



Grace Chen
Production Editor
Phone: +65 6511 8231
Fax: +65 6511 8288
E-mail: grchen@wiley.com

Dear Author,

In an effort to facilitate the way proofs are handled, we would like to provide you with an electronic copy of your proofs. When selecting the article .pdf, if nothing happens, please download an Adobe Acrobat PDF Reader for free by going to <http://www.adobe.com/products/acrobat/readstep.html> and following the steps on the website. If you still have difficulty, feel free to ask me for assistance.

Enclosed are page proofs for your article in a forthcoming issue of *Philosophy and Phenomenological Research* (PPR). Please mark corrections in the margins, noting where the error is a typesetter error (TE), copyeditor's error (EA) or an author alteration (AA).

Please check your page proofs and correct typesetter's errors only. Corrections must be limited to those errors that alter your original manuscript. Rewritten material will be disallowed, or accepted only at the Editor's discretion and at journal's expense, an expense that may be passed on to you.

Please return your proofs to the proofreader:

Blake Roeber
Rutgers University
Department of Philosophy
1 Seminary Place
New Brunswick, NJ 08901-1107
Fax: 732-932-8617
E-mail: droeber@philosophy.rutgers.edu

If corrections are sent by mail, marked proofs must be sent via overnight delivery.

If corrections are sent via fax, marked proofs must be clearly written.

If corrections are sent via e-mail, a detailed explanation of the corrections, including page and line number must be included.

Your corrected proofs must be returned for receipt within 72 hours. It is important that you make every effort to return proofs immediately to avoid delay in publication. The Editors reserve the right to correct proofs themselves if corrected proofs are not received within the specified time.

Thank you for contributing to *Philosophy and Phenomenological Research* and for your careful reading of the proofs!

Author material archive policy: Please note that unless specifically requested, Blackwell Publishing, Inc. will dispose of all hardcopy or electronic material two months after publication. If you require the return of any material submitted, please inform the editorial office or production editor as soon as possible if you have not yet done so.

Proof Correction Marks

Please correct and return your proofs using the proof correction marks below. For a more detailed look at using these marks please reference the most recent edition of The Chicago Manual of Style and visit them on the Web at: <http://www.chicagomanualofstyle.org/home.html>

<i>Instruction to typesetter</i>	<i>Textual mark</i>	<i>Marginal mark</i>
Leave unchanged	... under matter to remain	<u>stet</u>
Insert in text the matter indicated in the margin	^	^ followed by new matter
Delete	Ʒ through single character, rule or underline or Ʒ through all characters to be deleted	Ʒ
Substitute character or substitute part of one or more word(s)	Ƶ through letter or — through characters	new character Ƶ or new characters Ƶ
Change to italics	— under matter to be changed	<u>ital</u>
Change to capitals	≡≡≡ under matter to be changed	<u>Caps</u>
Change to small capitals	≡≡ under matter to be changed	<u>sc</u>
Change to bold type	~ under matter to be changed	<u>bf</u>
Change to bold italic	≈ under matter to be changed	<u>bf+ital</u>
Change to lower case	Ɔ	<u>lc</u>
Insert superscript	√	√ under character e.g. √
Insert subscript	^	^ over character e.g. ^
Insert full stop	⊙	⊙
Insert comma	↵	↵
Insert single quotation marks	↵ ↵	↵ ↵
Insert double quotation marks	↵ ↵	↵ ↵
Insert hyphen	=	=
Start new paragraph	¶	¶
Transpose	┌┐	┌┐
Close up	linking ○ characters	○
Insert or substitute space between characters or words	#	#
Reduce space between characters or words	◌	◌

Is this journal in your library?

If not, recommend a subscription for your library and ensure the latest research is accessible and readily available to you and your colleagues.

Two easy ways to recommend that your library subscribe:

1. Use our convenient online form:

www.blackwellpublishing.com/libraryreferral

2. Complete the form below and pass it along to your librarian.

LIBRARY RECOMMENDATION FORM



I have reviewed _____ (journal title)
and believe it would be useful in our library.

Please consider my recommendation and subscribe to this journal.

Name: _____

Department: _____

Visit ***www.WileyInterscience.com*** for more information
about the journal, including subscription prices.

1 existence of such an obligation have not (yet?) been met. This approach
2 to showing that there is no obligation to obey the law involves going
3 through each proposed defense of the obligation to obey the law and then
4 arguing either (i) that the defense somehow fails, or (ii) that even if the
5 defense succeeds, the conditions laid down by that defense have nowhere
6 been met.³ An alternative and less common approach is to seek a more
7 general account of the unique difficulty faced by any defense of the obli-
8 gation to obey the law. This essay takes this approach. That is, this essay
9 attempts to argue that there is something distinctive about the obligation
10 to obey the law that makes this sort of obligation especially difficult to
11 defend and therefore especially susceptible to being treated skeptically.

12 At least one philosopher, Robert Paul Wolff, has argued that there is
13 a general reason why we ought to be skeptical about an obligation to
14 obey the law. His argument, though, has never had much traction.
15 Despite the fact that there are good reasons for this, we can nonetheless
16 rescue a central intuition of Wolff's argument. This intuition, which this
17 essay attempts to develop, is that an obligation to obey the law threatens
18 something deeply valuable. But, on the important question about *what*
19 deeply valuable thing is threatened, Wolff and I disagree. According to
20 Wolff, the obligation to obey the law threatens a sovereign moral require-
21 ment that a person be autonomous. I argue, on the other hand, that if
22 there were an obligation to obey the law, such an obligation would
23 uniquely threaten the moral status of the subject's self. It does this
24 because the obligation to obey the law would morally require otherwise
25 morally upstanding subjects to undergo a radical form of self-effacement
26 in favor of recreating themselves in the image of foreign values. Any obli-
27 gation that requires such self-effacement is deeply problematic and
28 should be viewed with a great deal of suspicion. If the argument below
29 succeeds, then, many familiar defenses of the obligation to obey the law,
30 from classic consent-based theories to contemporary defenses like those
31 recently developed by Thomas Christiano and David Estlund, must
32 respond to this challenge. In this way, the argument presented here shares
33 with Wolff's argument the aspiration of giving a general reason for skept-
34 icism about the obligation to obey the law. Consequently, this essay,
35 while not a complete rehabilitation of what John Simmons has called *a*

36 and Its Limits (Oxford: Oxford University Press, 2008). For Estlund's view, see
37 David Estlund, *Democratic Authority* (Princeton, NJ: Princeton University Press,
38 2007). Another recent approach has a more modest goal than defending full-fledged
39 political obligation is William Edmundson's virtue ethics defense of law-abiding-
40 ness. See William A. Edmundson "The Virtue of Law-Abidance" 6 *Philosopher's*
41 *Imprint* 4 (2006), pp. 1 – 21.

42 ³ For example, we see a strategy like this in some very important recent overviews of the
43 obligation to obey the law, namely William Edmundson, "State of the Art: The Duty
to Obey the Law" and Leslie Green, "Legal Obligation and Authority."

1 *priori* philosophical anarchism, is something of a repudiation of years of
2 neglect of the line of argument developed by Wolff.⁴

3 The essay begins with an analysis of the characteristics most believe
4 an obligation to obey the law would have if it existed.⁵ I then show, in
5 Section Three, how Wolff deployed this understanding of the obligation
6 to obey the law in an *a priori* argument against the existence of such
7 an obligation. In that section, I also discuss why Wolff's argument is
8 not taken too seriously today. The remainder of the essay is devoted to
9 defending my account of the unique problem I believe is faced by the
10 obligation to obey the law.

11 12 **2. Three Traditional Characteristics of the Obligation to Obey the Law**⁶

13 The first characteristic of the obligation to obey the law is that there
14 are very few limits on what an obligation to obey the law can require a
15 subject to do. There are, of course, some limits. Presumably, if obedi-
16 ence to the law requires commission of serious moral wrongs, then one
17 is not obligated to obey the law. But this limit is at the moral extremes.
18 With respect to all other zones of activity, the obligation to obey the
19 law, if it exists, is binding. That is, the obligation to obey the law
20 ranges over a vast and heterogeneous a domain of act-types .

21
22 Second, the obligation to obey the law is an unusually powerful obli-
23 gation. The way this can be cashed out is in terms of the obligation
24 grounding a *peremptory* reason for action, which is a reason that
25 (rationally) ends deliberation about how to proceed. In other words,
26 when there is an obligation to obey the law and the law applies in some
27 situation, the question of how to act is settled: one has an undefeated,
28 conclusive reason to act (namely, to act as the law requires in that

29
30 ⁴ My argument is not an *a priori* defense of anarchism because I am not arguing that
31 there is something *incoherent* about the obligation to obey the law. On the other
32 hand, I am arguing on very general grounds that it would be incredible if there were
33 an obligation to obey the law. This argument therefore shares with the *a priori*
34 defense of anarchism certain philosophical ambitions. For the Simmons' term "*a*
35 *priori* anarchism," see Simmons, "Philosophical Anarchism," esp. pp. 104ff. I think
36 an anonymous referee for urging me to highlight this feature of my argument.

37
38 ⁵ At this stage, I should note that I treat "obligation" and "duty" as referring to the
39 same moral phenomenon. There is reason, perhaps, to do otherwise, but the for
40 purposes of this essay treating the terms as having the same referents facilitates
41 substantial clarity at minimal philosophical cost.

