

Are associative political obligations possible?

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Background

Introduction

Political obligation regards the moral relations between members of a polity and the polity itself. Often it is more narrowly construed as the moral obligation to obey the law; however, it may also include an obligation to vote, to defend one's polity from attack, or even obligations of protest and resistance. In this thesis I analyse whether political obligation can be derived from our relations to polity members.¹ In particular, I concentrate on Ronald Dworkin's theory of associative political obligation.² Unique to associative political obligation is its non-voluntary character, I contend this feature gives Dworkin's theory a substantial advantage over rival theories. His argumentative method is to show how the necessary and mutually sufficient conditions he describes in paradigmatic cases of associative obligation are appropriately similar to conditions that can arise in a polity; in this way he attempts to derive political obligation from the standard examples of role obligation.

First I will show that the consent and fair-play theories of political obligation fail to be useful due to the degree of voluntariness each requires, this is precisely where Dworkin's theory has the advantage. After defending associative obligations from A. John Simmons's sceptical position, I describe Dworkin's theory in detail, and go on to defend it from key objections: first, I argue Thomas Nagel gives a reasonable defence of Dworkin's assumption toward partial treatment of polity members.³ Second, I give reason to believe that the possibility of generating unjust obligations is not a threat, and that the intimacy that is desirable toward family members is not required for a polity. Third, Leslie Green claims that the obedience that political obligation requires cannot be justifiably derived from the obedience that is sometimes required in associative obligation.⁴ I show why this is simply not true, there are examples of the relevant kind in ordinary role obligations.

My discussion shows that the objections ordinarily raised against Dworkin fail. In launching my own criticism I accept Dworkin's analysis of role obligations, but argue that this does not result in a theory of political obligation that can show how a sufficiently high number of the populace is politically obligated. Fa-

¹ I will use the terms 'associative obligation' and 'role obligation' interchangeably.

² Dworkin, R., 1986, *Law's Empire*, London: Fontana. Page references in the text of this thesis will be to this book unless otherwise stated.

³ Nagel, T. 2005. The problem of global justice. *Philosophy and Public Affairs*. 33:2:113-147.

⁴ Green, L., 2004. Associative obligations and the state, in Burley, J., ed., *Dworkin and His Critics: with replies by Dworkin*. Oxford: Blackwell.

miliar associative obligations are the most important for Dworkin since they are the only other source of non-voluntary obligations. Associative political obligations are also non-voluntary so the family is the only source where this vital component can be derived. Michael O. Hardimon's conception of role identification shows why this derivation cannot be done: familial association almost always obligates because it is so hard to fail to identify with a conception of our familial roles that constitutively includes obligations; political association, on the other hand, need not obligate because we can easily renounce identification with conceptions of our polity that would obligate us this way.⁵ I believe that associative political obligation is possible, but it fails to account for the generality of application that any successful theory of political obligation requires. This leaves Dworkin with an ideal theory, but one which fails to meaningfully instruct us how to act.

What is political obligation?

Unless otherwise stated, I will be concerned with the obligation to obey the law, for ease of exposition I will treat this as synonymous with political obligation. I will often use obligation, duty, and requirement interchangeably; this is not because I believe that each term is entirely synonymous with the others, but because they are as good as synonymous for my purposes. These need not always be regarded as moral terms, but I mean them as moral terms that signify a moral reason for deliberation. No such obligation I speak of in this way can be taken as an 'all things considered' moral reason i.e. I may have a moral obligation to obey the law, but this does not mean I ought to obey it. For one thing, I may have another moral obligation that runs contrary to my obligation to obey the law, and it may deserve fulfilment despite my obligation to obey the law. For instance, I have a moral obligation to break the law if I have no driving license, yet my friend is seriously wounded and needs driven to the hospital. Still, if there is political obligation, then it provides moral reasons that are not to be taken lightly: not only would it provide further reason to obey the law apart from legal obligation, prudence, habit, or fear; political obligation also provides a step (perhaps a necessary step) towards legitimising state power.

A successful theory of political obligation need not unanimously obligate a polity, perhaps it need not even obligate most, but it will certainly need to obligate many. Much of my criticism of theories of political obligation will concentrate on how they do not give an explanation of how a sufficient proportion of the populace are politically obligated. Some theorists require that political obligation must be universal i.e. it

⁵Hardimon, M. O., 1994, Role Obligations, *The Journal of Philosophy*, 91:7:333-363.

must explain how every member of a polity can be obligated. However, following Simmons, I will reject this criterion as too stringent.⁶ There may be good arguments to show that political obligation should be universal in this way, but these are arguments for another thesis, I will be concerned with the more modest position of attempting to establish whether most, or sufficiently many, can be politically obligated. I will never be concrete regarding what percentage of the polity is sufficient for the success of a political obligation theory; rather, I will rely on an intuitive understanding of what can be considered a sufficiently deficient number of politically obligated polity members to condemn a theory. I will call this criterion of success the *generality requirement*.

Rival theories 1: Consent

Before moving on to Dworkin's theory of political obligation I shall survey two rival theories; this will help to situate the debate and motivate Dworkin's position. First, I will consider theories of political obligation that are based on consent. The main draw of consent based theories is that they uncontroversially ground obligation. Giving consent to something is very like promising, and a legitimate act of promising is surely obligation generating. Both are contract-like, in promising I enter onto a trust based agreement that permits the promisee to make demands of the promiser that are normally normatively unavailable; in giving consent I can agree to being treated in ways that are normally impermissible, torture may be impermissible, but, presumably, under the right conditions, a consenting sadomasochist may be permissibly tortured.

If I promise to someone that I will join the circus, then *ceteris paribus* I am morally obligated to join the circus; if I consent to obey the laws of the state, then *ceteris paribus* I have a moral obligation to obey the laws of the state. Clearly there needs to be many qualifications to consenting, if it is to be considered as consent, and if it could have the status of an obligation I ought to follow. (If it is plausible that an obligation could be one that I ought to follow I will call it *morally binding*). My consent must be voluntary, and I must know that my act (or omission) is signifying consent if it is to be actual consent.⁷ If I wave my hand, it will only count as morally binding consent to X if I have believe that waving my hand at time T signifies consent to X, and that consenting to X is sufficiently voluntary. Clearly political obligation is possible this way, the biggest problem for consent theorists is the generality requirement: piteously few have consented to being

⁶ Simmons, A. J. 1979. *Moral Principles and Political Obligation*. Princeton: Princeton University Press. pp.35-7.

⁷ Simmons, 1979, op cit., p.77.

politically obligated. Hence, consent theorists tend to concentrate their efforts on the notion of tacit consent.⁸ Tacit consent can be distinguished from express consent as the former is accomplished implicitly, whereas the latter is accomplished explicitly. Tacit consent is often used at board meetings: the chairman asks whether there is anyone who disagrees with motion X and if there is they should make themselves known; if no one dissents, then it can be taken that all have tacitly consented. Similarly to express consent, staying silent can only be morally binding tacit consent if I understand staying silent at time T signals consent to X, I am given reasonable time to express my dissent, and that the whole process is understood to be sufficiently voluntary.

It could be claimed that using certain public services is tantamount to giving consent to the system that produced and maintains them. As I have already stated, for this to be the case the putative consenter would have to understand that what they did (or did not do) is something that gives consent. This is not the current situation in any polity, but it would be relatively easy to arrange: it could be made clear that the use of roads, voting, requiring the emergency services, or other such things, are going to be taken as tacit consent to being politically obligated. It can be conceded that such performances may count as consenting, but I doubt whether such consent could be morally binding because consenting in this way does not seem sufficiently voluntary. I may be able to promise to join the circus even if I am coerced to do so, but this promise is not morally binding, even if the promise gives me a moral reason to act it seems unlikely that I ought to fulfil it, given the illegitimate grounds in which it was made. For an act (or omission) to be sufficiently voluntary enough to count as morally binding consent, then failing to do the act (or omission) should be a plausible option. Some people may be able to not consent by not making use of the supposedly consent signalling public services, but they would need to be rich to be able to employ their own doctors, firefighters, and security services; not using the roads may be unrealistic without access to a helicopter; it may seem like voting can be easily avoided, even for the poor, but then people would be forced to not have a say in who rules them, this seems damaging to state legitimacy. The only alternative to using the state's services is emigration, for most (poor and rich alike) emigration is not a viable option. It is no small thing to leave your family, friends, and culture behind. In sum, what a consent theorist gains in reliable grounds for generating obligations, she loses in a meaningful answer to the generality requirement.

⁸Locke, John. *Two Treatises of Government*. Cambridge University Press. 1960.

Rival theories 2: Fair-play

Fair-play accounts of political obligation are based on the idea that those who benefit from a cooperative system should shoulder a fair degree of the burden that cooperative system requires to operate.⁹ It seems correct that this type of situation can be obligation generating, as an example adapted from Simmons illustrates: a neighbourhood has a critical problem with its water supply so the residents decide to build and maintain a well for all to use.¹⁰ Rognvald is the only person who objects, but the plan still goes ahead. After a time Rognvald's resolve weakens and he begins to use the well, he continually reminds his neighbours that his use of the well in no way signifies his consent to the project. Regardless of his lack of consent, Rognvald should still pay for the upkeep of the well; his acceptance of the benefits of the project requires him to take his fair share of the burdens, and he should contribute the appropriate sum. The analogy with a polity is clear: we all benefit from the security, for example, that the state provides for us, the benefits we receive are dependent on obeying the law so considerations of fair-play obligate us politically.

