This article adopts the framework set out in ‘Associative Political Obligations’ to ask two further questions about the theory of associative political obligation. (i) Which of the different interpretations of the theory of associative political obligation is most plausible? And (ii) what would be the implications of such a view? It is argued that (i) the most attractive version of the argument is one according to which such obligations obtain only in morally acceptable communities, and only between what may be called ‘thick’ members. And (ii) that such a theory should give up on at least some of the conclusions that associativist theorists have tried to defend, such as that associative political obligations can establish the legitimacy of states. However, it is also suggested that this should not be considered a regrettable retreat.

In the companion to this article, ‘Associative Political Obligations’, I attempted to shed some light on the theory of associative political obligation (henceforth APO). There, I identified two broad dividing lines along which we can classify different theories of APO. These were (a) whether or not a community must have certain morally relevant features for obligations of membership to arise, and (b) whether one can have such obligations as a consequence of thin membership or whether certain kinds of subjective features are a (further) condition. (For discussion of these differences, see ‘Associative Political Obligations’, sections II.3 and III.2.) This led to the following classification of the authors discussed in that piece:

<table>
<thead>
<tr>
<th>Thin membership</th>
<th>Thick membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>All communities</td>
<td>Pitkin, MacDonald, (McPherson?)</td>
</tr>
<tr>
<td>Only ‘moral’ communities</td>
<td>Dworkin, Utz, Perry, Miller, Moore, Hurka, (McPherson?)</td>
</tr>
</tbody>
</table>

Here I utilize this way of classifying the different views and press on a little further. I will ask two questions: (i) which of these interpretations renders the theory of APO most plausible (Section 1)? And (ii) what would be the implications of such a view (Section 2)? One note in advance: throughout this piece I will help myself to some of the terminology explained and distinctions made in ‘Associative Political Obligations’. I will thus assume that the reader has either read that article, or is otherwise somewhat familiar with the literature.

1. When are Associative Obligations Plausible?

The first question to address is how best to understand the theory of APO. Which of the four possible ways of rendering that view makes the theory most plausible? In this
In this section, I will go through the four boxes of the table above, and argue that the moral community/thick membership interpretation of the theory of APO (southeastern box) is most plausible. In part this is based on the argument that this particular interpretation best fits the central associativist emphasis on intuition. In part it is based on other, independent considerations.

1.1. ALL COMMUNITIES?

Let us begin with the top two boxes, representing theories according to which associative obligations can obtain in all communities. The first of these is the so-called conceptual argument for APO (northwestern box). Critics of associativism as well as many of its defenders agree that the conceptual argument is unsatisfactory. For to argue that simply being identifiable (formally) as a member of any political society is, by definition, sufficient for political obligation just fails to recognize that there is an issue of justification here. Surely we can intelligibly ask under what conditions we are morally required to support the political community we live in, or under what conditions we are required to obey rules laid down by those in positions of political authority? And surely we need to know at least something about the community or persons involved before we can answer that question? While the answer may well be that we should support such communities and that we should obey the law (and the answer may even be obvious), it will not do to reply that everyone has political obligations as a matter of definition.

The second of these views (northeastern box) does not commit this mistake. Such views allow the question of political obligation to be asked, and indeed even allow that certain societies might fall short of satisfying the conditions for APO. However, the conditions under which membership in a society establishes APO do not have to do with the moral quality of that society, but with certain subjective features of its members. Here, the question is whether individuals meaningfully identify themselves as members, undertake joint commitments, and so on. These views, however, are unattractive for a different reason. For while they do not (like the conceptual argument) refuse to address the question of justification altogether, the answer they provide is problematic. Can we really accept that members of morally reprehensible communities may bring into being moral obligations to support and maintain those communities and practices simply by having certain attitudes? Surely it is not that easy to ordain unjust practices with moral quality. Whether an injustice is committed by a group of mutually deeply committed people or by a random group of individuals seems to make no difference to its immorality or to the strong reasons we have for avoiding such acts and providing support to such groups.

It is true that defenders of ‘all communities’ theories stress that APO to unjust communities may be outweighed by other moral considerations. But this does little to remove the tension. For either such APO will be always outweighed, in which case the position becomes practically indistinguishable from theories that insist that APO can only obtain in morally acceptable communities. Or it must be possible, for example, that when a committed member of the Mafia informs the police about his gang’s criminal activities, thereby crucially aiding the achievement of justice, he would be doing something that is morally wrong. And, despite its defenders’ protestations (Tamir 101), such a conclusion is absurd.