42
43 ⁶ I follow a canonical statement of the authority of law found in H.L.A. Hart,
44 "Commands and Authoritative Reasons" in H.L.A. Hart *Essays on Bentham* (Oxford:
45 Oxford University Press, 1982). These features are also rehearsed in Edmundson,
46 "State of the Art: The Duty to Obey the Law." This discussion applies to laws con-
47 ceived of as conduct rules or as decision rules, to employ Meir Dan-Cohen's famous
48 distinction (see Meir Dan-Cohen, "Decision Rules and Conduct Rules: On Acoustic
49 Separation in Criminal Law" 97 *Harvard Law Review* (1984) 625).

1 situation). This is unlike most other normal obligations. For example,
2 it is quite unlike the obligation one incurs upon making a promise.
3 For, promissory obligation is not in many circumstances decisive. The
4 obligation to obey the law, on the other hand, is decisive in (almost)
5 all circumstances.

6 Third, the obligation to obey the law grounds preemptory reasons not
7 only in cases of important laws, or laws disobedience to which will cause
8 morally bad outcomes. The obligation to obey the law is, according to
9 the traditional view, preemptory in the case of every law, *whatever that*
10 *law is* (within certain limits). Thus, the obligation to obey the law is said
11 to ground ‘content-independent’ reasons to act. A reason is called ‘con-
12 tent-independent’ because its authority – i.e., its status as a reason – is
13 not grounded in the wisdom of what it is a reason for. If I have a con-
14 tent-independent reason to ϕ , then the existence of that reason does not
15 depend upon the wisdom of ϕ -ing: the content of the reason is indepen-
16 dent of the explanation or justification of that reason’s authority.

17 Content-independent reasons, if they exist, are widespread. Two peo-
18 ple can rationally agree to submit a dispute to a common judge and
19 thereby be subject to an obligation to do what the judge orders them
20 to do. The authority of the reason to act as the judge orders is
21 grounded in the two subjects’ agreement to submit to the judge’s deci-
22 sion, not in the wisdom of doing whatever it is that the judge orders.
23 This same kind of state of affairs can be realized within cooperative
24 schemes in which a coach, a foreman, an orchestra conductor, or the
25 like, has practical authority over others. The authority of the reasons
26 to act generated by the orders of the practical authority is not
27 grounded in the wisdom of the orders, but instead in the fact that the
28 practical authority has so ordered. There can, of course, be very good
29 reasons for setting up practical authorities, not least of which is that
30 one’s own selfish ends may require submission to the practical judg-
31 ment of others. But, when one is subject to such a regime, the wisdom
32 of the action that one has been ordered to perform does not ground
33 the authority of the reason one has to perform that action.⁷

34 What is distinctive of the content-independent reasons supplied by
35 the *law* is that in the contemporary state, laws govern almost all fea-
36 tures of subjects’ lives. On the other hand, the arrangements just
37 described do not. For, the obligation to obey the law ranges over a
38 vast and heterogeneous domain of act-types. So, if there is such
39

40 ⁷ Raz argues that such reasons, if they are reasons at all, are transparent with respect
41 to the underlying reasons regarding what it would be best to do. So, in a sense, Raz
42 rejects content-independence in favor of something more like *expertise*: A has a
43 reason to do as B orders because B’s order reflects what A in fact has most reason
to do.

1 an obligation, one can have content-independent reasons to do an
2 incredible range of things (within certain limits), whereas in the cases
3 just mentioned, the reasons for establishing the practical authority
4 radically constrain the domain of actions over which some agent can
5 have authority with respect to another agent.

7 3. Wolff's Argument

8 Based on these features of the obligation to obey the law, Robert Paul
9 Wolff offered what he took to be an *a priori* argument against the possi-
10 bility of an obligation to obey the law. Wolff argued that persons are
11 morally required to assess the merits of the options they face and to act as
12 their assessments direct them to act. For example, if A is deciding whether
13 to φ or to ψ , A ought to weigh all the merits and demerits of each course
14 of action and determine which course of action is, all things considered,
15 the most merited. Then, A ought to perform that action, and she ought to
16 do so in virtue of those very deliberations. This, according to Wolff, is a
17 duty, the *duty of autonomy*. It is the duty to act on the basis of reflective
18 deliberations about what would be the best or right course of action.⁸

19 Suppose, though, that A treats the bare fact of some law's existence as
20 a peremptory content-independent reason for action. In such a case, A
21 does not fully consider the merits and demerits of acting on the basis of
22 that law. This would amount to a failure to meet the demands of the duty
23 of autonomy. Consequently, there cannot be an obligation to obey the law.

24 Let us look more closely at the structure of this argument. It seems
25 to begin with the following principle:

26
27 *No Contradictory Duties* (NCD): There cannot be two duties
28 whose contents are logically incompatible.

29
30 Since the content of duties are usually rendered as infinitives (e.g., a
31 duty *to act autonomously*), let us read these infinitives as sentences
32 describing action (*A acts autonomously*). With that stipulation, Wolff's
33 duty to act autonomously might be read as follows:

34
35 *Autonomy*: For all persons, there is a duty requiring that each
36 person act autonomously, i.e., that each person acts on the
37 basis of reflective deliberation about how to act.

38
39 And the obligation to obey the law can be rendered as follows:
40

41
42 ⁸ According to Wolff whether A is correct about whether to φ or to ψ does not affect
43 whether A is fulfilling the duty of autonomy. All that is necessary is that A's actions
are conclusions of a process of reflective deliberation performed by A.

1 *Obey the Law*: For all persons, there is a duty requiring that
2 each person obeys the law governing her, i.e., that each person
3 treats the law governing her as a source of preemptory and
4 content-independent reasons to act as the law requires.

5
6 *Obey the Law* requires of each person that she does not reflect about
7 how to act in the face of a law that applies in that situation. Rather,
8 *Obey the Law* requires of each person that she simply automatically act
9 as the law requires. Consequently, *Autonomy* and *Obey the Law* have
10 incompatible contents. So, by NCD, one or both of them has to go.⁹
11 Since Wolff thinks that *Autonomy* is true, then *Obey the Law* must go.

12 Most would find *Autonomy* to be spurious, and indeed for that reason
13 (and others) Wolff's argument no longer has much traction in today's
14 philosophical discourse about the law.¹⁰ I agree with this assessment:
15 there is little to recommend *Autonomy*, especially given the instances
16 mentioned above in the discussion of content independent reasons in
17 which the right course of action involves temporarily *giving up* one's
18 autonomy. In fact, it may even be the case that one ought to give up a
19 fair bit of one's autonomy for the sake of a good life. For example, mar-
20 riages often succeed partially because each partner allows – sometimes
21 for an entire life – the other partner to determine for both how to live, at
22 least with respect to some questions. *Autonomy* seems to rule out such
23 abdications of reflective deliberation. But, they also may be necessary for
24 extremely valuable long-term, loving and shared partnerships.¹¹

25 Despite these shortcomings, Wolff's argument contains a deep insight
26 into the relationship between law and the individual – an insight from
27 which we can construct a powerful argument against the obligation to
28 obey the law. In the following sections, I shall argue that, given the domi-
29 nant philosophical understanding of the obligation to obey the law as
30 articulated above and developed below, such an obligation morally

31
32
33
34 ⁹ Some might reject NCD as depending upon an unsustainable commitment to moral
35 dilemmas. See Bernard Williams, "Ethical Consistency," 39 *Proceedings of the Arist-*
36 *otelian Society* (Supplement) (1965): 103–124. A great deal more has been written
37 on this question. Wolff, a Kantian of sorts, seems, like Kant, to be committed to
38 NCD. I thank an anonymous referee for urging me to note this point.

39 ¹⁰ For an argument against *Autonomy*, see, e.g., Jeffrey Reiman, *In Defense of Political*
40 *Philosophy* (NYC: Harper and Row, 1972). I thank an anonymous referee for
41 this reference.

42 ¹¹ For a subtle discussion about the relationship between autonomy and self-respect,
43 see Thomas Hill, Jr., *Autonomy and Self-Respect* (Cambridge, UK: Cambridge Uni-
44 versity Press, 1991). Hill makes it clear that submission is not always a failure in
self-respect. One can have projects – life-long projects – that both are expressions
of one's self-respect and require (limited) submission.

1 requires morally upstanding subjects to undergo a radical form of self-
2 effacement in favor of recreating themselves in the image of foreign values.
3

4. Law's Guidance

5 A common and well-worn understanding of law that captures these nor-
6 mative features described in Section Three is the *command model* of the
7 law, according to which the law is to be understood as a command issued
8 by a superior. For example, Thomas Hobbes famously defined law as
9 "...Command; nor a Command of any man to any man; but only of him,
10 whose Command is addressed to one formerly obliged to obey him."¹²
11 William Blackstone said of law that "in its most general and comprehen-
12 sive sense signifies a rule of action... proscribed by some superior, and to
13 which the inferior is bound to obey..."¹³ We find similar views expressed
14 by Jeremy Bentham¹⁴ and John Austin.¹⁵ The formal conception of the
15 law here is of a command emanating from one agent and directed at
16 another over whom the first has some sort of moral power.¹⁶ On this
17

18 ¹² Thomas Hobbes, *Leviathan*, edited by Richard Tuck (Cambridge, UK: Cambridge
19 University Press, 1991), chapter 26, paragraph 2 (p. 183).

20 ¹³ William Blackstone, *Commentaries on the Laws of England* (Chicago: University of
21 Chicago Press, 1979), volume 1, p. 38.