The gains the fair-play account makes over the consent theory is significant: consent theory requires obligation generation to be intentional, whereas fair-play has no such requirement. Whether or not a participant in a cooperative scheme intends to be obligated or not makes no difference to the fact that they do acquire obligations. On first blush, it appears that fair-play theory's strength is precisely where consent theory is seen to be weak: the number of those that receive benefits from the state is of an immensely higher number than those that have consented to being politically obligated; hence, fair-play theory can answer the generality requirement.

This seeming solution to the generality requirement is put under pressure when Simmons's distinction between receiving and accepting benefits is considered, it turns out that fair-play obligations are sensitive to the voluntariness of the benefits acquired from a cooperative scheme. To accept benefits an individual must either '1) have tried to get (and succeeded in getting) the benefit, or 2) have taken the benefit willingly and knowingly.'¹¹ When benefits are acquired, if neither 1 nor 2 are fulfilled, then the benefits are merely received. To understand the significance of this distinction we must also differentiate 'open' benefits from 'readily available' benefits. The former 'while they can be avoided, they cannot be avoided without considerable inconvenience,' whereas the latter 'can be easily avoided without inconvenience.'¹² Examples of open

⁹Hart. H.L.A. 1955. Are there any natural rights? *Philosophical Review*. 64:April.

¹⁰Simmons, 1979, op cit., pp.126-7.

¹¹Ibid., p.129.

¹²Ibid., pp.129-30.

benefits are things such as the extra security gained by police officers regularly patrolling my neighbourhood, the regular cleaning of my neighbourhood by diligent community members, or the regular upkeep of public flower beds by enthusiastic gardeners. Readily available benefits, on the other hand, are things like employing private security forces to guard my home, employing a private cleaner, or attending a flower show.

It is clear that *ceteris paribus* all readily available benefits I enjoy are accepted benefits, I have to go out of my way to get them. Open benefits, on the other hand, need not be accepted. I had no choice but to acquire them so mere acquisition of open benefits does not show I tried to get them or that I acquired them willingly. The diligent community members or the enthusiastic gardeners may have asked that I contribute my time or money to their projects. Even though I appreciate the clean streets and adore the exquisite pansies, I wholly reject participation in the scheme as I believe my time and money is better used in other ways. I actively campaign against the schemes for these reasons. I do not try to get the benefits of either scheme, neither do I willingly take their benefits; hence, I do not accept them, I receive them. Surely I am not obligated to take a share in the burdens that these schemes produce. If I am obligated, then I am at the whims of every cooperative scheme that is thrust upon me. I may be accused of being a free rider, but this is false: I tried hard not to be, the only means I have left to avoid these schemes is to move house, to remain indoors, or to walk around my neighbourhood with a blindfold. Rather than it being unfair to the members of the community that I do not cooperate, it is the community that is making unfair demands on me. Consider the case of my neighbour who also rejects the schemes, but she does so because she likes grubby streets and does not share my penchant for pansies. It seems odd that I should pay up because it is my bad luck that I cannot help but enjoy the fruits of the schemes I reject. If I was to be obligated by the schemes, then it becomes very easy to demand whatever you wish from those around you, all you need to do is make whatever you are peddling an unavoidable benefit for them, regardless to whether they want it or not.

Much of the benefits the state provides are open benefits that are merely received (security, infrastructure, rule of law, economic system, etc.): these are unavoidable without emigration (which I have already noted is not a viable option for most). This makes it difficult for the fair-play theorist to claim that most (or many) really accept the benefits they get rather than merely receive them. A polity is not the appropriate kind of cooperative scheme which generates obligations in a sufficiently high number: the fair-play account fails the generality requirement. The near universal receipt of benefits, which at first appears to

strengthen the theory, actually weakens it due to the unavoidability the benefits accrued: even though they are gained, they are not be accepted voluntarily.

Dworkin and Associative Obligations

I have argued that two of the most common theories of political obligation fail the generality requirement. In both cases the main stumbling block is the degree of voluntariness each theory requires to be obligation generating. Given this background it is understandable why a theory of associative political obligation is attractive: it is unashamedly non-voluntary. Dworkin brings associative obligations to the fore; that is, those obligations we have through certain relationships we have with others; family and friends are the paradigmatic examples. It is up for debate what these obligations may actually be, but it appears clear that partial treatment is constitutive of these relations in some way: perhaps children should keep in touch with their parents or care for them when they are infirm; parents should deliver an appropriate upbringing and offer emotional support; maybe friends are obliged to defend each other and alert each other to bad decisions. We may wish to include a continuum of degrees of obligation that includes colleagues, union members, social club members, etc. Dworkin wants to include political obligation at one end of this associative continuum.

I will follow Hardimon in distinguishing two kinds of associative obligation: contractual and non-contractual.¹³ Contractual role obligations are those we have through voluntarily occupying certain roles, this is one way we can be obligated to carry out the duties that are constitutive of certain roles. This links associative obligations to consent in the following way: volunteering for a role entails that I have consented for the reasons constitutive of that role to function as reasons that I have. In volunteering to the role of doctor, for instance, I accept that whatever obligations are constitutive of being a doctor are reasons I now have for moral deliberation. Contractual role obligations are relatively uncontroversial, non-contractual role obligations, on the other hand, are highly contested. Non-contractual role obligations are the role based reasons we have through being born into some position, such as family or polity. Clearly the crucial distinction here is that there is no modicum of voluntariness involved in acquiring a role through family or polity membership. Hence, if there are non-contractual role obligations then there are obligations we have that we do not voluntarily accept.

Dworkin somewhat disagrees with this picture: although he does not explicitly differentiate them, two different types of non-voluntary associative obligation can be discerned from *Law's Empire*. The first match what I have already described as non-contractual role obligations i.e. those roles we are born into. The second kind of non-voluntary obligations Dworkin describes are roles we are not born into. Friendship is the

¹³Hardimon, op cit., p.342-363.

key example here, but Dworkin will want to include membership of clubs, societies, and workplaces, for instance, as well. It is true that we chose our friends, and so in that way it may seem like the obligations that we owe them from our role as friend are more contractual in character, but Dworkin may be correct to make the lines a little more blurry here. Contractual agreement seems too formal a description of how obligations of friendship actually develop, most of the time it is impossible to point to some specific moment where two people become friends. It is more accurate to talk of various acts amongst friends which, over time, attract obligations. Regardless, I will not hang any substantial argumentation on the existence of this second type of putative non-voluntary obligation; I am primarily concerned with non-voluntary role obligations in the sense of those we are born into, and, unless otherwise stated, this is the sense I will use 'non-voluntary' with. Dworkin's needs to derive the non-voluntary quality of associative political obligation from associative familial obligation so family association seems particularly important for him; throughout, I will exclusively use the example of familial association for this reason.

Another important distinction to make is that between nominal group membership, and normative group membership. Nominal group membership is a classificatory position that picks out a social relationship, normative group membership signifies a social relationship that is morally loaded. The term 'son', for instance, can refer to both types of membership: the term 'son' refers to my nominal family membership when it is used to refer to the causal biological relation that a male bears to his parents; the term 'son' refers to my normative family membership when it is used to refer to the role of son with its complex of duties.¹⁴ If I am a nominal family member then normally I am a normative family member, but there are a number of conditions that should be in place for this entailment to hold; for example, the family I am born into must be reasonably just toward me for the normative reasons particular to being a son to hold as reasons that I also have. Hence, no matter how abusive my parents are toward me I can never fail to be a nominal family member, but I can fail to be a normative family member with morally binding obligations, as membership in this sense is a moral role that is constitutive of being treated a particular way. Dworkin's task is to fully describe how morally binding normative membership can be gained or lost, I will elaborate on this shortly.

Dworkin claims that '[w]e have a duty to honor our responsibilities under social practices that define groups and attach special responsibilities to membership, but this natural duty holds only when certain other conditions are met or sustained. Reciprocity is prominent among these other conditions' (p.198). Normative

¹⁴ I do not mean to have the final word on what it means to be a nominal family member. Plausibly adoption papers make someone a nominal family member without the causal biological connection I have described, for instance.

requirements are bound up with group membership in certain cases according to Dworkin; it is constitutive of what it is to be in a family, for example, that we recognise the moral demands that nominal membership entails. Membership of these groups is a normatively loaded notion, if I shirk the obligations that are constitutive of occupying these roles then the others in the group cease to be obliged to me; in this way I fail to be a member of the group in any meaningful way, I may be legitimately ostracised and some form of reparations would be due if I was to be considered a fully fledged group member again. In one sense I can never fail to be my father's son, there is a causal biological story that cannot be changed; for Dworkin, this is an insufficient description: being a son is a normatively loaded notion, and to be a son brings with it certain responsibilities. How does normative membership arise and persist?

First, the community (or group) must be a bare community i.e. 'a community that meets the genetic or geographical or other historical conditions identified by social practice as capable of constituting a fraternal community' (p.201). Second, the community (or group) must be a 'true community,' which is to say it is a bare community where members act according to the four attitudes of reciprocity regarding their responsibilities toward each other (I will refer to these as the four attitudes): the group's obligations are *special* not general; they are *personal* i.e. from member to member; responsibilities flow from a more general responsibility of *concern* for the well-being of others; and there is *equal* concern for all members. The four attitudes are not psychological, according to Dworkin, they are the attitudes 'that people of the right level of concern would adopt' (p.201). So even if I do not hold these attitudes psychologically, I can still be obligated as I realise that I should act in accordance with them, it is constitutive of group membership in these cases that I, at least, act as if I held the attitudes even if I do not hold them. Finally, Dworkin sometimes cites the value of integrity as necessary for a true community.¹⁵ Yet, he also admits that an ideal community would not need integrity at all, it is only the real world that forces a need for integrity; hence, he must mean integrity to be a contingent, empirically necessary, rather than conceptually necessary, constitutive property of a true community. Before analysing Dworkin's theoretical components I will address Simmons's sceptical position toward associative obligations; since, if he is right, not only can there be no associative political obligation, there can be no associative obligations at all.

