both the kind of issues involved in political obligation and why they matter. The task of characterizing a more refined and precise understanding of political obligation will be taken up later in the chapter.

Political obligation in context

The vast majority of people reading these words will be members of some political entity (today, most commonly, a state), and the lives of all of us who are members of a polity are crucially shaped and structured in a multiplicity of ways by this apparently simple fact. Even the most resolutely unpolitical people have to recognize that the nature of the political community in which they live, what it demands of them and what it permits them, is crucial to their being able to live the lives they do. Where citizens are generally tolerably content with the political arrangements of their society, they may not choose and will not be compelled to think much about their relationship to the political community of which they are members. Many features of this relationship may be taken for granted, and meeting the requirements that are imposed upon us by it may often be unreflective and habitual: we pay our taxes, apply for a passport if we wish to travel abroad, obey the law, complete our census returns, and much else. In this respect our relationship to our polity is like many of our other relationships and commitments – familial, professional, religious, and so on – in being experienced as an important but often practically unproblematic, even routine, feature of our daily lives to which we give little serious thought much of the time. However, we are all equally aware that these relationships and commitments can at any time become deeply problematic and troubling, threatening to destabilize us. Indeed, at times, they can give rise to questions so challenging that they require us to rethink our sense of who we are and how we should live, and in this way they have the potential to transform our lives.

It is only to be expected, therefore, that people are likely to be most acutely aware of their relationship to their political community when, for whatever reason, this relationship becomes problematic: the ways in which people's lives are intimately bound up with the wider polity will

probably become a cause for serious reflection when, for example, demands are made of them or prohibitions imposed upon them that they find excessively burdensome or simply unacceptable. It is for this reason, primarily, that it is in times of political crisis, of serious dissent or discontent, of social breakdown or dislocation, that political obligation is most likely to become a major topic of political debate. It is in circumstances such as these that people are most likely to question the authority of their government and to think seriously about the terms and basis of their relationship to their political community. In particular, they may come to ask what legitimate claims the political community has on them and what they owe it; and how both of these matters are to be decided. It is in this way that people are most likely to be led to reflect *generally* on their relationship to their political community, and that the need for some general, theoretical or philosophical understanding of political obligation is likely to be felt most pressing. Yet, although it is in circumstances such as these that political obligation will most probably be experienced as a *problem*, it is to less troubled times that we should look for an 'answer'. It is something of an irony that it is precisely in those circumstances in which our need for an answer to our questions is most urgent, that it is also most difficult to give one.

It is, therefore, unsurprising to find that political theorists' and philosophers' sense of the importance of the problem of political obligation has varied with changing circumstances, and that philosophical reflection about it has often been most intense when some people have found themselves to be in radical conflict with their political community or when the political community itself has been perceived to be under serious threat or close to dissolution. Thus, one of the earliest sustained philosophical discussions of what we can now plausibly understand as an instance of the problem of political obligation occurs in the fourth century BC in the context of Plato's report of Socrates's meditations on his relationship to the Athenian *polis*, which had condemned him to death. Encouraged by his friends to escape and seek exile outside his *polis*, but rejecting the possibility of giving up his vocation as a teacher to appease his critics, Socrates reflects on what his obligations to Athens require of him. In brief compass, he considers a number of arguments, many of which continue to reverberate to the present time, and concludes that he must do whatever his city and country command, or else persuade it 'in accordance with universal justice' to change its view. Unlawful resistance, he concludes, would be wrong (Plato, 1969, p. 91). In Socrates's case, his own arguments led him to believe that he should make the ultimate sacrifice and accept the sentence of execution handed down to him. Whatever

the merits of his particular arguments – and in some respects they are astonishingly percipient – Socrates shows us the seriousness of the issues: ultimately political obligation can be a matter of life or death.

A very different time and place in which the problem of political obligation became especially pressing was seventeenth-century England. In a country riven by religious conflict and civil war, involving armed insurrection and the execution of the king, the work of Thomas Hobbes and John Locke emerged as an attempt to formulate an account of political obligation that would help to hold together a country apparently on the verge of chaos and disintegration. In this context, one of the most formidable and enduring traditions of thought about political obligation, the social contract tradition, developed as a way of thinking about the relations between the individual and the polity. To simplify greatly, while the idea of a contract between a polity and its citizens is clearly present as far back as Socrates's arguments in the *Crito*, it is in response to the consequences of the wars of religion and the increasingly rapid growth of a bourgeois, commercial society and associated forms of individualism in seventeenth-century Europe that this approach begins to be fully explored. As a very broad generalization, it is probably true to say that modern thinking about political obligation has its roots in this period.

In so far as the potential for antagonism between personal autonomy and individual conscience, on the one hand, and the claims to authority and the right to command of the state, on the other, has not merely persisted but become sharper as a result of subsequent historical developments, such as increased individualism and the massive extension of the role of the state, then the problem of political obligation can be seen to have become more rather than less of a challenge. It is not, therefore, a problem that is of concern only to earlier generations. We need only consider the tumultuous events in Eastern Europe in the late 1980s, a variety of modern nationalisms and recurrent civil wars, to survey a panorama of recent contexts within which political obligation has been experienced as deeply problematic. Furthermore, while situations of radical conflict or political dislocation provide the most dramatic instances, there are less extreme but none the less serious examples of circumstances where thinking about political obligation can become urgent. A good case would be that of many patriotic young United States citizens in the 1960s and early 1970s drafted into the army to fight on behalf of their country in what they believed to be a fundamentally unjust war in Vietnam.

All these historical events and situations are extraordinarily complex and it would be simplistic to attempt to incorporate all these complexi-

ties within one simple notion of political obligation. Yet, at their heart lies a cluster of recurring questions that are central to an understanding of political obligation: what political community does a person belong to? How is membership of a polity determined? What duties or obligations does a person have by virtue of his or her membership? How are those duties or obligations to be judged relative to other commitments and obligations? The answers to these, and other related questions, are central to any understanding of political obligation. However, political theorists or philosophers have tended to see one question as more fundamental than any other. This is: what is the basis, or in virtue of what reasons, should we ever rightly ascribe political obligations to people? It is this question of justification or explanation – and it is not always possible to separate them – that is the focus of most philosophical discussions of political obligation; and it is the principal concern of this book.

One problem or many?

The idea that there is one, single, clearly defined problem of political obligation, which different political philosophers at different times have sought to answer, is, however, open to a powerful objection. This objection is encapsulated in the claim that there is nothing that can be identified as *the* problem of political obligation, but only a succession of historically different and distinct problems. Thus, it is argued that it is grossly anachronistic and seriously misleading to think that the issue confronting Socrates in Athens, or Hobbes's or Locke's circumstances in seventeenth-century England, or 'the problem of political obligation' as seen by a political philosopher today, are all the *same* problem. There is certainly a good deal of truth in this view: we cannot simply pretend that Socrates, Hobbes and the political philosopher today are all contemporaries joined in a single debate about something called 'political obligation'. Their social and political circumstances, background beliefs and assumptions, and even perhaps their conceptions of argument, vary, and these differences are surely relevant to how they think about the question and go about answering it. Yet, it is not self-evident that we cannot, to some extent at least, not merely come to understand the concerns that exercised Socrates, but also relate them to our own circumstances and problems. After all, Socrates's arguments, or at least some of them, continue to have considerable resonance in the very different conditions of the modern world.