22 ¹⁴ Bentham wrote: "A law is a command... Thus much we must conceive of it on all
23 occasions, to conceive it clearly. Everything that is not a command therefore is not
24 a law." From Jeremy Bentham, "What a Law Is" in B. Parekh, ed., *Bentham's*
25 *Political Thought* (London: Croom Helm Ltd., 1973), p. 146 – 156, p. 149.

26 ¹⁵ At the beginning of the Author's Preface of his great work, *Province of Jurispru-*
27 *dence Determined*, John Austin writes: "Laws proper, or properly so called, are
28 commands: laws which are not commands, are laws improper or improperly
29 called." John Austin, *Province of Jurisprudence Determined*, 2nd edition (London:
30 John Murray, 1861), p. xxxix.

31 ¹⁶ For more on the 'command model' of the law, see Gerald J. Postema, "Law as
32 Command: The Model of Command in Modern Jurisprudence" 11 *Philosophical*
33 *Issues* (2001): 470 – 501. For a contemporary discussion of law conceived of as a
34 moral power, see Stephen Perry, "Law and Obligation," 50 *American Journal of*
35 *Jurisprudence* (2005): 263 – 295. For an opposing view, see William Edmundson,
36 "Political Authority, Moral Powers, and the Intrinsic Value of Obedience," 30
37 *Oxford J. of Legal Studies* 1 (2010): 179 – 191. I thank an anonymous referee for
38 these contemporary references. I am employing a positivistic conception of the law
39 throughout this essay. The argument would not succeed if natural law theories of
40 the law were true. This, though, is not an uncommon situation: a great deal follows
41 from how one understands the law. Sometimes, one must take a (fateful?) stand on
42 this foundational question in order to make headway elsewhere in legal and political
43 philosophy. For a leading contemporary statement of a natural law theory of
44 law, see John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University
45 Press, 1980). A relevant and more recent natural law view that speaks directly to
46 the argument in this essay is Mark C. Murphy, "Surrender of Judgment and the
47 Consent Theory of Political Authority" 16 *Law and Philosophy* (1997): 115 – 143.
48 I thank an anonymous referee for urging me to note this point and for reminding
49 me of the Murphy article.

1 model, because the law emanates from someone other than the subject,
2 the subject may very well experience the law as alien. From the perspec-
3 tive of the lawmaker, though, the law is familiar because the lawmaker
4 made the law. Consequently, one major challenge many early modern
5 thinkers saw themselves as facing in their attempts to justify political
6 authority was showing how the alien lawmaker's laws can be 'domestici-
7 cated' in the sense that the subject sees herself as the author of the laws as
8 much as she sees the legislative institution – be it a monarch or an assem-
9 bly – as the author of the laws.

10 We find a similar model of law even if we abandon the command
11 model of law and go with a *rule model*, pioneered by H.L.A. Hart in
12 the mid-20th Century and then taken up by Joseph Raz and other con-
13 temporary positivists.¹⁷ On Hart's view, the law remains alien at least
14 to those subjects who do not take the 'internal point of view' towards
15 the law.¹⁸ As for Raz, he puts at the heart of his theory of law the role
16 the law plays in displacing the practical reasoning of the subject.¹⁹ So,
17 Raz is explicit in the way that the law is alien to the subject.

18 Combine with these reflections the following observation: the law
19 does not move us in the way that the current of a river moves us, i.e.,
20 through sheer force acting directly on our physicality. Rather, the law
21 moves us in a non-physical manner, in a manner akin to our own judg-
22 ments of right and wrong, good and bad. This point has been clear for
23 centuries, as we see in Samuel Pufendorf's comment that "We call [law]
24 a decree not because it remains in the mind and will of the person who
25 decrees it, but because it is instilled into a subject's mind in such a way
26 as to make him understand the necessity of conforming himself to it."²⁰
27 Even earlier, Francisco Suarez explains that the law acts on someone
28 not through physical force but through "moral" force: "God, in estab-
29 lishing law, does not impel one physically toward the act prescribed by
30 law, but merely imposes an obligation which is of a moral nature..."²¹
31 This view of how law is supposed to guide its subjects is still widely
32

33 ¹⁷ For Hart, see H. L. A. Hart, *The Concept of Law*, 2nd edition, Bulloch and Raz,
34 eds. (NYC: Oxford University Press, 1994). For Raz, see Joseph Raz, *The Author-
35 ity of the Law* (NYC: Oxford University Press, 1979).

36 ¹⁸ For the internal point of view, see Hart, *The Concept of Law*, pp. 102ff.

37 ¹⁹ For Raz on exclusionary reasons, see Raz, *op. cit.*, Joseph Raz, *The Morality of
38 Freedom*, pp. 58ff, and Joseph Raz, "Facing Up: A Reply" 62 *Southern California
39 Law Review* (1989): 1164 – 1168.

40 ²⁰ Samuel Pufendorf, *Of the Law of Nature and Nations* 1.6.4, reprinted in Craig L.
41 Carr, ed., *The Political Writings of Samuel Pufendorf*, trans. by Michael Seidler
(NYC: Oxford University Press, 1994), p. 120.

42 ²¹ Francisco Suarez, *On Laws and God the Lawgiver*, translated by G.L. Williams, A.
43 Brown, and J. Waldron (Oxford: Oxford University Press, 1944), Book 1, Chapter 5,
44 Paragraph 7.

1 accepted today. Philosophers as varied as Ronald Dworkin, Joseph
2 Raz and Jules Coleman, to name a few luminaries, argue that the law,
3 at least in the paradigmatic case, moves the subject via engagement
4 with the intellectual capacities of the subject.

5 According to these models of the law, then, the law has a distinctive
6 phenomenology for the subject: it is experienced as *implanting* a value or
7 a commitment of someone else's making. For the law is experienced by
8 the subject as coming from outside herself. This is because legislation and
9 the laws that are its products are not part of the subject's internal psycho-
10 logical economy. Legislation, after all, is not the same thing as an individ-
11 ual's personal deliberations and reflections. And laws, after all, are not
12 the same things as an individual's personal values and personal commit-
13 ments. Rather, at least in any contemporary polity, the law is produced
14 almost entirely by people other than the subjects and through processes
15 that are occluded from the view of these subjects.²² There are, of course,
16 exceptions, but the difficult question regarding the obligation to obey the
17 law concerns the law's normative status with respect to the subject who is
18 not *also* the lawmaker. From the perspective of this subject, the law plays
19 a unique psychic role: it is a foreign entity that aims to 'colonize' the sub-
20 ject's psychic geography with norms and values. While this florid meta-
21 phor may raise some hackles, it nonetheless neatly captures the diverse
22 normative features of the law and will play a central role in our analysis
23 of the obligation to obey the law.

24 25 26 **5. Ownership of Attitudes and the Self**

27 There is a well-developed philosophical understanding of the self in
28 terms of a stable psychological constellation of attitudes from which
29 action and emotion emanate.²³ In particular, what makes all these

30
31 ²² The exception is the case in which the subject perfectly identifies with the law-making
32 process. If this ~~near-impossibility~~ is what is necessary for an obligation to obey the
33 law, then so much the worse for that obligation.

34 ²³ Harry Frankfurt has done the most to develop a well worked out theory of this.
35 See Harry Frankfurt's early hierarchical account of caring in "The Importance of
36 What We Care About" and "Identification and Wholeheartedness" in Harry
37 Frankfurt, *The Importance of What We Care About* (NYC: Cambridge University
38 Press, 1994), pp. 80 – 94 and 166 – 184, respectively. He alters it later on as can be
39 found, for example, in his "On Caring," in Harry Frankfurt, *Necessity, Volition,
40 and Love* (NYC: Cambridge University Press, 1999), pp. 155 – 180 (see also "The
41 Faintest Passion," "On the Necessity of Ideals," and "Autonomy, Necessity and
42 Love" all in *Necessity, Volition and Love*). See also Agnieszka Jaworska, "Caring
43 and Full Moral Standing," 117 *Ethics* 3 (2007): 460 – 497 and Michael Bratman,
"Reflection, Planning, and Temporally Extended Agency," 109 *Philosophical
Review* 1 (2000): 35 – 61, for other points of view. Finally, see the important collec-
tion Sarah Buss and Lee Overton, eds., *Contours of Agency: Essays on Themes from
Harry Frankfurt* (Cambridge, MA: MIT Press, 2002).

1 attitudes a single constellation constituting the self is a psychological
2 phenomenon I shall dub the *ownership* of an attitude. When one owns
3 a psychological attitude, the attitude is part of the psychic geography
4 that constitutes the self.²⁴ That is, ownership involves a being taking
5 certain attitudes, and by extension certain behaviors flowing from those
6 attitudes, as her own, and so as part of herself. The language that has
7 been used to describe this process is varied: identification, satisfaction,
8 internalization, and acceptance, among others. But, it all refers to this
9 same process of seeing an attitude or a feeling or some part of the psy-
10 chic geography (and the actions that flow from these psychological phe-
11 nomena) as one's own.

12 Frankfurt's well-known account of what I am calling *ownership* is a
13 hierarchical model according to which ownership involves some form
14 of reflective endorsement of a first-order desire. Agnieszka Jaworska
15 has offered an alternative account of ownership (what she calls *internal-*
16 *ity*), according to which ownership does not require reflective endorse-
17 ment but instead involves first-order attitudes that have a certain
18 robustness and are associated with dispositions to experience certain
19 emotions in response to their satisfaction or frustration of those atti-
20 tudes.²⁵ Others, like Gary Watson and Michael Bratman, have offered
21 alternative accounts of ownership, each developing different psychologi-
22 cal architectures as articulations of ownership.²⁶ Regardless of which of
23 these accounts of ownership is correct, all theorists agree that owned
24 attitudes are central and particularly fixed elements of the suite of psy-
25 chological states that constitute our most stable and defining practical
26 stances towards the world. Owned attitudes are, in short, the attitudes
27 that give a 'concrete existential density' to an individual.²⁷ They are the
28
29
30
31

32 ²⁴ Cf. Richard Moran's comment: "And the idea of being a particular person brings
33 with it the distinction between what is 'one's own' and what is experienced as other
34 or alien." (Richard Moran, "Frankfurt on Identification" in *Contours of Agency*,
pp. 189 – 217, p. 190.