A. J. Simmons's normative independence thesis.

¹⁵ Dworkin, R. 2004. Dworkin replies, in Burley, J., ed., *Dworkin and His Critics: with replies by Dworkin*. Oxford: Blackwell., p.378.

Simmons's normative independence thesis puts pressure on the possibility of associative obligations. Simmons wonders whether nominal membership of any group can ever become normative membership.¹⁶ That is, he questions whether association is ever truly obligation generating or whether it is other features distinct from group membership that association derives obligations from. I will give some reasons that hint at the normative independence of association; however, I will conclude that the challenge is misguided due to demanding conditions that are impossible for any theory of obligation to adequately meet.

I have already noted how fair-play and consent may generate obligations, Simmons adds justice or considerations of utility (for utilitarians) as possible methods of obligation generation; if one of these is always the foundation of an associative obligation, then the normative force of group membership becomes doubtful.¹⁷ If putative associative obligations are generated independently of other accepted obligation generating means, if group membership really can generate obligations on its own, then associative obligations can be said to be normatively independent. Without normative independence, association is parasitic on other obligation generating aspects of morality, and so any theory of associative political obligation would, at best, be erroneously attributing obligation generation to the wrong moral component; at worst, the theory may not be obligation generating at all.

The denial of the normative independence of associative obligations can be motivated by considering that there are countervailing considerations for any group to be obligation generating: if a group is not reasonably just, for example, then it cannot spawn obligations. This seems to show that the association in itself cannot bring about an obligation, it is actually the relation to justice that is doing the normative work. However, to show that obligation generation through association is appropriately constrained by justice does not go to show that it is normatively dependent upon justice for obligation generation; it may be that associative obligations are generated, but that justice constrains the conditions in which that obligation is binding. If this were the case then there is at least such a thing as associative obligations, even if their ability to command what we ought to do may be more limited than other forms of obligation generation. If I promise to commit murder, normative considerations external to promising rightfully constrain the act of promising so it is not morally binding in this case. This does not show that promising is dependent on external normative considerations for obligation generation, it is obligation generating in and of itself, only it cannot be claimed that the

¹⁶ Simmons, J. A., 2001, *Justification and Legitimacy: Essays on Rights and Obligations*, Cambridge: Cambridge University Press., pp.84-90., & Simmons, 1979. op cit., pp.16-24.

¹⁷ I will not question whether utility or justice can be obligation generating, I will just accept this possibility.

promise ought to be fulfilled without considering other normative issues. So the task is to determine whether role obligations are like the promising case just discussed; that is, are role obligations always generated, but are only morally binding given certain conditions? Or are those occasions where it appears that we ought to fulfil a role obligation illusory? There is really no such thing as role obligations, they amount to a disguised version of another genuinely obligation generating normative component. This is a crucial point because it may be admitted that contractual role obligations all rely on consent, and Dworkin's theory may still obtain since non-contractual role obligations may still be fundamentally associative; however, if non-contractual role obligations are not fundamentally associative (perhaps parents are obligated in their role due to consenting to have their child, for example), then Dworkin lacks any means whatsoever to argue for associative political obligation.

There are many reasons we may think that a family member is not obligated toward the others, do these not show that nominal membership is not enough for normative membership to result? The most obvious reason may be abuse, but lesser evils may allow for a lack of obligations, such as injustice, unfairness, or low reciprocity, for example. However, this may be due to a clash of obligations with other values; familial obligations may be defeasible and yet presumptively hold because of familial membership. This seems born out in practice: I may aid my brother whenever he needs it, but if he never reciprocates in any way, then I may not be required to continue aiding him in the future (p.198). If a stranger discovers I am not aiding my brother when I easily could, she may justifiably ask 'he is your brother, what is wrong with you, why don't you help him?' The question assumes an obligation to help based on family membership, it is up to me to explain my actions; I need to justify why I think this obligation is defeated. It is true that the reasons I may give that explain why I believe the obligation is defeated may be to do with moral aspects of our association: 'he has treated me in an unjust way,' 'I do not believe he treats me fairly,' 'I never consented to him being my brother,' etc., still the stranger may be unsatisfied with these responses, they may press 'but he is still *your* brother.' Similarly, if a parent was shirking their duties of care toward their child and they asked "why should I do it?" It seems deficient to only point out things like the decision they made and the vulnerability of the child. Surely the key response is simply "because it is *your* child" i.e. it is a member of *your* family. This seems to give some evidence in favour of association being assumed to carry some normative weight in conflict with other normative considerations that we may accept as capable of rendering associative obligation

inert in many cases. If conflict such as this can occur then there is at least some presumption in favour of the normative independence of associative obligations.

It could be objected that even if this discussion points toward the normative independence of associative obligation, the family is clearly a special case, nominal group membership cannot entail normative membership in cases like the polity. Nonetheless, an associative obligation theorist need not be fully persuaded by Simmons's objection. It seems that other generally accepted means of obligation generating, such as promising or fair-play, could be subject to the same worry: surely both require some reasonable conception of justice to be instantiated. Following Simmons's line it may appear like it is only justice that is normatively independent. Can justice obligate on its own without any other conditions in place? Not always, say I have a choice between a great number of political systems, all are just except one, and it is only unjust if I join because I would be the only person who will suffer an injustice in that system. If I know I would be treated in an unjust way and I have reasonable alternatives to choosing the system that would be unjust toward me, then if I consent to join, it seems feasible that I would be obligated in that system. This gives some reason to suspect the normative independence of justice for the same reason the suspicion arose toward associative obligations.

In discussing the normative independence of associative obligations I have shown how difficult it is to adequately answer Simmons's challenge, but this is not a problem because, if it were a problem, then it would prove too much. No means of obligation generation can give a sufficient answer to the normative independence thesis because it asks for an explanation for what can only be taken on intuitive grounds. What about contractual-type obligations, how would that pass the normative independence thesis? What is the source of the moral force that promising has? Putative obligations a promise generates can only morally bind when other conditions are in place (justice, voluntariness, etc.), is the moral force of the act of promising independent of these other conditions?

I do not think this question makes much sense. 'Moral force' is clearly metaphorical, the only things it could stand for are 'obligation generation' or 'obligation bindingness' as I have defined them i.e., either it is asking whether any obligation is produced by promising if we ignore any other normative values that may impact on whether the promise ought to be fulfilled, or it is asking whether a promise ever ought to be fulfilled regardless of any other normative values. The answer to the latter must be no: otherwise morally abhorrent promises could be binding. The answer to the former is unclear: some may say that no promise ever generates an obligation without sufficient respect for other normative values, others may claim that promises

are always obligation generating, it is just that they are never binding without considering other normative values. There may be intricate arguments that could give evidence for one answer over the other, but I do not think it makes much difference either way, at least not for my discussion. What is important to note is that promising is a widely accepted normative concept that is related to other normative concepts in particular ways. It is the explanation of this concept and these relations that is part of the philosophical project. To ask about the normative standing of the concept of promising as if it was entirely unrelated to other concepts may be an interesting question, but only in virtue of recognising the task's (near?) impossibility.

Analysing promising should proceed by describing and intuitively assessing the various conditions under which promises fail or succeed. In this way it is hoped that the necessary conditions of promising can be uncovered, and, ideally, those that are mutually sufficient too. After this process is complete a sceptic may still press 'I see that you have described the conditions under which promising occurs, but why do these conditions obligate us in any way?' There is only one response: that is just what it means to promise. At some point it must be frankly put that promising is just part of our moral landscape, it is a widely recognised social institution that is accepted as something that generates obligations that can be morally binding. At some point in the analysis we must hit bedrock, if this does not satisfy the sceptic there is nothing more that we can do, if they continue to deny that promising morally obligates then we can only say that perhaps they do not understand what promising is. The situation is analogous to someone who responds 'but why should I listen to reason?' when they are confronted with argument, there is nothing more that can be said, at some stage it should be recognised that further persuasion becomes impossible.

I have given some reasons for the normative independence of associative obligations, but, in the end, I believe that is a challenge that need not be answered. Or, at least, if it must be answered then a proponent is put in the unenviable position of having to offer an analysis of many moral concepts in vacuo of the web of connections to other moral concepts that they actually have. It is clear to most that association does obligate in some way, many regard the special obligations we have to friends and family as the most important aspect of our moral life. In the next section I turn to analysing these in the way I described an analysis of promising above: in assessing the situations under which they seem to fail I show the conditions that are necessary for associative obligations to arise. Our participation in a moral life gives enough evidence of the existence of associative obligations, to ask for further justification is to ask one question too many.

Still, I do not want the associative obligations sceptic to stop reading here. Working on the assumption that there are associative obligations meets Dworkin on his own terms. Working under the assumption

that the challenge of normative independence can be answered, if Dworkin's theory of political association fails, it will make it even harder for the Dworkinian to offer a retort. With this in mind I now turn to the conditions Dworkin describes for associative obligations to persist.

The bare community and the interpretive process

First, the community must be a bare community, there must be some delineation of the association being referred to. For Dworkin, understanding the boundaries of a group is an *interpretive process* that picks out a community as defined by historical conditions and social practice.