Margaret Gilbert’s theory might be thought to avoid this problem since she argues that APO are not to be understood as a species of moral obligation. Thus Gilbert’s claim that APO can arise in unjust communities (289) does not commit her to the view that members of unjust societies are (even prima facie) morally obligated to support them.
is fair enough, but it remains unclear whether Gilbert’s view can avoid the problem above. For we are now facing a new, rather large question: how do one’s (non-moral) APO affect the practical question of what to do when they are in conflict with morality? And the two answers that might be given seem to bring along the same problems. For one might hold, first, that morality always outweighs APO or, second, that APO can at least sometimes outweigh morality. And again the former response means that the ‘all communities’ position loses much of its distinctiveness. While the latter brings back the question of why we should think that people taking up morally problematic joint commitments can give them reason to act in ways that are morally wrong.

We can put this objection to ‘all communities’ theories in more general terms. Such theories are doubly problematic. First, the implication that even unjust communities are characterized by APO is one that upon reflection seems highly counterintuitive. As a result this type of associativist has to give up on at least one of the four main elements of associative theory (identified in ‘Associative Political Obligations’): that a theory of political obligation should match our intuitions. Ordinarily the theory of APO’s ability to match our intuitions is considered one of its strong points. Second, it is unclear what kind of general principle might underlie the conclusion that political obligations can obtain in morally problematic political communities. Again, in cases of unjust communities, such obligations would require members to maintain and support the continuation of injustice by being obligated to maintain and support their community. That conclusion is strange. As many, including associativist authors, have pointed out, other ways of generating obligations do not support obligations to pursue immoral ends either (Simmons, ‘Associative’; Horton 158–61).

1.2. THIN MEMBERSHIP IN MORAL COMMUNITIES

It seems, then, that if moral obligations are to arise from community membership there must be something morally important about (membership in) that particular community. This narrows down the options to the bottom two boxes of the table. Is there a choice to be made between these two? Some argue that all those who are formally members of a morally acceptable community have APO (southwestern box). Such views do better than those listed in the top two boxes since they acknowledge that APO stand in need of justification and that membership in odious communities cannot generate morally relevant obligations. However, by insisting on thin membership as a sufficient condition for obligation, such views run into a different kind of problem.

The problem is that by asserting that thin membership can be sufficient for APO such views hold that even reasonable people may have obligations that remain wholly independent from how they think, act, or see themselves. That is, they assert that APO can result from a kind of membership that is merely ascriptive. At least from the point of view of liberal political philosophy, this is highly problematic. Many argue that at the heart of liberalism lies the view that conclusions about the rights and obligations of reasonable persons must be justified by reference to certain subjective features of the relevant individuals (Gaus Justificatory). The classic example here is consent, but other significantly similar features of persons may be sufficient as well, such as their acceptance of benefits or the presence of beliefs that can reasonably be taken to imply consent. However, by holding that membership in a community can obligate in a way that is wholly independent of people’s subjective or will-dependent features, thin membership accounts fail to provide an argument consistent with the demands of liberal thought. Thus, insofar as (this kind of) liberalism is attractive, thin membership accounts are problematic.
1.3. THICK MEMBERSHIP IN MORAL COMMUNITIES

These considerations suggest that a more plausible defense of associative theory would include a thick understanding of membership. According to thick membership views, associative obligations arise out of a more complex kind of membership. Here membership involves various subjective or will-dependent features of people (in addition to thin membership). The literature on associative obligations abounds with examples, such as the role that community plays in the development of character, feelings of belonging, mutual identification and connectedness, attitudes of mutual special concern (Horton; Mason; Smith; Dworkin; Higgins; Miller; Moore; Tamir). For ease of expression, I will refer to these together as ‘associative attitudes’. Thick membership theories hold that a necessary condition for a person’s APO is that she has associative attitudes.