35 ²⁵ See Agnieszka Jaworska, "Caring and Full Moral Standing," and Jaworska, "Car-
36 ing and Internality," 64 *Philosophy and Phenomenological Research* 3 (2007): 529 –
37 568. Let us distinguish Jaworska's and Frankfurt's accounts of caring – and so the
38 account of caring that is at the heart of this essay – from thoroughly cognitive
39 accounts of valuing or caring like David Velleman's notion of ideals, which in
40 order to be practically significant must be accompanied by desires. See David Vell-
41 eman, "Motivation by Ideal," 5 *Philosophical Explorations* 2 (2002): 89 – 103.

42 ²⁶ See, e.g., Michael Bratman, "Reflection, Planning, and Temporally Extended
43 Agency," 109 *Philosophical Review* 1 (2000): 35 – 61.

44 ²⁷ The phrase 'concrete existential density' is from Frederic Jameson, "The Politics of
Utopia," *The New Left Review* 25 (January – February 2005): 35 – 54, p. 36.

1 attitudes that make a person the distinctive historical actor she is and
2 so the attitudes that partially constitute her concrete, substantial self.²⁸

3 To illustrate the notions of ownership and alienation, imagine the
4 character, John the Addict. John rejects his addiction and wants to
5 overcome it. He sees his desire for drugs – as strong as it is – as an
6 alien force that moves him to seek and do drugs. He therefore does not
7 own this desire, even though he recognizes it as part of his psychic
8 geography, but instead alienates himself from it. On the other hand,
9 John sees his desire to seek treatment – weak as this desire may be – as
10 the ‘authentic’ expression of who he is. In this way, he owns *this* desire
11 and thereby owns the actions that flow from that desire, all the while
12 being alienated from his desire for drugs and the actions that flow from
13 that desire. We can imagine, then, a person whose behavior is driven
14 mostly by desires or commitments (or the like) from which he is alien-
15 ated. This person would feel psychologically unconnected to most of
16 his feelings and drives, and, of course, alienated from his behavior. He
17 would feel, one presumes, as if he was not in control of his life.

18 The particular provenance of an attitude in the psychic geography is
19 a further question. It is an important one since it might settle whether
20 one ought to own or be alienated from the attitude. In particular, the
21 following rule is quite plausible: if some attitude has been implanted in
22 oneself, then one has strong (but not necessarily conclusive) reason to
23 alienate oneself from that attitude. For example, suppose one wakes up
24 one day with a burning interest in philately. After a few weeks of
25 stamp collecting, one discovers that this valuing of stamps was
26 implanted via some sort of hypnotic suggestion while one was sleeping.
27 Some might think that one ought, in light of this information, ask
28 whether to disown that valuing of philately. In fact, one might even
29 think that, in light of the unwelcome foreign invasion of one’s mind by
30 another, the valuing implanted by the invasion is forever stained (at
31 least for oneself – others may reasonably have that value).

32 Let us sum up the principle behind this:

33
34 *Provenance Matters* (PM): If an attitude is implanted by a for-
35 eign source – if that attitude exists as a result of processes from
36

37
38 ²⁸ The self has at least two components: the synchronic affective component that is
39 the focus of my discussion here, and the diachronic narrative component, which is
40 the subject of Matthew Noah Smith, “Practical Imagination and Its Limits” 10
41 *Philosophers’ Imprint* 3 (2010): 1 – 20. These two components of the self are to be
42 distinguished from whatever metaphysical object persists through time and is iden-
43 tical with a person, if there is such an object. For an excellent discussion of this,
see Galen Strawson, *Selves* (Oxford: OUP, 2009). I thank an anonymous referee
for this reference.

1 which one is alienated – then one has reason to alienate oneself
2 from that attitude.
3

4 Before defending PM, let us consider what I mean by “implanting.”
5 First, the implanting that concerns me is intended by someone *other*
6 than the subject in whom the attitude is implanted. Why is this the
7 mark of implanting? In general, people do not recognize *other’s* practical
8 deliberations as their own. They may agree with those deliberations,
9 but simple agreement – in the sense of recognizing some piece of practical
10 reasoning as, well, reasonable – is not ownership. Ownership of an
11 attitude involves that attitude playing a certain robust role in one’s
12 emotional and practical life, as well as that attitude partially constituting
13 one’s understanding of one’s own identity. Simple agreement is
14 insufficient to play such a robust psychological role. I might see some-
15 one’s loving of bicycling through the country, and the reasoning behind
16 that love (e.g., it’s good exercise, it’s thrilling, it’s beautiful, etc.) as rea-
17 sonable without thereby coming to love bicycling through the country.
18 So, deliberative processes – even those with which one agrees – that are
19 not one’s own are processes from which one am alienated. Thus, if the
20 sole deliberative process behind my possession of some psychological
21 attitude is *someone else’s* deliberative process – even if I agree with this
22 process – then that attitude has been implanted by a foreign source.
23 What primarily concerns me in this essay, though, are deliberative pro-
24 cesses (or just processes that yield intentions) that are even more
25 removed from the subject, namely processes with which the subject
26 either disagrees or is not at all familiar. My claim, then, is that if A
27 has some psychological attitude as a result of such processes, then that
28 attitude is implanted.

29 For example, if a psychologist makes me suffer an anxiety attack by,
30 without my knowledge, introducing an infusion of sodium lactate into
31 me, then it would be appropriate to say that the anxiety has been
32 implanted in me. Similarly, if A brainwashes B so that B cares about
33 F, when B, prior to the brainwashing, never cared about F or had rea-
34 son to care about F, then the caring about F has been implanted in B.
35 There are other more subtle cases that seem to involve the subject’s
36 own deliberative processes but that are nonetheless cases of implanting.
37 These care cases in which the *object* of one’s attitude is entirely **not** sub-
38 ject to one’s own deliberative processes. For example, suppose A forces
39 B to go to a museum. Suppose B does as A demands because A physi-
40 cally threatens B. Suppose, as a result of this, B finds herself treating
41 going to the museum as the thing to do. Suppose that B’s positive atti-
42 tude toward going to the museum is a product of B’s own deliberative
43 processes. I still claim that this attitude is implanted. Why? What

1 explains B's positive attitude toward going to the museum as opposed
2 to having a positive attitude towards *some other* activity or thing are
3 factors entirely out of B's deliberative hands, namely A's desire that A
4 and B go to the museum together. ~~Imagine~~ that B has no idea at all
5 why she is being forced to go the museum, but B comes to see going to
6 the museum as the thing to do. Why? B might say to herself, "That's
7 just me trying to conform my own values to what A wants, but not
8 because what A wants is valuable, but instead because I am just trying
9 to make the best of a bad situation." On the other hand, if, as a result
10 of this trip to the museum, B comes on her own to see art as deeply
11 valuable, her *valuing of art* has not been implanted. She might decide
12 on her own to go the museum at some later date, without A in tow,
13 presumably.²⁹

14 Why should we accept PM? After all, isn't the real issue the substan-
15 tive reasons for and against that attitude? And, aren't the right kind of
16 reasons for or against an attitude object-based reasons and *not* state-
17 based reasons, whereas PM identifies a state-based reason to abandon
18 an attitude? Whether or not this is so in normal cases (there is some
19 debate), the case we are considering has two important wrinkles. First,
20 the question at hand is not merely whether to value some F, but
21 whether to *own* one's valuing of F. Second, notice that *but for the*
22 *implanting of the value*, one would not consider the reasons for and
23 against that value. So the issue at hand is not whether one ought to
24 have that value. In fact, the issue at hand is not even whether one
25 ought to own some attitude, i.e., to make some attitude a part of who
26 one is instead of actively resisting that attitude. Rather, the issue at
27 hand is: *given that one knows some attitude has been implanted*, should
28 one own that attitude or alienate oneself from that attitude? According
29 to PM, if all else is equal, then one ought to alienate oneself from that
30 attitude, regardless of its object.

31 But is all else equal? At least when it comes to valuing and caring
32 (which is our focus), it is often equal enough. There is probably no
33 unique set of objects that one has the most reason to care for. To put
34 it another way, given all the objects that one may permissibly value
35 (and ~~for which~~ one is not obligated to value), we cannot identify a
36 unique subset the members of which would, collectively and all things
37 considered, be the best things to value. Consequently, when judging
38 whether to treat as one's own or to alienate one's *implanted* valuing of,
39 say, philately, one cannot, simply by considering the merits of philately,
40 determine whether one ought to value philately as opposed to valuing
41 something else. Philately is, we are assuming, a fine thing to value, but
42

29 I thank an anonymous referee for urging me to develop this point.

1 then again so is comic book collecting. For most of the millions of
2 things for which one can value, there are not any that are so much
3 better than all the others that those are the *only* things one ought to
4 value. Rather, for almost all the things we value, for almost all things
5 we love, there are other things that merit that value and love just as
6 much. So, when it comes to determining whether one ought to value
7 philately as opposed to valuing, say, comic book collecting, reasons
8 associated with the merits of philately run out. You cannot tell whether
9 to value philately as opposed to valuing comic book collecting simply
10 by considering whether philately is a better thing to care for than
11 comic-book collecting (since, *ex hypothesi*, they are pretty much equally
12 worthy of one's care). This same equipoise is recapitulated at the level
13 of the question of whether to own or to alienate one's valuing of phi-
14 lately. So, in order to determine whether to own the care, one may turn
15 one's attention away from the object and turn one's attention toward
16 the attitude itself.