The interpretive process has three stages: pre-interpretive, interpretive, and post-interpretive. The pre-interpretive stage's function is to roughly demarcate the social practice under consideration; we must agree on what it is we are interpreting. Dworkin admits that this stage requires a 'very great degree of consensus' (p.66). The interpretive stage is where a justificatory argument is supplied (or found to be lacking) for the main components of the social practices constitutive of the grouping recognised in the first stage. Finally, at the post-interpretive (or reforming) stage the grouping is remoulded to fit the best justification found at the interpretive stage. Dworkin usefully uses the example of courtesy to illustrate: first, courtesy is recognised as offering respect to those of higher social standing; second, this is justified by claiming that respect is due to those who deserve it; third, the practice is remodelled in line with the justification, so courtesy is not necessarily linked to social standing anymore.

Lets look at the example of family: at the pre-interpretive stage, a generally acceptable working definition of the family is identified so that interpreters know they are dealing with the same concept i.e. it should be clear that interpreters are talking about family, and not friendship, or relations amongst colleagues. A tentative definition of this sort may be something like the following; those people who are all related through blood, and, at least initially, cohabit with each other. At the interpretive stage it could be proposed that blood relations are a signifier, but that strong bonds between caregivers and children who live with each other better fits the social practice under consideration, this also shows that we are commonly not talking about distant cousins. In post-interpretation the considerations at the interpretive stage are taken on board, and, in this example, the initial exclusion of adopted children or step-parents can be incorporated into the interpretation of what a family group is. I am by no means proposing this is a conclusive interpretation of the

family group, I only mean to illustrate how the process may occur. Just like in the actual case of interpretation there may be much disagreement about the tentative conclusions proposed here.

In the case of a purported political community it may be thought that this process would be in such high dispute with so many members that not even a rough acceptable definition could be agreed upon. The real-world case of Northern Ireland, for example, would result in a heated dispute of residents of Northern Ireland between whether their political community was best described as Britain or Ireland. Even in this case though, the majority of community members of Britain or Ireland at least agree that their respective community covers everything except Northern Ireland. It may be that in such a real-world case that all the residents of Northern Ireland cannot non-contentiously claim to be part of any political community; that Dworkin could not explain their assumed political obligation is perhaps a drawback, but it need not be fatal regarding the generality requirement. Moreover, this is not a principled objection to the ability of Dworkin's process succeeding in delineating a sufficiently acceptable area to count as the political community, so, in theory, there is nothing limiting the plausibility of his position. Regardless, what constitutes a political community needs to be decided upon, but Dworkin's particular account of how the community is agreed upon is inessential to the theory, so even if the interpretive process is inadmissible, as long as we assume there is some acceptable account, then we can proceed.

True Community I - Obligations are special

The next step in uncovering whether a group generates associative obligations, according to Dworkin, is to see whether it is a true community; which is to assess whether it is a bare community that fulfils the four attitudes of reciprocity. The first attitude is that the group's obligations are *special* not general. Similarly to the necessity of the group being a bare community to begin with, I take it Dworkin intends the *special* attitude as an identifying condition rather than an explanatory one. What I mean by this is that since associative obligations are relational, then they must be special or they are simply not associative obligations at all. If obligations are not special they are general, and thus are owed to all moral patients. Hence, to ensure the obligations are those that result from the particular relations we have to others, and not just general duties to all of humanity i.e. to ensure it is associative obligations we are dealing with at all, we must ensure that the obligations are only due to a sub-set of moral patients.

Ultimately this is a partiality requirement, it permits that some moral patients are due special treatment as compared to others. It may be objected that there is no justified grounds for partiality whatsoever, and so there can be no such thing as associative political obligations. However, without putting forward any substantial argument here, it can at least be noted that it is a part of ordinary morality that we may be partial to some groups or individuals e.g. family and friends.¹⁸ So, minimally, partiality is in line with everyday moral thinking, this may be taken as at least *prima facie* evidence in favour of an account that embraces this; intuitively, it seems that the burden of proof would lie with a theory that deemed partial treatment impermissible. When transferred to a polity, this kind of partiality may seem out of place. It may cause worries about unjustifiable nationalism, I will return to this worry later.¹⁹

True Community II - Obligations are personal

The second of the four attitudes Dworkin identifies as necessary for the generation of associative obligations is the *personal* attitude: members must accept that the obligations run from each member to each member and not to the group as a whole. Assuming there are associative obligations, Dworkin claims, if I always fulfil my associative obligations toward my brother, but he continually sacrifices his associative obligations toward me in favour of the family, then I am justified in not fulfilling putative associative obligations toward him in the future (pp.199-200). I find this way of arguing for the *personal* attitude perplexing. It does nothing to establish that all associative obligations must run from member to member, all it shows is that obligations that are not reciprocated need not be owed in the future. The same argument could be run without the reference to favouring a group: if I always fulfil my associative obligations toward my brother, but he always fulfils his associative obligations toward our sister over the associative obligations he owes me, then I may be justified in not fulfilling putative associative obligations toward him in the future. The argumentative work here is not being done by my brother favouring my sister, in the same way it is not being done by my brother favouring the family; it is being done by my brother continually favouring some person(s) instead of me.

Perhaps a better argument here would be that if we owed obligations to the group in the same way that we owed obligations to individual members of the group, then it may be hard to ever justify fulfilling obligations to individual members given that the benefit to the group will, presumably, always be greater.

¹⁸I do offer substantial argument in the section 'Associative obligations and identification.'

¹⁹In the section titled 'Problem: morally indefensible partiality.'

That is, perhaps the sheer numbers of beneficiaries of obligations to the group would almost always trump obligations toward individuals when they conflict. Sometimes my obligations of justice toward the group would require the unjust treatment of an individual member, this could conflict with my obligation to treat that individual in a just way. On first blush, it seems that justice toward the group should always be favoured, but then individuals could have no guarantee of just treatment from each other, this may tarnish the positions they hold toward each other and jeopardise putative obligation generation. This sounds something like what Dworkin had in mind when he was describing the fulfilment of the *personal* attitude in an associative obligation generating community: 'it commands that no one be left out, that we are all in politics together for better or worse, that no one may be sacrificed, like wounded left on the battlefield, to the crusade for justice overall' (p.213).

Again, if we think that partiality is acceptable, or required, then sometimes favouring the individual over the group will make sense. Nonetheless, neither the argument Dworkin gives for the *personal* attitude, nor the argument I have attributed to him establish that there can never be obligations toward the group as a whole. All that has been shown is that if there are to be associative obligations then there needs to be some degree of favouring the individual over the group some of the time. One way to make the stronger claim, that associative obligations must always run from person to person, would be to claim that the mere threat that obligations may not be reciprocated between individuals would be enough to nullify obligations to be generated between individuals. However, I need not try to establish this since I do not think Dworkin needs this stronger claim. I do not see how this minor change substantially alters the theory, it seems enough, pace Dworkin, that associative obligations are possible with a favouring toward fulfilling obligations between individuals at least some of the time.

True Community III - Obligations flow from concern

The third of the four attitudes, that Dworkin requires for a bare community to become a true community, is that of *concern*: responsibilities flow from a more general responsibility each has of concern for the wellbeing of others in the group. To illustrate the need for this attitude, Dworkin draws a contrast with contractual relationships that lack this kind of concern (p.200). In a business type relationship between two people then each individual tries to get the best deal they can for themselves; each is motivated by self-interest to ensure the most favourable compromise of desires. After the contract is established the boundaries of how they treat

each other is partly dictated by their agreement. In situations where the agreement ends up making one party worse off, then the other need not alleviate their loss or scrap the agreement; the worse off businessperson may protest, but the other may merely point to the contract and remind them what they agreed to. The obligations they have toward each other flow from what was contracted in a self-interested compromise, it need not flow from a sense of concern one has for the other.

Conversely, a deep sense of concern is constitutive of associative obligations. It is expected that family relations, for example, could not survive the minimal concern that a business deal like that outlined above involves. Perhaps this is one of the reasons behind the cliched piece of advice that business and family should not be mixed: family members are expected to go over and above for each other, whereas business partners are not. If an arrangement between two family members is disproportionately damaging one over the other, even if the agreement was fairly made, it is expected that the agreement should be annulled, not so in a business environment. It is part of what it is to be a family member that your level of self-interest is curbed by the level of concern toward your family. Dworkin is quick to note that associative obligations do not require the same range and level of concern across the board. That is, the level of concern I have for my brother will probably be greater than that of a friend; similarly, the range of things that concern me about my brother's life will be greater than that of my union colleague e.g. I may be worried about the love-life of the former, but not of the latter. Hence, even though I must have a level and range of concern toward those I am associated with, it need not be to the same degree in every kind of association.

It may be objected that associative obligations can be generated even if there is no concern for the particular group member I am obligated toward. Perhaps my grandmother was always cruel to me in such a way as I have piteously little concern for her, nothing above what I would have toward a complete stranger, perhaps less. Yet, out of concern for my mother, and how important it is to her that I have a relationship with my grandmother, I fulfil the obligations that a grandson may owe a grandparent (perhaps I visit her regularly and help her with her shopping). This example is no challenge to Dworkin, however, as it can be imagined that I may have no attitude of concern for the well-being of any member of my family whatsoever, but that I recognise that morality requires I act as if the attitude were there: the attitude of concern, like the other attitudes required, is not psychological, I need only act as if that attitude is there, and associative obligations can still persist.