17 At this stage, one might say that the simple fact that one values
18 something, assuming that it is permissible, seems to be reason enough
19 *not* to compare that attitude to other attitudes one does not have, at
20 least within the context of determining which attitudes to own and
21 which to alienate from oneself. So long as one actually values philately,
22 and so long as there are reasons to value philately, then one ought to
23 own that value. All else being equal and so long as one's values, cares,
24 commitments and so on are permissible, it is better to own these atti-
25 tudes than to be alienated from them. But all else is *not* equal. For, the
26 value in question has been implanted.

27 Insofar as there are considerations governing ownership, i.e., insofar
28 as there are reasons to take some attitude as one's own and reasons to
29 reject some attitude as alien, then surely the provenance of an attitude
30 is one of those considerations. For, owned attitudes partially constitute
31 a person's identity – they make a person who she is. So, a care being
32 implanted is no different than an alien force threatening to directly fix
33 part of a person's identity. Something alien is seeking to make someone
34 the person she is. There is a deep incongruity in treating something
35 implanted by someone *other* than oneself as part of oneself, especially
36 if that thing is not something one has overwhelming reason to make
37 part of oneself. The value is just there, and the valuer is not responsible
38 for it being there. By owning the value, then, one literally allows an
39 alien force to fix who one is. But, why embrace this incongruity? Isn't
40 it better to determine for oneself – *from start to finish* – who one is?
41 Or, at the very last, isn't it best if all of the cares that partially consti-
42 tute one's identity are products of processes from which one is *not*
43 alienated? One would think so.

1 But, some have denied this conclusion. They have argued for an
2 ineliminable social embeddedness of the subject.³⁰ On this view, there is
3 no non-socially determined perspective from which one can construct
4 one's identity. Rather, one is always captive to a point of view created,
5 at least partially, by others. Seeking to create oneself is therefore deeply
6 misguided. It is bound to fail and it will likely result in a crisis of identity,
7 to boot.³¹

8 One might respond by holding that the independence of the individual
9 subject can still be recognized as deeply important. Even if there is
10 no asocial environment in which one's identity is created, it is still best
11 to *maximize* internal sources of identity, perhaps through freedom of
12 expression and allowing, or even promoting, Millian experiments in living.
13 This suggests that there is a deep sense in which we can distinguish
14 between the sources of the self that flow entirely from cultural and
15 social forces outside the individual and those that are rooted, at least
16 partially, in processes that are individualistic. If we can accept this distinction
17 – and I shall for the remainder of this argument, pausing here
18 only to note how substantive a claim it is to deny it – then on the basis
19 of the arguments presented in this section, we can conclude that the
20 provenance of an attitude matters. If the attitude has been implanted,
21 i.e., if it is a product of processes from which one is alienated, then one
22 has a reason to alienate the attitude from oneself. This may not be conclusive
23 reason, but it is reason nonetheless.

24 25 26 6. The Inversion Thesis

27 Recall the conclusions about the law in Section Four. From the perspective
28 of the subject, the law aims to play a unique psychic role: it is a foreign
29 entity that 'colonizes' the psychic geography of the subject. In this section,
30 I argue that this observation and the account of ownership and alienation
31 in the last section together generate the following thesis:

32
33 *Inversion Thesis (IT)*: An obligation to obey the law requires
34 (i) being alienated from native attitudes inconsistent with obedience
35 to the law, and (ii) owning the law, which comes from a foreign source.
36

37 By "native attitude," I mean an attitude that ~~does not run afoul of~~
38 ~~PM~~. By "foreign source," I mean a process that ~~does run afoul of~~
39 ~~PM~~.

40
41 ³⁰ I thank an anonymous referee for urging me to address this point.

42 ³¹ See, especially, Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1992) and Michael Sandel, "The Procedural Republic and the Unencumbered Self" 12 *Political Theory* 1 (1984): 81 – 96.
43

1 One can be alienated from a native attitude (e.g., when one is alienated
2 from one's jealousy) and one can own an attitude that comes from a
3 foreign source (e.g., when one owns a memory that, unbeknownst to
4 one, has been implanted by another person).

5 (IT) elides a small complication. Ownership and alienation apply
6 only to psychological attitudes. Thus, we must introduce the following
7 wrinkle: the law can be 'internalized' into the psychology of a person.
8 Consider images and bits of dialogue that constitute a scene of a play.
9 Contrast a scene entirely imagined by some agent with a scene merely
10 remembered by that agent. While these two shade off into one another,
11 they are nonetheless distinct: the agent is more passive with respect to
12 the remembered scene than she is with respect to the imagined scene.
13 The law is like a scene remembered, whereas the native attitudes are
14 like the scene imagined. In the IT above, then, "the law" is an abridg-
15 ment of "the law as represented by the agent." So, I am presuming that
16 the agent, in representing the law, does not significantly contribute to
17 or alter its content.

18 The law, as I claimed above, is typically experienced as implanting a
19 value or a commitment into the subject. For, the subject typically
20 understands the law as having a provenance in processes she does not
21 own. That is, the subject is alienated from those processes. This is not
22 to say that the subject hates those processes or judges them to be
23 unjust. Rather, the subject merely judges the processes to be distinct
24 from her own deliberations and reflections. So, legislation and the law
25 are not, for most subjects, something that the subject owns, or at least
26 this is so when it comes to the informed subject.

27 So, how does the law 'go native' in the way suggested by the IT?

28 The inversion described by the IT occurs through the mechanism
29 that is behind any moral person coming to see the demands of moral-
30 ity as her own.³² Insofar as one is a moral person, then one does not
31 see the demands of morality as inherently foreign. To the moral per-
32 son, the demands of morality do not seem to come from sources
33 utterly outside of herself. Rather, to the moral person, the demands of
34 morality are demands she sees as somehow coming from within herself
35 and hence demands that she feels no internal pressure to disown. The
36 moral person does not act morally out of fear of punishment or out of
37 desire for some reward. Rather, she acts morally out of a moral moti-
38 vation – simply out of a sense that she ought to act morally. In short,
39 for the moral person, morality is something she owns; it is native to
40 her.

41
42
43 ³² This discussion is partially inspired by the discussion found in Michael Smith, *The Moral Problem* (Malden, MA: Wiley-Blackwell, 1994), pp. 69 – 76.

1 For example, the moral person's sense that it is wrong to break
2 promises is not the sense of some external rule constraining her behav-
3 ior, the violation of which leads to punishment. Rather, the moral per-
4 son's sense that it is wrong to break promises is a commitment she
5 understands as being native to herself. Furthermore, the moral person
6 also owns this commitment to keeping promises as well as the actions
7 that flow from this commitment. Thus, the moral person not only sees
8 her commitment to keep promises as coming from within herself, she
9 also sees that commitment and the actions flowing from it as **part of**
10 **who she is**. She does not see them as authored by forces that have little
11 to do with her.³³

12 A rather significant objection emerges at this stage.³⁴ Couldn't this
13 just be a giant mistake? Couldn't morality *really* just be cleverly
14 implanted? If so, wouldn't morality be subject to the same sort of argu-
15 ment to which I shall claim law is subject? If so, that may seem absurd
16 and so threaten to turn the entire argument of this essay into a *reductio*
17 whose target is some premise I have defended above. ~~The line of~~
18 ~~thought behind this objection amounts to a rejection of an Enlighten-~~
19 ~~ment-received distinction between morality and law. This rejection can~~
20 ~~be motivated by a~~ Humean psychologism about the moral, according
21 to which moral judgment is little more than expression of affective dis-
22 positions that are products of local cultural training, or Nietzschean
23 historicism, according to which moral judgment is little more than the
24 practical expression of a certain historically-situated ideology. If, in the
25 grip of these sorts of views, one rejects the distinction between law and
26 morality, and so argues that the IT applies to morality as much as it
27 does to law, one might thereby take this to be evidence **against** the
28 argument in this essay. For, I would thereby be committed to seeing
29 morality as foreign and therefore, by the lights of the argument given
30 in this essay, see myself as having reason to alienate myself from
31 morality. But, that is an absurd result. So, somewhere in my argument
32 there is a serious error that explains the absurd conclusion.

33 Unsurprisingly, I think this view of morality as implanted is mis-
34 taken. ~~Another~~ inheritance of the Enlightenment is the commitment to
35 seeing all (normal) persons as possessing a capacity for moral imagina-
36 tion – manifested in reflective, rational inquiry and experiments in liv-
37 ing, for example – that facilitates transcending received norms. Insofar
38

39 ³³ What of those who understand the rules of morality as God-given and so as having
40 a source outside of themselves? I confess that I do not entirely understand this
41 view. Surely those who endorse it also believe that the recognition of God's author-
42 ity must be native to God's own creation.

43 ³⁴ I thank an anonymous referee for raising this objection and urging me to address
it at length.

1 as engaging with and developing alternatives to received norms through
2 these methods are native processes themselves, morality is itself native.
3 Our relationship to the law is rather different. For, subjects must rely
4 entirely on consultation with authoritative texts in order even to begin
5 to reflect on the law. Furthermore, there is no way to transcend exist-
6 ing law except through producing new legislation, which is a funda-
7 mentally different and far less native process than is, for example,
8 rational, reflective inquiry. This strongly suggests that the law is foreign
9 in a way that morality is not.

10 Finally, many who defend the alienated stance towards morality on
11 Nietzschean grounds, i.e., many who take a deeply materialist, skeptical
12 view of morality on the basis of the historicity of morality, embrace
13 the supposedly absurd conclusion that (something like) the IT applies
14 to morality. ~~For~~, these theorists more or less *accept* the general form of
15 the argument of this essay. It is precisely on the *basis* of an argument
16 like the one given here that they propose a kind of nihilism or hope-
17 lessness towards moral norms (or at least they recognize this threat and
18 struggle against it).³⁵ Thus, it is unclear whether the application of the
19 IT to morality would be *absurd* in the right sort of way to transform
20 my argument into an embarrassing *reductio*.

21 Let us return now to the thread of the argument and accept for the
22 sake of that argument the assumption that morality is native to the self
23 in a way that the law, for most people, is not.

24 Given this assumption (that morality is native), then insofar as one
25 is a moral person one is committed to responding even to one's own
26 practical attitudes as morality requires.³⁶ For, because these attitudes
27 are motivationally effective, they could move one to act. Conse-
28 quently, if those attitudes are not morally acceptable, then out of a
29 commitment to live morally, one distances oneself from the morally
30 unacceptable practical attitudes lest the attitudes move one to act.
31 Otherwise the moral person risks scrupulously accepting as part of
32 herself a desire that could lead her to behave in a manner inconsistent
33 with her moral commitments. If she did behave in that manner, then,
34 because she owns the attitudes behind that behavior, she owns the
35 immoral behavior. For the moral person, such a tension between an

37 ³⁵ Perhaps the *locus classicus* of this view is Max Horkheimer and Theodor W.
38 Adorno, *Dialectic of Enlightenment*, translated by John Cumming (New York:
39 Continuum, 1969). A fine critical summary of the view in that book as well as
40 many cognate views can be found in Raymond Geuss, *The Idea of a Critical The-*
41 *ory: Habermas and the Frankfurt School* (Cambridge: Cambridge University Press,
1981). Much more should be said, but there is not space.

42 ³⁶ Once again, I am echoing a position well developed in Smith, *The Moral Problem*,
43 pp. 69ff. More generally, the view articulated here is a (weak) form of what many
meta-ethicists call *motive internalism*.

1 owned commitment to act morally and an owned desire to act in a
2 way that is inconsistent with moral requirements, and even an owned
3 action inconsistent with moral requirements, would be too much. It
4 would have to be resolved in favor of owning the commitment to
5 morality as part of her self and alienating from herself the desire to
6 act immorally.

7 The reason it would be resolved in this manner is not because
8 psychological tension is always so rationally or emotionally problem-
9 atic that it demands immediate resolution. It often may not. The
10 reason why is that the moral person owns a practical commitment
11 to living a life governed by morality. So, simply on the basis of that,
12 the moral person has a practical commitment to avoiding a particu-
13 lar kind of psychological tension, namely a tension caused by desires
14 to act immorally. And, the way she is committed to resolving that
15 kind of tension is by alienating herself from desires to act immorally.
16 Furthermore, if the moral person also has a reflective commitment
17 to being a moral person – if she takes herself as having very good
18 reason to be a moral person – then she would also see herself as
19 having a reason to alienate herself from desires to act in ways incon-
20 sistent with the demands of morality. So, let us assume that the
21 moral person is not a moral person by genetic accident but instead
22 that she is reflectively committed to being a moral person – she
23 owns her commitment to morality on the basis of rational reflection.
24 This sort of moral person feels emotional or motivational pressure
25 to alienate from herself her desires to act immorally and sees herself
26 as having a reason to alienate herself from her desires to act immor-
27 ally.

28 For example, suppose a moral person, Jay, feels sexual desire direc-
29 ted at a best friend's very attractive spouse. Jay recognizes that sex
30 with a best friend's spouse is immoral. Being honest with himself, he
31 understands that the desire is native to him – he does not think it was
32 implanted in him by some outside agent – and he even understands the
33 desire as partially warranted by the attractiveness of his friend's spouse.
34 But, Jay is a moral person. So, he cannot be satisfied with the sexual
35 desire for his friend's spouse as being his own. He is morally repulsed
36 by this desire. Thus, there is pressure to alienate himself from that
37 desire.

38 On the basis of these reflections, we get the following principle:

39
40 *Desire Rejection (DR):* If A is a moral person, and A has the
41 desire, commitment, or value, D, in favor of φ -ing, but A also
42 knows that φ -ing is wrong, then A feels both rational and
43 motivational pressure to alienate herself from D.

1 Now, suppose there is an obligation to obey the law. Some subject S
2 is a moral person. She is committed to φ -ing in C because she has a
3 non-moral value that recommends her doing so. Now, suppose the law
4 requires ψ -ing in C, and ψ -ing in C and φ -ing in C are incompatible. S
5 knows the law. S knows that she is obligated to obey the law. She also
6 knows that ψ -ing in C and φ -ing in C are incompatible. Since S is a
7 moral person, DR applies to her. So, she must cultivate and own a
8 desire to ψ in C and alienate herself from her native commitment to φ
9 in C. It is likely that DR even requires that she alienate herself from
10 the underlying value that recommends φ -ing in C, since this value is
11 what is really behind S's commitment to acting in an immoral manner.
12 So, in virtue of the obligation to obey the law, S is driven to alienate
13 herself from native commitments and values, and to own desires that
14 have foreign sources.

15 Thus we arrive at the inversion described in the IT.

16 Contrast this with promising. We are obligated to keep our promises.
17 Suppose A is a moral person. Suppose A promises to B that she,
18 A, will φ . A is thereby obligated to φ . Because A is a moral person,
19 she is committed to living up to that obligation and so she is committed
20 to φ -ing.

21 Now consider the law. Suppose there is an obligation to obey the
22 law. If the law requires A to φ , A is thereby obligated to φ . A is a
23 moral person. She is committed to living up to her obligation to obey
24 the law, and so is committed to φ -ing.

25 So far, the obligation to keep promises and the obligation to obey
26 the law are isomorphic. But, here is where the similarities end. For, the
27 law and the processes that generate the law are unlike A's promises
28 and the processes the generate A's promises. For, A's decision to promise
29 to B that she will φ is the product of A's own deliberations about
30 how to live. Thus, A's promise that she will φ and her concomitant
31 commitment to φ are all native to A. Assuming nothing unusual
32 occurs, A will own the commitment to φ -ing that in turn moves her to
33 φ , and so she will own her φ -ing. So, A owns native commitments. PM
34 is satisfied.

35 The law, on the other hand, is the product of processes A does not
36 own, but instead are processes that are foreign to A. *Ex hypothesi*, A is
37 obligated to act as the law requires her. Because A is a moral person,
38 she will attend to the law requiring her to φ and form a commitment
39 to φ . But, the requirement to φ is not native to A. A did not reflect on
40 whether to φ , or whether to bring herself under an obligation to φ . It
41 was thrust on her. The only thing native to her is her commitment to
42 doing what morality requires. Insofar as she sees ~~that~~ demands of
43 morality as emanating from her, then she sees the (hypothesized)

1 obligation to obey the law as emanating from her. But, unlike all other
2 obligations, the specific mode of life that this obligation demands of
3 her is up to other people. Whether she ought to φ as opposed to ψ is
4 entirely up to others. In this sense, *her* commitment to φ is just an
5 expression of *someone else's* commitment to people φ -ing. The commit-
6 ment to φ is foreign in a way that the commitment to φ grounded in
7 promissory obligation is not. A owns foreign commitments. PM is vio-
8 lated.

9 This is even clearer when we suppose that the subject is committed
10 to ψ -ing, when ψ -ing and φ -ing are not co-possible. Suppose the law is
11 changed to require *her* to φ . She will, being a moral person, form a
12 commitment to φ and alienate herself from her commitment to ψ . But,
13 notice that her sense of who she is, that is, her commitments to live in
14 a certain way that shapes her life and that give her a concrete existen-
15 tial density, track other people's commitments. This is not at all what
16 occurs in the case of promising.

17 This inversion associated with the obligation to obey the law is dis-
18 tinct from the inversion associated with temporary subjection to
19 another's will when it serves one's own ends. Call such cases *ends-*
20 *based*. In ends-based inversions, the reason for the inversion is the pro-
21 motion of native ends. Ends-based inversions are therefore conditioned
22 on the presence of ends over which one has control. One can therefore
23 always change one's ends to escape the requirement for inversion.
24 Inversion *itself*, in these cases, is *an* end in itself.

25 For example, following someone else's recipe for the sake of making
26 some dish involves ends-based inversion. Insofar as I take the foreign
27 demands of the recipe as demands I am placing on myself, inversion
28 occurs. But I can always give up the end of making that dish in order
29 to escape inversion.

30 In the case of the obligation to obey the law, though, the inversion
31 required by the obligation is not ends-based. There is no end in partic-
32 ular whose fulfillment requires inversion. Instead, one is simply subject
33 to a moral requirement to suffer inversion without an end or value in
34 view. And, were there any value in view, it would be grounded in the
35 obligation to obey the law itself. In sum, then, the moral person con-
36 forms with the obligation to obey the law *through* inversion: the moral
37 person cannot both conform with the obligation to obey the law and
38 not suffer inversion.