True Community IV - Equal concern

The last of the four attitudes that Dworkin thinks is necessary for a bare community to become a true community is more of an aspect the previous attitude should have: the attitude of concern must also be *equal* for all members. I have already spoken about how associative obligations necessarily embrace justified partial treatment, but, within the group, associative obligations cannot survive partial treatment of particular members. This does not mean that there cannot be hierarchies within the group so some have more power than others; it does mean that when the power is exercised it must be done with equal consideration of all members, nobody's life is worth more than anyone else's. Whatever associative obligations we think are operative between siblings, it seems correct to claim that, if my brother is persistently partial toward our sister over me, the relationship I have with my brother could be tarnished in such a way that any associative obligations I would owe to him are nullified. More generally, any group member loses the partial treatment they enjoy (relative to those outside the group) if they do not have an attitude such that they reciprocate that attitude equally to all members of the group. It seems appropriate that group relations are necessarily egalitarian as someone who is not owed an attitude of equal treatment can rightfully wonder whether they are a full member of the group at all: a family member who is not given an attitude of equal concern would justifiably feel ostracised, being treated as a family member entails being treated in an equal manner to everyone who is a family member; a family member ostracised in this way, who is requested to fulfil her familial obligations can justifiably claim she has not had the appropriate treatment of a family member, so she need not fulfil any such putative obligations.

Integrity

I have described a bare community and the four attitudes that its members must have to make it a true community, the final component Dworkin requires for a true community to generate associative obligations is that its members must accept integrity as a distinct political virtue alongside justice and fairness. As noted, Dworkin admits that integrity would not be required if everyone was just and fair toward each other. The problem is that conceptions of justice and fairness can differ substantially. Given that this is the case we need some reason to accept the differing conceptions of justice and fairness that others have; even if we believe that our family members have treated us in a way that is unjust or unfair, we can respect their treatment if it done with integrity, that is 'according to convictions that inform and shape their life as a whole, rather than

capriciously or whimsically' (p.166). I may deem it unjust that my father thinks my sister should defer to his opinion in choice of marriage partner, when he does not feel this way toward me or my brother; yet I still may be able to respect his position if it is based on a principle that he feels is just and defensible. I would find it difficult to respect, or possibly accept, his point of view if he could give me no principled reason for it, or if his actions showed discordance with the principle his position supposedly derives from. Of course, whatever principle he offers, I may still take his position to be blatantly sexist, and so an unjustifiable violation of justice which shows his position to be fundamentally morally flawed.

It seems to me that including integrity is likely to be one of the more contentious aspects of Dworkin's theory. Regardless, I do not wish to take the time to question it too much for the simple reason that, as I have argued, it seems we will need some condition(s) for dealing with the kind of disagreements that Dworkin proposes the value of integrity to solve, but as long as we assume that some condition can be found, be it integrity or something else, then the theory as a whole still makes sense. I do not think there is reason to suppose that such a condition could not be described in principle so I think it is reasonable to assume that there is one. Also, if I can show that Dworkin's theory fails to obligate us politically even if we assume the more contentious aspects of his theory, then it is much more difficult for the Dworkinian to mount a response.

So far I have elaborated on the conditions which Dworkin believes are necessary and mutually sufficient for associative obligations to arise in a group (if the group was reasonably just and fair).²⁰ I have given some reasons to doubt each condition is necessary and tried to deal with these objections. These discussions are too short to be conclusive, but, as mentioned, allowing Dworkin the benefit of the doubt here will make my final objection even stronger. It may be accepted that Dworkin's theory adequately describes associative obligations as we normally understand them; of course, however, Dworkin does not wish to stop with this feather in his cap. His main task is to show that the scope of the groups in which associative obligations are generated can be extended beyond the traditional groups such as family and friends. Most controversially, he argues that the citizens of a nation state, or some other interpretation of a political community, can generate associative political obligations.

Dworkin takes it as given that we take our polities to be political communities; that is, we already hold the first of the four attitudes toward each other: '[w]e suppose that we have special interests in and obli-

²⁰I save elaboration on the requirement of justice until objection I below.

gations toward other members of our own nation' (p.208). He then goes on to describe three models of political community; each one describes different attitudes that community members may self-consciously take toward each other. One of these communities, he believes, satisfies the conditions outlined for a true community, and so can generate associative political obligation. Before assessing his argument, I will deal with an obvious objection to his initial assumption.

Problem: morally indefensible partiality

Assuming that we already view our polities as political communities seems a poor foundation to build Dworkin's theory around. Even if it is true that we do view our polities this way, it is far from clear that this is what we should do. If it is accepted that we do this in error, then Dworkin's position becomes highly problematic because it would be agreed that we should not be partial toward the members of our polity; thus the *special* attitude should never be fulfilled and Dworkin's theory becomes morally redundant. Thus, Dworkin must defend himself against cosmopolitanism: the view that we owe considerations of justice equally to humanity as a whole, rather than having one standard for members of our polity, and another for those outside. As Dworkin does not offer any argument against cosmopolitanism in *Law's Empire* I will look to Nagel to defend Dworkin's anti-cosmopolitan position.²¹

Nagel argues that justice '...requires a collectively imposed social framework, enacted in the name of those governed by it, and aspiring to command their acceptance of its authority even when they disagree with the substance of its decisions.'²² For Nagel, citizens are in a unique relation toward each other: the state's coercive power, enacted through law, has unique application to its members. This seeming infringement of an individual's autonomy really enables greater autonomy through providing security and prosperity. In a democratic state, members have some co-authorship of their laws, but given the non-voluntary subjection to this coercive influence, members still require an especially robust justification to legitimise state power: it must be just. Even if the state coerces non-citizens, it clearly reserves a uniquely comprehensive and tenacious coercive force for citizens.²³ Hence, it is unique to polity members that they deserve a thoroughgoing application of some concept of justice; the content, scope and justification of justice all derive from the kind

²¹ I will only present an argument for partiality in the application of justice, and will assume that similar considerations can be applied for fairness.

²² Nagel, op cit., p.140.

²³ A state does coerce those that it is at war with to a higher degree than state members, but I wish to sideline this issue as just war theory, etc, is beyond the scope of this thesis.

of coercion a state's institutions reserve for its own citizens, and the input those citizens have in that coercive behaviour.

If Nagel is correct, then we should be partial toward our polity members in the manner Dworkin assumes that we already are, and so Dworkin's theory of associative political obligation is not doomed at the first hurdle. Of course, cosmopolitans have replies to Nagel's argument, but I am not going to cover them here. That would open up a contentious area I do not have the space to cover adequately. I wanted to raise this issue because Dworkin's assumption seemed obviously problematic, it needed argumentative support. I will assume that Nagel's argument, or something like it, is correct, so Dworkin's theory can be given the best chance it can.

Three models of community

The next step in Dworkin's argument is to describe three models specifying the attitudes the members of political communities could endorse toward each other, he then assesses whether any of these could gain the status of a true community. The first model of political community, the de facto model, describes a political community in which its members view the group as a mere accident of history or geography, so members do not really view the community as political at all i.e. there is no agreement that citizens should be partial toward members of their community; hence it clearly fails to generate political obligation (p.209). This would be the view of someone who endorsed cosmopolitanism. It seems fair to say that such a community could not be associative obligation generating, looking at an analogy with the family will make this clearer. A family member may view their membership of one particular family as an accident, but if this completely describes their attitude toward their family, then they do not view it as a group that should have any partial treatment to anyone else, so the reciprocal actions that I have described are essential for associative obligation will be violated at every turn.

Second, the members of a political community that is in line with the rulebook model agree to the rules of the community which are hammered out in political compromise. They may be obligated to obey the law, but it is not through association that they are obligated because they cannot be said to be acting with the level of concern that is required. Certainly, they may have some concern for each other, but it does not extend beyond following the letter of the law after it has been established through political opponents fighting

to get the best deal they can for the person or group they represent. In this way each person is trying to get ahead in spite of everyone else, they are not fighting to get the best for each member of the community; they are attempting the minimal level of concern they can get away with. Dworkin sees this model as that closest to the fair-play account of political obligation; this is the kind of community it fosters. The minimal rules of fairness are thought to exhaust the level of concern each polity member need have for each other.

It is unlikely this model would be obligation generating in the associative sense, and, again, a comparison with the family will clarify this. A family member may feel obligated to follow the rules of familial interaction, but this will appear cold if this is always done to the minimal degree required. Moreover, if they are always out to get the best they can for themselves in familial compromise, in spite of their effect on other family members, then it seems unlikely they could be regarded as having much concern for any other family member at all. Fostering a competitive attitude in this way would plausibly tarnish their familial relationships in such a way that it would show that they were not acting like how we think family members should act; each member is more like a competitor to the other, each person's primary concern is themselves, and they are always out to get one over their competition. Families endorsing this minimal level of concern are not the kind where associative obligations can flourish.

Finally, Dworkin believes the model of principle describes a political community which can generate associative obligations. He says '[m]embers of a society of principle accept that their political rights and duties are not exhausted by the particular decisions their political institutions have reached, but depend, more generally, on the scheme of principles those decisions presuppose and endorse' (p.211). The crucial difference to the rulebook model is that those in a community of principle do not just abide by the decisions their community adopts, they believe that they have duties toward each other that extend from the principles the community is based upon, but have not been formally adopted. Their concern for each other goes over and above the following of rules, and those rules are decided upon with that level of concern too, so they are not the result of self-interested compromises, they are the result of all the community's members acting to better the situation of every other member.

Thus the community of principle is a true community. Its boundaries are defined by social practice, it is reasonably fair and just, members participate as equals with everyone else, in a process where no one is left out, and everyone always fights with a strong and enduring attitude of equal concern for everyone else. Membership of such a community consists in having the four attitudes and accepting integrity. As has been

argued already, these conditions of reciprocity plus integrity (or something like it) are necessary for associative obligations to arise in the paradigmatic examples of associative obligation; if the group is reasonably just and fair then these conditions are mutually sufficient for obligations to arise.