39 Here, then, are some examples of the IT at work:

40 Suppose a moral person who lives in a densely populated city deeply
41 values gardening in a community garden. Suppose that community gar-
42 dening is entirely morally permissible. Suppose that at some point laws
43 are passed that make such community gardening illegal. If there is an

1 obligation to obey the law, the moral person must recognize that her
2 desire to garden in the community plots is a desire to do something
3 that violates the law, and so a desire to act wrongly. She would have a
4 reason to alienate this desire from herself, and a reason to alienate
5 from herself the value behind this desire.

6 Suppose a moral person who lives in a densely populated city loves
7 to bicycle safely and loves the activities of the collective bicycle culture
8 that emerged amongst other urban cyclists, who all cycle prudently and
9 carefully. One day, the city passes laws removing almost all bike lanes
10 and outlawing bicyclists from riding in almost all city streets. If there is
11 an obligation to obey the law, the moral person, who desperately wants
12 to ride through the streets and organize urban rides with lots of other
13 cyclists must recognize these desires as desires to act in manners that
14 violate laws she is obligated to obey. That is, these desires must be rec-
15 ognized as desires to act immorally, and so, because she is a moral per-
16 son, she sees herself as having a reason to alienate herself from these
17 desires and the values behind them.

18 19 7. Moral Demands

20 Even if we exclude consideration of laws that run afoul of independent
21 moral principles, the law has enormous scope. It covers all areas of
22 what John Locke called morally “indifferent” conduct, i.e., areas in
23 which each person is free in the state of nature to do “whatsoever he
24 thinks fit.” Thus, Locke writes, “the laws of the society in many things
25 confine the liberty he [the subject] had by the Law of Nature.”³⁷ The
26 modern regulative state, for example, governs an enormous range of
27 behavior through administrative regulations that are not concrete
28 expressions of existing moral principles.

29 A prominent example of this is property law. Property law varies
30 widely across legal regimes but nonetheless profoundly shapes all areas
31 of subjects’ lives.³⁸ Even small variations in property law can lead to
32 radically different lives. But, no one has yet argued that such ~~small~~

35 ³⁷ John Locke, *Second Treatise on Government*, C. B. MacPherson, ed. (Indianapolis,
36 IN: Hackett, 1980), §129. See also Locke’s early work, John Locke, *Two Tracts on*
37 *Government*, P. Abrams, ed. (NYC: Cambridge University Press, 1967), especially
38 in the Second Tract, where Locke argues that the magistrate must have substantial
39 discretion in legislation, since if he didn’t, then the magistrate could only legislate
40 what is already required by the Law of Nature, in which case “the power of the
41 magistrate seems to be no greater than that of any private citizen.” (Second Tract,
228).

42 ³⁸ For a brief discussion of this, see Jeremy Waldron, “Property, Honesty and Nor-
43 mative Resilience” in Stephen Munzer, ed., *New Essays in the Legal and Political*
Theory of Property (NYC: Cambridge University Press, 2001), pp. 10 – 35.

1 variations are evidence of widespread failures of the law to track the
2 demands of morality. Rather, ~~most hold that~~ such variations are
3 entirely permissible.

4 ~~For example, consider~~ laws governing rental agreements. In loca-
5 tions where renters retain many rights, the landlord and the renter have
6 different normative relationships than in locations in which renters pos-
7 sess fewer rights. If there were an obligation to obey the law, renters
8 and landlords would have reasons to alienate desires that run afoul of
9 these laws governing rental agreements. For example, in a location in
10 which the landlord retains many rights and can more easily evict a ten-
11 ant, the legally evicted tenant ought to recognize that the landlord is
12 exercising her rights. Thus, the tenant has a reason to disown attitudes
13 in favor of frustrating the landlord's attempts at exercising her rights.

14 Scenarios like this can, of course, be played out repeatedly in differ-
15 ent realms of one's life governed by different regimes of property law.
16 And, we can multiply such scenarios by expanding our view to include
17 other areas of law. That is, property law is not the only area of law
18 that profoundly shapes subjects' lives but that also can permissibly vary
19 widely across communities. ~~There is not, for every community, a single~~
20 ~~morally required property law regime. There are, instead, many possi-~~
21 ~~ble property regimes from which the community is at liberty to choose.~~

22 So, for most law, there is no morally required content, only content
23 determined by actual legislative processes. For, as just ~~argued~~, even if
24 legislators consulted all the factors that are morally relevant to the leg-
25 islative question at hand, what the determinate content of the legisla-
26 tion ought to be would remain ~~underdetermined~~. Any number of
27 different and mutually exclusive laws would be consistent with the
28 requirements of morality (~~i.e., there frequently is not a unique law that~~
29 ~~best meets the requirements of morality~~). Hence, the only way to gener-
30 ate laws with fully determinate content is through the actual legislative
31 process. But this process involves messy compromises and other political
32 processes that have no special capacity to track the features of the
33 world relevant to good decision-making. In particular, the actual legis-
34 lative process that determines the content of law is subject to bargain-
35 ing by stakeholders. Among factors relevant to such bargaining are
36 considerations that are entirely conceptually unrelated and morally
37 irrelevant to the legislative questions at hand. The ambition of different
38 legislators, the susceptibility of some to flattery and the personal inter-
39 ests of others are among the many factors involved in the general
40 horse-trading that goes on in determining the content of laws that con-
41 cern the daily lives of all people. These conditions governing legislative
42 bargaining are also the factors that allow legislation to move forward
43 by pushing legislatures to settle on one of the many equally acceptable

1 options. But, in almost all cases, none of these factors are conceptually
2 related or morally relevant to the legislative question at hand. For, the
3 legislative question is a question about how everyone in the polity
4 ought to live, not a question about whether some legislator will be
5 made a fool if the legislation passes with such-and-such language
6 included.³⁹ It follows from all this that the content of laws, unlike the
7 content of morality, is partially determined by factors that are concep-
8 tually unrelated and morally irrelevant to the legislative questions at
9 hand.

10 On the basis of these reflections, we can conclude that, insofar as
11 one is ‘colonized’ by the law, one is colonized by the creations whose
12 features are determined by factors conceptually unrelated to the sub-
13 ject’s question of how she ought to live. But, the following plausible
14 principles together strongly suggest that this colonization is morally
15 problematic:

16
17 *Native Self (NS)*: Having a stable self that is the product of
18 native processes is extremely valuable.

19
20
21 *Relevance and Moral Demands (RMD)*: At least with respect
22 to an extremely valuable thing, T, whether T (morally) merits
23 destruction or preservation cannot, except in unusual cases, be
24 determined by factors that are conceptually unrelated and mor-
25 ally irrelevant to the continued existence of T.

26
27 A brief defense of (NS): Part of becoming an adult in contemporary
28 society is determining who one is and how one is to live. A version of
29 that process governed by utterly external forces seems worse than a
30 version of that process governed by internal forces. This partially
31 explains why it seems better for parents to allow their growing children
32 increasing freedom to explore the world through literature, travel and
33 other means, than it would be for parents to strictly determine every-
34 thing a child experiences as she matures. The freely formed self is, *cete-*
35 *ris paribus*, better than a imposed self.

36 A brief defense of (RMD): All else equal, an extremely valuable
37 thing ought to be preserved. Something else also extremely valuable
38 would have to hang in the balance for the decision of a few unrelated
39 people to change the moral requirement to preserve the valuable thing
40

41
42 ³⁹ Even if legislators eschewed bargaining for something more fair, like coin flipping,
43 the content of the law would *still* be fixed by factors conceptually unrelated and
44 morally irrelevant to the legislative question.

1 into a moral requirement to destroy that valuable thing. What one
2 morally ought to do depends upon conceptually central features of that
3 thing. Or, more carefully, what one morally ought to do is determined
4 by considerations conceptually related to the moral question at hand.
5 For example, some person, John, being the nearest person I can shoot
6 is conceptually unrelated to John's moral status with respect to the
7 question of whether he ought to be killed by me. If I had been just a
8 few more inches to the left, then Juan would have been the nearest per-
9 son I could shoot. When I ask, "Is it obligatory to kill John?" the
10 answer cannot depend upon whether Juan or John accidentally hap-
11 pens to be closer to me, since that fact is conceptually unrelated to the
12 question at hand. Or consider some very important policy regarding
13 taxation. Being the subject of a vote just before a contested election in
14 my district is conceptually unrelated to the question of whether the pol-
15 icy regarding taxation merits my vote. Morally speaking, the moral sta-
16 tus of the proposed policy regarding taxation, i.e., whether it deserves
17 my vote, depends upon factors related to the policy, and perhaps fac-
18 tors related to the views of my constituents. But, the moral status of
19 the proposed policy is a question whose answer does *not* depend, all
20 else being equal, on which month the vote on it is scheduled. Or con-
21 sider whether workers are obligated to destroy Michelangelo's
22 "David." This cannot be subject to the outcome of a committee meet-
23 ing that will be fixed entirely by whether a certain committee member
24 can get another member to loan him money for a new suit that might
25 help him while on a job interview. It would be a good thing for one to
26 lend the other some money, but so what? The moral status of the
27 "David" – namely whether it morally ought to be destroyed – depends
28 upon matters *relevant to the "David"'s existence* (~~or relevant to the~~
29 ~~workers' situations~~), not on matters associated with marginal improve-
30 ments in some committee member's job prospects.⁴⁰

31 On the other hand, if something more important hung in the bal-
32 ance, e.g., if a murderer told someone, "Destroy the statue or I will kill
33 a member of your family," then the poor person would have a conclu-
34 sive reason to destroy the statue. In such cases, ~~RMD is violated. For,~~
35 there is nothing about the "David" itself that speaks in favor of its
36 destruction. But, these are unusual states of affairs. We are not typi-
37 cally faced with these strange cases of 'lifeboat ethics' in which to save
38 one extremely valuable thing, we must destroy something also extre-
39

40 ⁴⁰ I thank an anonymous referee for urging me to expand on this point. The referee
41 notes that if moral particularism is true, then everything I have said is false. That
42 is true. I shall have to take a stand here against particularism. But, I must also face
43 up to a recent excellent defense of particularism found in Jonathan Dancy, *Ethics*
without Principles (Oxford: Clarendon Press, 2004).