Let me recapitulate Dworkin's position: '[w]e have a duty to honour our responsibilities under social practices that define groups and attach special responsibilities to membership' (p.270). It is through dint of having the special relationship of a true community with fellow citizens that a duty to obey the law arises, this duty is owed to every citizen because of the reciprocal relationship that binds them in a group defined through social practice. Remember the community of principle: each member makes their political decisions from a set of accepted principles with the benefit of every other member in mind; membership of this group is constitutive of acting on the four attitudes with integrity. As every community member abides by the four attitudes, they are bound by the community's decisions. If they protested they were not bound in this way, then they should point to which of Dworkin's conditions they felt the others were not respecting, or accept they themselves are in violation of some condition. The moral authority of the law may be called into question if they were not made with the best interests of everyone in mind, for example, and so the attitude of *concern* is violated. In this way a minority group may be ostracised from the political community, and are not bound by its laws; however, if this protest is illegitimate then they need to recognise that their membership of the community is constitutive of obeying the law when the conditions are in place. If being the member of a certain reasonably just community means participating as an equal with everyone else, in a process where no one is left out, and everyone always acts with a deep and enduring sense of what is best for everyone else, then it seems like I have a strong moral reason to abide by rules the community decides to live by; certainly, if these grounds are what membership of this community entails then it appears I must abide by the laws decided upon or not be a member of the community. This obligation is derived from a complex set of relations that I bear to others in the group and which they bear to me.

Dworkin's task in describing a community of principle is to show how his conditions can arise in a polity and so make polity members politically obligated associatively. Certainly the way the conditions are fulfilled in the non-political case have some differences in degree to the political case, but what Dworkin wishes to show is that there is no difference in kind. After detailing why I think some other objections fail, I contend that polities are different in kind through the populace not needing to identify with their political role in a way they must to be obligated.

Three Objections

Objection I: unjust obligations

Dworkin faces that the charge that unjust true communities that accept integrity would generate unjust obligations; surely abhorrently unjust groups, such as the Klu Klux Klan, can satisfy all of Dworkin's conditions and generate moral obligations that bind members to do wicked deeds. This seems like an unacceptable consequence of his theory. Dworkin's answer to this is fairly straightforward: without a sufficient respect for justice and fairness (to those within and outside the group), no associative obligations can be generated. This may seem like a stipulation to avoid a genuine problem, but, to be fair, if this is a problem, then it is a problem for any theory of political obligation. It is plausible that I am not obligated to fulfil unjust promises, in the same way I am not obligated to obey unjust laws, even if I have consented to them. Similarly I may receive the benefits from some unjust institution without being obligated to take my share of its burdens i.e. abide by its laws. If these theories are capable of stipulating that they create no requirement to obey unjust laws, then Dworkin's theory of associative obligations can stipulate this too; for anyone to have an obligation to obey, it seems, the obedience must be due to some reasonably just person, group, or system. To complicate matters a little, Dworkin does believe there can be conflicts with justice where justice loses out. This is because he argues for integrity as a distinct value, alongside justice and fairness, as our means to evaluate political structures; this entails that integrity can come in conflict with the other values, and on occasion integrity's claim should have priority. However the minimum standards of justice are set to a high enough level so that the blatant disregard of justice desired by groups like the Klu Klux Klan can never generate associative obligations (pp.202-206).

Objection II: discontinuity of intimacy

Another objection often levelled against Dworkin is that role obligations of the kind he describes need a degree of intimacy not found in a polity; the paradigmatic role relationships of family and friendship that seem to generate associative obligations are of such a different nature that no relations between members of a polity could be similar enough in kind to elicit associative political obligation.²⁴ This is to misinterpret Dworkin's theory: he does not believe that associative obligations are only generated through the kind of close emotional bonds that his detractors claim are essential.

²⁴ Simmons, J. A., 1996, Associative Political Obligations, *Ethics*, 106:2:247-273.

His account does not include any psychological conditions that we could only hold toward those we are intimately connected to. Dworkin does believe that any group would require some degree of emotional concern for each other for the four attitudes to be met and sustained over the long term, yet these do not flow from the four attitudes; rather, the practices a community adopts must be that members with the correct level of concern *would* adopt, the concern need not be actual in every, or any, member, as long as their actions are such that they are in line with someone who did have the attitudes (p.201). Hence, Dworkin does not require citizens to be bonded in anything like the way family members are. As long as the four attitudes accurately describe how associative obligations are generated in the varied groups that are presumed to generate them, then Dworkin has shown that strong emotional ties are inessential for associative obligations to arise; hence the door is open for him to ascribe associative obligations to groups that vastly differ in the character of their emotional intimacy.

Additionally, if this reply seems unsatisfactory, then another response is available: despite first appearances politics do seem to have some degree of emotional connection. It is a common phenomenon, even amongst the unpatriotic, that learning about the achievements of countryfolk does illicit swellings of pride; similarly, less than admirable acts are commonly followed with pangs of shame. As mentioned, I do not believe Dworkin needs to rely on this observation, but it does undermine what the objection assumes: that political communities are of a vastly different nature to other forms of association.

Objection III: Leslie Green's discontinuity of obedience

I have outlined how Dworkin can respond to the charge that there is a morally relevant discontinuity of intimacy between paradigmatic associative obligations and the associative political obligations he wants to propose. Green raises another objection of this type, this time regarding the discontinuity of obedience. He questions whether associative political obligations can explain the state's claim to authority.²⁵ He does this by arguing that obedience is usually fundamental to political obligation generally and so should be for associative political obligation specifically, yet in other obligation generating associations obedience is absent, or of a character that cannot be duplicated in the political sphere. If Green is correct then he shows that political obligation requires a property, namely obedience, that cannot be derived from association, and so Dworkin's theory fails to explain the state's authority.

²⁵Green, L., 2004, op cit. p.271.

Green draws attention to an associative example that Dworkin often uses: sibling relations. The nature of sibling relations seems to preclude obedience; mutual respect, heightened concern, etc, probably, but it is a stretch to claim that we usually think one sibling must obey the other. Similarly, it seems a deficiency of a friendship if one is obedient to the other. In fact, consistent obedience in a purported friendship may lead us to believe that it inappropriate to deem the relationship a friendship at all, it may be suspected that one supposed friend's domination over the other is inconsistent with what friendship is. Sibling and friendship relations seem to be dead ends when looking to derive obedience from associative obligations to explain the obedience that seems to be required in putative associative political obligation. Parenthood, on the other hand, is a paradigmatic associative relationship where obedience is thought to be required; the problem here is that even though we see a continuity in the fact that there is obedience in associative obligations, there is a relevant discontinuity between the type of obedience that we see in parenthood and the type we want in the political domain.

Here Dworkin wishes to assert, pace Green, that nonpolitical associative obligations do have an element of obedience on occasion, and that these cases are relevantly similar to how associative political obligations demand obedience.²⁶ Friendship does require obedience from time to time; for instance, when deciding where to go on holiday with a friend, there are occasions where I am obliged to go where she commands. Perhaps this is because I chose where to go last time, but not necessarily so, there may be all sorts of background conditions to our relationship that obliges me to do as she says on pain of possibly losing our friendship. In terms of the four attitudes, I may be motivated by the *special* attitude as, previously, I have favoured our friend group over her; the *concern* attitude may be violated if I have shown seeming disrespect for her wellbeing in our previous decisions; similarly, I may have come across as not treating her as an *equal* on the same grounds. Any of these considerations may make me especially motivated to oblige her decision to ensure that the conditions for friendly association continue. In this way, Dworkin thinks, obeying the law is like obeying a friend or family member: the complex set of background relations necessitate obedience if the relation is to hold. It is just that in the nonpolitical cases appropriate reciprocation rarely requires obedience; whereas, in the political environment, appropriate reciprocation almost always requires obedience. Hence, associative political obligations can still be seen to be on the continuum of associative obligations, it is just that obedience gets expressed in different ways depending on the context.

²⁶ Dworkin, R. 2004. Dworkin replies, in Burley, J., ed., *Dworkin and His Critics: with replies by Dworkin*. Oxford: Blackwell. p.377-8.

It seems to me that Dworkin does not fully answer Green's concerns. Green's argument was not solely about claiming there was a discontinuity in the existence of obedience in various stripes of associative obligation. He also wants to draw attention to the kind of moral justification that obedience needs in each case. If the moral justifications that are used for obedience being appropriate in the non-political case cannot be used in the political case, then the moral justificatory status of obedience in the political case is brought into question. To begin my reply, I will look at one such non-political justification Green offers as, *pace* Green, I think it is possible to appropriate it for the political sphere: parents need obedience as children are not competent judges of their own and others' interests.²⁷ The problem in applying this in the context of a state is clear: a state governs mature autonomous adults, not dependent youngsters. Yet, it may be countered that large proportion of the populace, at any given time, do need authoritative guidance on whatever issue is considered, as not everyone has the specialist knowledge required for making fully informed decisions.

Ordinarily, differing levels and types of knowledge in persons engaged in a collective activity, if the operation is going to work effectively, results in deference to those more knowledgeable on any particular issue. If a true political community were to operate from common principles with an attitude of concern, etc, as Dworkin argues, then to not act in deference to those more knowledgeable on certain issues, to not obey to the correct course of action or set of rules, when the experts are in agreement, is to not believe that the members of the community act with the four attitudes at all. For instance, I may believe I should not obey on the course of action because it does not give appropriate concern to all members; if I am right then the community is not a true community so does not deserve my obedience anyway, if I am wrong then I am not obeying a course of action I am morally required to do; given that a true community is in place, it would be detrimental to other members of the group if I did not obey and just did what I thought to be best. So the argument that justifies parents to be authoritative over their children has a plausible parallel in the political sphere. It is unlikely that I can understand all of the elements of the law and why they are the way they are, the system is too complex and unwieldily; yet, if I am in a true community then I have a good moral reason to obey them anyway. The rules of the community have moral authority.