1 mely valuable on the basis of contingent factors that are not especially
2 good at tracking truth or the requirements of morality.

3 This is especially the case with respect to the contemporary political
4 subject. Rarely would something extremely valuable be destroyed if the
5 subject disobeyed the law. There are, of course, exceptions. For example,
6 whenever the law recapitulates independently valid moral principles, then
7 disobeying the law is deeply problematic. But, in such cases, the law does
8 no practical work since all the heavy lifting is done by morality itself.
9 Furthermore, presumably the moral person already aligns her values and
10 commitments (or at least feels driven to align her values and commit-
11 ments) with the demands of morality. So, we should put aside these cases
12 of the law recapitulating morality as philosophically insignificant.

13 The most significant instances in which failure to obey the law
14 threatens something valuable are cases in which the law resolves mor-
15 ally significant coordination problems by establishing a coordination
16 equilibrium. In some cases, disobedience can threaten someone's life or
17 their permissible ground projects. The most salient instance of this are
18 cases in traffic law. Disobedience in such cases can lead to terrible acci-
19 dents and even deaths. So there might be an obligation to obey traffic
20 law even if such an obligation requires the radical self-effacement of
21 the Inversion Thesis.

22 But, we cannot make too much of these exceptions.⁴¹ First, most
23 laws do not even resolve coordination problems. Second, when the law
24 does resolve coordination problems, defection from the law-established
25 coordination equilibrium rarely threatens others' lives or their ground
26 projects since the public good created by the coordination equilibrium
27 is a matter of convenience or small marginal improvements in people's
28 lives. Third, even when the coordination equilibrium creates a substan-
29 tial public good, it is not always the case that occasional defections
30 threaten that public good. In sum, disruption of law-generated coordi-
31 nation equilibria creates, more often than not, no more than hassles or
32 aggravation. The threat of annoying someone is not even close to seri-
33 ous enough to establish the sort of 'lifeboat ethics' conditions under
34 which the radical self-effacement of the IT would be appropriate.⁴²

36 ⁴¹ For the most famous pieces on the connections between obedience to the law and
37 the creation of public goods, see John Rawls, "Legal Obligation and the Duty of
38 Fair Play," in Sidney Hook, ed., *Law and Philosophy* (NYC: NYU Press, 1964)
39 and H. L. A. Hart, "Are There Any Natural Rights?" 64 *The Philosophical Review*
40 (1955): 175 – 191. For convincing objections, see A. John Simmons, "The Principle
41 of Fair Play" and "Fair Play and Political Obligation: Twenty Years Later," both
in Simmons, *Justification and Legitimacy*, pp. 1 – 26, 27 – 42, respectively.

42 ⁴² Too much focus on cases such as the threat that high speed traffic poses to one
43 another obscures the fact that laws govern a lot more of our lives than the side of
the street on which we drive.

1 There may be a *pro tanto* reason not to create such hassles and
2 aggravation, but it seems unlikely that this reason could outweigh or
3 trump the reason people have not to undergo radical self-effacement.

4 In sum, then, the choice faced by a moral person who is bound by
5 an obligation to obey the law is the following:

6
7 Either (i) abandon her native self for the sake of mirroring for-
8 eign values in order to respond to factors that are conceptually
9 unrelated and morally irrelevant to the continuation of her
10 native self, or (ii) own native values and commitments that are
11 inconsistent with what one is morally required to do.

12
13 But, how can morality force someone into this dilemma? How can
14 morality require that the morally good person recognize the other per-
15 sons' decisions, which are responses to factors that are conceptually
16 unrelated and morally irrelevant to the practical questions at hand, as
17 authoritative with respect to the moral status of her own values and
18 commitments? That is, if there were an obligation to obey the law, the
19 moral status of one's self would be determined by factors that have no
20 conceptual connection to one's self, and furthermore, were it not for
21 the obligation to obey the law, would have no relevance to the moral
22 status of the self. There is just no reason to suppose that the morally
23 good person could, under non-extreme conditions, ever be morally
24 required to give up who she is – at a moment's notice and repeatedly
25 over her life – simply on the basis of morally irrelevant factors.

26 27 **8. Autonomy**

28 One might think that the problem is not that conceptually unrelated
29 and morally irrelevant factors determine whether one is morally
30 required to commit a form of radical self-effacement, but instead that
31 something more like Robert Paul Wolff's argument described above
32 applies here. The argument would go like this: The obligation to obey
33 the law threatens all subjects' autonomous control over their identities.
34 Such a threat to all subjects' autonomous control over their identities
35 cannot possibly be justified, ~~the argument goes~~. So, there cannot be an
36 obligation to obey the law.

37 If such an argument worked, there would be no need to appeal to
38 all this complicated talk about inversion. But, this argument relies on
39 an overly rationalistic conception of the self and therefore should be
40 rejected as too limited.

41 Autonomy is usually understood in terms of rational control over
42 the capacity to set ends and assess whether some consideration counts
43

1 as a reason for action. Most theories of ownership – from Frankfurt’s
2 to Bratman’s to Jaworska’s, to name a few prominent ones – do not
3 require reflective rational assessment followed by either endorsement or
4 rejection. For, these theories recognize that much of who we are is not
5 up to us.

6 First, innate cognitive and emotional limitations prevent us from
7 submitting every one of our values and commitments to rigorous
8 rational scrutiny. This, in itself, suggests that autonomous control
9 over a value or a commitment is too demanding a standard for own-
10 ership.

11 Second, each person is born into a particular culture and into a par-
12 ticular family that has a certain socio-economic standing. Such factors
13 play perhaps large roles in determining one’s interests and passions,
14 especially in the case of religious commitment. Furthermore, many peo-
15 ple simply find themselves loving certain activities, things and people.
16 For many people, there is no systematic questioning of the wisdom of
17 loving all the things they love. They simply love. The fact that there
18 has been no reflective, critical oversight over these ‘lovings’ does not in
19 any way seem to threaten their status as central to the self, as the para-
20 digmatically owned attitudes. Even the *inability* to exercise full-blooded
21 autonomous control over one’s loves would not change the psychologi-
22 cal status of these loves, at least with respect to the question of how
23 central they are to defining a person’s self.

24 For example, that a parent is not autonomous with respect to her
25 love of her child does not make that love any less a part of the parent’s
26 self. Reflective endorsement or reflective alienation – even the capacity
27 for such second-order stances – seems irrelevant to the question of
28 whether some attitude is or is not one’s own and is or is not a defining
29 feature of one’s self. Ownership of morally permissible attitudes doesn’t
30 require autonomy. Ownership simply requires the attitude playing a
31 certain role in the psychic economy of the subject. And whether one
32 *ought* to own an attitude doesn’t depend upon that attitude being the
33 expression of rational deliberation. Rather, it largely depends upon
34 (i) whether the attitude doesn’t run afoul of PM; and (ii) whether it is
35 a good attitude to own.

36 In sum, the absence of full autonomy has no straightforward norma-
37 tive implications regarding the conditions under which it is appropriate
38 for foreign sources of value to colonize a person’s psychological terri-
39 tory. Absence of full autonomy with respect to one’s self cannot make
40 it the case that elements of one’s self being morally effaced as a result
41 of conceptually unrelated and morally irrelevant factors is morally
42 unproblematic. These factors associated with the political exigencies of
43 legislation should not be dispositive with respect to whether otherwise

1 permissible features of one's self – regardless of whether they have been
2 autonomously selected – ought to be destroyed.

3 4 **9. Conclusion**

5 This essay attempts to show that the obligation to obey the law would
6 threaten the native constitution of the self. In summary, the argument
7 runs as follows.

8
9 The law is a human creation and its content and date of passage are
10 often determined by political exigencies that have little conceptual or
11 moral connection to that content and date. But, if there is an obliga-
12 tion to obey the law, then one is obligated to act as the law requires
13 one to act. The moral person subject to such an obligation will seek to
14 foster commitments and values consistent with the requirements of the
15 law. Additionally, the moral person will also see commitments and val-
16 ues inconsistent with the law as morally problematic. Thus, she will
17 seek to alienate herself from those desires. But, if those desires partially
18 constitute her self, then she will alienate herself from herself, and own
19 desires that have as their origins sources outside of herself. The moral
20 person is therefore subject to inversion: she will alienate her native self
21 from herself, and own foreign values whose content is determined by
22 factors associated with political exigencies utterly irrelevant both to the
23 moral person's life and to the wisdom of that foreign value playing a
24 leading role in that person's life. Consequently, the moral person is
25 required to commit, on almost unintelligible grounds, a radical form of
26 self-effacement in favor of recreating herself in the image of foreign
27 values. That is deeply morally problematic.

28 Future defenses of the obligation to obey the law might include
29 some consideration of this deeply morally problematic feature of the
30 obligation to obey the law.