Nonetheless, this cannot be the full picture: if we were considering a technocracy then my argument may apply, but the obedience we are trying to explain is not only about deferring to experts; the authority stemming from will of the majority is also thought to deserve our obedience. Of course this can straightfor-

²⁷Green, 2004, *op cit.*, p.272.

wardly be derived from any other association as morally legitimate decision making processes are often used between family, friends and other groups. If a group of friends do not know which restaurant to go to, then it is often put to a vote and the losing parties obediently defer to the group. I believe something like this can be seen in parent child relationships too: it is not always the case that the parent is more knowledgeable on some issue, thus deferring to parental authority is inappropriate. For example, in matters of taste, the child is often more authoritative on her own opinion than the parent; hence, other legitimate decision making procedures are often used. Taking choice of food again, parent and child may take turns on where to choose to eat, or if there are odd numbers of participants, then a voting procedure can be instigated. As this argument is generalisable for any morally legitimate decision making process where obedience should be owed, then if there are other processes I have not mentioned where the state is thought to enjoy obedience, they can also be derived this way from familial relations. Hence, it is not the case that the obedience owed state is fatally dissimilar from other types of associative groups.

Green, however, still thinks this solution is problematic: it is not clear that obedience is required to get the desired results; persuasion, exhortation, reward, and/or coercion, could be used instead, for example. So obedience may be a sufficient condition for the desired results, but it is not necessary. However, this undermines his initial claim: he begins by claiming that political obligation is thought to require obedience, and associative political obligation cannot account for this due to a lack of the appropriate justifications for obedience that can be derived from non-political associative obligations. For him to follow this by claiming that a state need not use obedience to get the results that obedience is useful for, is to admit that political obligation does not really require obedience after all.

I think there is good reason to question Green's solution: there is no certainty that any of the other means of getting the populace to act as if they were obedient would result in the required level of obedience like behaviour. Persuasion is a possible method, but there is no guarantee that people can be sufficiently persuaded, the situation is similar for exhortation; reward may be a possible method, but it may not be effective, the state may not be rich enough, and, anyway, there may be moral objection to continually bribing the populace. As for coercion, the problem of getting sufficient obedience like behaviour may be solved, but this seems perilously close to recommending a totalitarian regime. Hence, there is good reason to set aside Green's own solution and concentrate on solving the objection another way. The obedience the state may require is not just of any character, surely what is required is morally legitimate obedience; in the case of parent and

child this seems to hold, I have argued that this kind of morally legitimate obedience, which associative political obligation requires, can be relevantly derived from these morally legitimate cases.

Associative Obligations and Identification

Having defended Dworkin against key objections, I now turn to my own. To launch the strongest criticism against Dworkin I will accept that he is basically correct when it comes to associative obligation, but that Hardimon's conception of role identification shows that there is still a relevant discontinuity between associative obligation and putative associative political obligation: Dworkin claims that the family and the polity obligate associatively in a non-voluntary way, this similarity permits Dworkin to appropriate these properties from familial association and apply them to political communities. Drawing attention to role identification shows that while both family and polity membership is non-voluntary, this does not entail that the role obligations both have are also non-voluntary.

Hardimon argues that role identification is a necessary aspect of developing associative obligations.²⁸ To identify with a role is to conceive of oneself as an occupant of that role, more specifically it is (i) to occupy the role; (ii) to recognise that one occupies the role; and (iii) to conceive as oneself as someone for whom the norms of the role function as reasons they have. Perhaps what makes familial non-voluntary role obligations so particular is we find it difficult to *not* identify with the role in the way Hardimon describes. Certainly, regarding the first two conditions, I can almost never fail to fulfil these in my role as son.

Regarding the first condition, occupying a role in Dworkin's terms is an interpretive process defined by social practice. I cannot just decide what a role is and from that claim I do not occupy it; for instance, I cannot claim that part of the role of son is to be able to hold my breath for an hour, and in this way deny that I occupy the role of son. Roles are socially defined practices that cannot be redefined by any one individual, this is not to say that what defines any one role cannot change, what constitutes a role is up for grabs in the way the interpretive process describes. Neither is it to say that consensus is required to specify what some role is, there may be competing conceptions at work even within one family. As long as there is some agreement to the course grained bounds of what being a son is, this should not be a problem. In this way holding your breath for an hour cannot be what constitutes the role of son, but even if my brother thinks that being a son should entail a responsibility to carry on the family name, I can disagree with him and we can still hold that each of us occupies the role of son. In the same way two literary critics may disagree on what the best interpretation of a book is, but there is no room for them to disagree that it is not a book they are assessing. Under any reasonable conception of what being a son is I cannot fail to occupy it, of course this is true of

²⁸Hardimon, op cit., pp.357-363.

nominal membership, I wish to claim this is often true of normative membership also, I will get to my reasons for this in a moment.

The second condition countenances the fact that I may be unaware of a role that I do occupy, I cannot conceive of myself as an occupant of a role if I do not realise it applies to me; however this seems incredibly difficult for any sane person to do when it comes to familial roles. As long as I am operating with a reasonable conception of what being a son is, then I must recognise that I occupy that role. I may deny that I am the son of my parents, but this seems more like a hyperbolic statement signifying my disapproval of my parents in the way that teenagers are known to do. Clearly I cannot deny the nominal role I have as son, I cannot deny a factual causal relationship. If my parents have acted toward me with the four attitudes, integrity, and in a just and fair way, then I have no grounds for not recognising the normative role I have as son without violating some of the obligations that come with it.

The third condition is more tricky, this is where I will argue that, for most us, since any reasonable conception of what a son is involves recognising some obligations, then I must not only see myself as a nominal family member, but a normative one also. It makes little sense to claim that I occupy the role as son, and I recognise it, but that I do not conceive of myself as someone who has role based reasons. If it can be agreed that a son has an obligation not to cause undue worry for his parents, then this must be a reason I have, if I occupy the role of son and recognise that I do. Even if my parents have done something horrendous to me, or something less bad but still in violation of one of Dworkin's conditions, then I may conceive of myself as someone who has obligations toward them that are, as a matter of fact, defeated.

I have argued that a reasonably sane person cannot fail to occupy and recognise that they occupy familial roles. Furthermore, I have argued that if someone occupies a role and recognises it they must conceive of themselves as someone for whom the role's reasons function as their own. Still, someone can deny they have familial associative obligations if they conceive of that role as one that does not have any constitutive obligations toward other family members; in this way they can recognise that they occupy the role, but not be obligated by it in any way as it simply has no reasons that can be appropriated as one's own. If I can show that polity membership need not be conceived with constitutive obligations, then this would show that political communities need not politically obligate associatively, but if I show this for familial membership as well, then I am arguing for a position that is sceptical toward non-contractual obligations generally. What I wish to defend is a position in which non-contractual role obligations can be admitted, but that does not lead to associative political obligation; hence, I will try and show that reasonable conceptions of familial roles

tend to have constitutive special obligations toward family members, while reasonable conceptions of roles in a political community tend to not have constitutive special obligations toward polity members.

What I am *not* arguing is that it is an analytic truth that familial roles have constitutive obligations. It may be a moral deficiency to not recognise that certain obligations track familial roles, but it is an understandable position, it does not have some internal inconsistency. What I am claiming is that any conception of some familial role is highly contested, yet whatever conception you adhere to will generally have special obligations as a constitutive component i.e. being a son, for example, is always a moral reason I have to act with partiality in some way toward my family. The precise obligatory form this partiality takes may be different depending on our conception of the role, but it is difficult to perceive the role without some form of a partiality obligation.

To conceive of familial roles in a purely nominal way makes it difficult to explain our reactions toward certain cases. Consider, for instance, how people react and how we expect them to react to an alcoholic in the family. The kind of alcoholic I am considering has been this way for some time with little hope of recovery, she has stolen from, insulted, attacked, and generally been a sinkhole of the family's material and emotional resources. Hence, her actions conflict with any means of obligation generation I have discussed, and yet families often feel they must continue to aid the stricken individual. Considerations of fair play cannot explain why family members continue to feel obligated as the burdens an alcoholic brings upon the family are too great to counterbalance the benefits of any way the family can be described as a cooperative scheme. If parents can be said to have consented to take on the obligations having a child brings, then surely this must have limits; regardless, siblings offer no such consent and they still feel obliged to aid each other in ways that go far beyond what they put up with toward strangers or even friends. Dworkin's theory is helpful as it can explain more precisely the ways in which it is morally legitimate that the family cease to aid the alcoholic even though she is a family member: the conditions of reciprocation are multiply violated, as well as the conditions for just and fair treatment. In fact, one of the reasons we think the alcoholic is particularly blameworthy is exactly because they take advantage of the exceptional good will that families often give. A family friend may point out the long list of atrocious acts the alcoholic has plagued the family with, but if the family members retort that she is still their daughter or sister, we know they are not referring to a normatively devoid biologically causal relationship, they are giving a reason for their actions, we understand what they mean, as much as we may disagree that familial relations are not strong enough to endure the treatment the alcoholic has wrought.

I wish to bring attention to what I mean when I use the metaphor ‘strong’ here when referring to familial bonds. It cannot refer to the nominal biologically causal relation that signifies family membership as this does not vary in degree, it is either true or it is not. What can vary in degree is the normative commitments that track our conception of what this nominal relation entails. In Dworkin’s terms families are social practices that are subject to the interpretive process. The interpretive process results in many competing explanations, some people see family relations as the most important part of their lives, they see their familial roles as heavily normative with a great number and degree of obligations. These people, for example, take it as their duty to sacrifice their lives to care for disabled parents, they are the sort that would tolerate an alcoholic family member for much longer than most. Others see their familial roles as a relatively minor responsibility, a phone call home every six months is enough, they would not stand the alcoholic family member for very long. We may argue that someone is doing too much or too little, but in the end we must often agree to disagree on what each of us thinks the family role entails. I do not want to get into the specifics of what any such role should entail, it is enough for me to point out that partiality in obligations toward family members is at the core of everyday morality (even the son who only calls once every six months understands his role has some responsibilities constitutive of it), and this partiality is best explained by obligations being constitutive of familial positions. This explanation goes a great way in describing why precise familial obligations are so difficult to pin down, and why people feel their obligations are fulfilled in so many different ways: we have all been brought up with, and adhere to, differing conceptions of what the minimal standards of normative familial membership are, and thus play out these roles in different ways.

Lastly, meaningful relationships are part and parcel of a life lived well, understanding what it is to live well is surely part of moral philosophy’s remit. It seems appropriate that a starting point for rationalising about what we should do, should give central concern for those aspects of moral life that we cannot do without. Conceptualising the familial roles we have, and thus the relationships we have to each other, in a nominal, merely biological manner, grossly oversimplifies what it means for most of us to be a parent, offspring, brother or sister. Recognising the inherent normativity of these positions, recognising the obligations that are bound up with the interactions of those closest to us, puts moral philosophy firmly in the world as we live it. Our intuitions in various cases should not have epistemic priority, they should be open to revision and rejection. How we conceptualise familial roles is not immune to this process, but I find it difficult to believe that any reasonable conception of what a familial role is devoid of any moral reason to act toward other family

members whatsoever. Nonetheless, I do not wish to rule out the possibility, I only wish to persuade that it seems an untenable position for most of us.

Viewing obligations as conceptually constitutive of familial roles for most of us helps to explain the presumption of obligation that familial relations have. When someone, say Angus, acts in a way toward their family member that we think is deficient for that form of relationship, then we may legitimately wonder what has gone wrong for the relationship to fall apart. The four attitudes that Dworkin describes accurately depict the type of reasons that someone may offer if they were to explain why the obligations we normally think are due no longer persist: they did not treat me any differently than anyone else, they treated the family name as more important than our relationship, their concern for me was shallow, or their concern for me was less than other family members. If it was thought the four attitudes held, and the relationship was just, fair, and had integrity (or some other value to account for reasonable disagreement), then we have reason to believe Angus is shirking the responsibilities he owes, we may encourage him to see the error of his ways and put effort into reciprocating his family's treatment toward him lest he chance discontinuing his normative familial membership, and so do ill by his family and miss out on a meaningful aspect of life.

Even if we only agree to there being one duty due toward other familial members that is constitutive of any reasonable conception of some familial role concept, then it is admitted that familial membership is normative by default. Hence, going back to Hardimon's role identification, I have already argued that I cannot fail to occupy and recognise that I occupy the role of son, for example; if any reasonable conception of what it is to be a son must involve some obligation(s), then since I occupy and recognise that I occupy a role in which obligations are constitutive, I cannot see how I can fail to conceive of the norms of the role as reasons that I also have. It is not possible for me to claim that I occupy and recognise the role of son, that obligations are constitutive of that role, but that those obligations that come with the role are obligations I do not have.

Polity and Identification

It may be agreed that I cannot fail to occupy and recognise that I occupy the role of polity member in the same way that this happens for familial roles, but reasonable conceptions of what this role consist in need not contain constitutive obligations. Certainly the role need not be conceived in the way Dworkin describes it, so the broad ranging application of political obligation he envisages does not follow.

It will be useful to refer back to some differing conceptions of being a polity member that I have already discussed. Cosmopolitans see polity membership as akin to de facto model of community. I assumed the falsehood of their position to get Dworkin's theory up and running, but the position certainly was not debunked, even with some good reasons against it, it would be difficult to deem it conclusively illegitimate. Adherents of this form of polity membership would not be obligated to obey the law according to Dworkin's theory as it rules them out as polity members entirely. Similarly, proponents of the fair-play theory view polity membership as akin to the rulebook model of community. I ruled fair-play theory out as it cannot pass the generality requirement, but this does not mean that this is an illegitimate conception of polity membership, it means if they are correct, then we cannot show that most or many of the polity are actually politically obligated. This would make the position closer to that of the philosophical anarchist, perhaps this would result in adherents believing that the state is morally illegitimate, but we cannot rule this option out however uncomfortable it may be. Philosophical anarchists themselves may not even recognise they occupy the role of polity member, but, if they do, they will surely view it is illegitimate and so not believe it gives morally binding obligations, if the role brings any obligations with it at all. Of course there are many more options for how we may conceive of the role of polity member than the three I have highlighted.

Dworkin claims polity membership is constitutive of the four attitudes, this is problematic because although he gives reasons to believe his theory offers a better explanation of political obligation, he gives no argument to show why the four attitudes are the only way to conceive of polity membership. It may be true that I cannot fail to be a member of the polity, but it is false that I must conceive of my membership in the way Dworkin describes. Hence his theory becomes conditional on a certain conception of polity membership: if I conceive of polity membership as acting in line with the four attitudes, then I am politically obligated. Therefore if a sufficiently high number of the populace conceive of polity membership in this way, then Dworkin's theory passes the generality requirement, otherwise it fails. I think it is clear that in the real world most people do not conceive of polity membership in this way so Dworkin's theory fails the generality requirement. This claim is easiest to defend when considering the attitude of concern: Dworkin needs the level of concern to be deep, he needs it to be closer to the concern of the offspring who cares for their disabled parent, rather than the concern of the offspring who phones once every six months. This kind of concern seems uncommon in a polity, the tolerance of the polity's equivalent of the family alcoholic seems low; resentment rather than tolerance of those on the welfare state, for example, appears a popular view.

These considerations do not sink Dworkin's theory, they only show it to be too utopian for any current or historical polity. Need this concern us? It may be an ideal theory, but surely it can inform us on what to do, on what to aim for. This may be where Dworkin's theory has an advantage over the others, it does have something to recommend: more fraternity. Fair-play theory may be able to recommend a greater number of benefits that can be accepted rather than received, but the very nature of many of the state's benefits seem to preclude such treatment. Consent theory can recommend that more people be encouraged to consent to the state, but why think that many would take up the chance? For Dworkin to recommend that everyone have more concern for each other seems a wholesome endeavour, but also one that is rather empty. Has anyone ever sincerely thought we should have less concern for each other? It seems unlikely. We may think it is a worry that Dworkin only recommends more concern for polity members, but even if we assume this can be achieved legitimately, without encouraging nationalist fervour, it still has little to say about what we ought to do.

Concluding remarks

In setting out the main problem of two rival political obligation theories, I argued that they failed to adequately answer the generality requirement because the degree of voluntary action constitutive of obligation in both theories; the unlikely prospect of a wide enough array of polity members acting in a sufficiently voluntary enough manner showed that very few are likely to be politically obligated. Dworkin's theory of associative political obligation seems a likely candidate to be able to allay concerns of voluntariness since it unashamedly embraces a non-voluntary conception of obligation generation.

Simmons's normative independence thesis challenged the possibility of any associative obligations whatsoever. In reply I gave some evidence that may make us inclined toward the normative independence of non-contractual role obligations, but ultimately I claimed that the challenge need not be met as it demands too high a standard of justification for any theory of obligation to pass.

Being a complex theory with many constitutive components, Dworkin's theory is not short of its own objectors. In arguing for the plausibility of something like Dworkin's theory being an adequate description of the conditions in which associative obligations are generated, I hoped to set the stage for the possibility that his theory could be legitimately applied in the political realm.

Associative obligations are necessarily partial to some over others, adherents of cosmopolitanism will object to this. I did not launch a comprehensive reply to this charge; I only assumed that a justifiable de-

fence of non-cosmopolitanism is possible. I argued that Dworkin can avoid the charge of permitting unjust obligations by simply stipulating that a reasonable level of justice is a necessary component for his theory; this was given support by considering that other theories of political obligation also do this without any furore. I dismissed worries that there is a morally relevant discontinuity between the level of intimacy required in paradigmatic cases of associative obligation and the political case; I did this by pointing out that Dworkin's theory shows how psychological connections are not required, and, regardless, there is some degree of psychological connection across the members of a polity. Green worries that the obedience the state requires is not derivable from the obedience in paradigmatic associations. In answer I claimed there is some relevant continuity in obedience in associative cases, and, in particular, the obedience due to a parent through being more knowledgeable than the child in many respects has a parallel in the varied asymmetrical knowledge relations of polity members; furthermore, obedience to morally legitimate decision making procedures is common in all types of association so derivation to the political case is not a problem.

In defending Dworkin from his detractors I portrayed his theory in the best light possible. Regardless, even if the more contentious aspects of his general theory of associative obligation are correct, we are not compelled to accept that his theory of associative political obligation passes the generality requirement. The only type of role that associative political obligation could derive its non-voluntary application from is the family. Appropriating Hardimon's description of role identification shows that the non-voluntariness of familial role obligations is due to the difficulty in not identifying with familial roles, which most accept are constitutive with obligations. Associative political obligations can acquire this non-voluntary character, but only if Dworkin's four attitudes are conceived as constitutive of polity membership. As most do not, and need not, conceive of polity membership this way then Dworkin's theory fails the generality requirement. On the upside, as an ideal theory, it can recommend how to act; problematically, its advice is commonplace and ineffectual: have more concern for others.

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