Thick membership views provide a more attractive argument for APO (in moral communities) for a number of reasons. For one, they can avoid the objections against thin membership theories of APO. Since thick accounts are organized around the associative attitudes of individuals, they provide justifications for people’s APO that relevantly involve people’s wills and thus maintain the individual as the primary unit of moral concern. But there are many additional advantages as well. The emphasis on associative attitudes is easily squared with the view that people’s intuitions should have pride of place. Our associative attitudes are (part of) the source of the value from which APO are said to flow. This value we cannot fully understand, one might say, without referring to the mutual special obligations such attitudes bring along precisely because this is how people who occupy these roles perceive of them. Associative attitudes bring about obligations because this is part of why those who have such attitudes regard them as valuable. Thus intuitions about, or the phenomenology of, membership lie at the heart of thick membership views.

Another strength of thick accounts not shared by other interpretations is that they can explain the popular associative analogy between group membership and friendship or family (Mason; Horton; cf. Hurka). All such associations are said to be of moral importance because their members see themselves as deeply connected, making up a larger whole. And it is clearly true that, when displaying associative attitudes, friends, family members, and citizens all naturally take up the viewpoint of other members when acting, take their values and interests as providing them with reasons, have positive feelings toward other members, consider the norms and customs of the group as normative, display mutual respect and trust, and so on.

Yet another, and important, reason in favor of this interpretation is that it can provide an account of why and how associative obligations can arise out of membership even though neither one’s membership nor the obligations were voluntarily accepted, that avoids certain problematic implications. For it seems undeniably true that we can simply grow up and over time become persons who have these attitudes, even if we never explicitly chose to join these associations. If thick membership theories are correct, people can have associative obligations under those circumstances.

Still, this does not mean that such attitudes are completely beyond our control: for it is surely possible that at least some engagement of the will – what we may call, perhaps, a person’s reflective rejection – can lead to one’s abandoning a previously held attitude. As a result, thick accounts allow for an important and desirable qualification to the associativist position. For example, it seems possible for people to cut their ties to their family or community. Parents can do so when they disinherit their children, siblings can cut off all contact, people emigrate and actively renounce their national background. It would
seem that in at least some such cases, the grounds for APO can dissolve as well. Similarly, membership, and its concomitant obligations, cannot be simply foisted upon you, by a community unilaterally declaring you a ‘member’. Thin membership views must struggle with such cases – after all, people can remain or become members in the thin sense irrespective of anything they do. Thick accounts have an explanation: these are people who have ceased to have, or never had, the requisite associative attitudes. Hence, thick accounts allow membership to generate obligations in the absence of voluntary acceptance, but preclude people becoming trapped in associations (cf. Dworkin Law’s 201–2).5

Note, moreover, that this does not mean that people with associative attitudes are free to disregard their associative obligations whenever they disapprove of a community’s norms. Associative attitudes can be compatible with quite deep disagreement with the norms and laws of one’s community. These attitudes concern one’s endorsing a picture of oneself, in various ways, as a member of a community; they do not require one to endorse everything about the community. We might think that our community’s norms are mistaken, perhaps seriously so. But as long as we see it as our community’s norms, the associativist may maintain we remain morally bound to conform our behavior. Therefore, thick membership accounts have the resources to explain how it is possible that APOs would require one to obey laws one thinks mistaken, silly, or even morally wrong.

These considerations show, I believe, that we should understand the theory of APO as holding that such obligations obtain only in communities that are morally acceptable, and only between those who are accurately described as members in a thick sense. Admittedly, the arguments I have offered do not provide decisive reasons for this view. However I believe they do provide significant pressure in favor of this interpretation.

2. What do (thick) Associative Political Obligations Establish?

We have seen that there are three conclusions that associative thinkers have claimed their arguments would establish (‘Associative Political Obligations’, section II.4). The first conclusion is one to which all associativist theorists probably subscribe: members of political society are obligated to show special concern for one another. The second is more specific: members of political society are obligated to support their political institutions and, in particular, obey the law. The third is the strongest one. In his original argument for associative obligations, Dworkin argued that these obligations were the key to the question of state legitimacy. APO might show how states can have a right to issue and enforce law, for that right might correlate to the APO of subjects (Dworkin Law’s 188; see also Tamir 130, Perry). Adopting the thick membership view has implications for all three conclusions. In particular, I will argue, it means the third should be abandoned.

The first point to note is that thick membership theories will not easily support conclusions about all the nominal members of a political society. The reason is evident: if a person lacks the requisite associative attitudes, she will fail to be a member in the relevant sense, but states invariably identify the subjects to their authority in what we have called thin terms, predominantly through the law. And while it is not impossible that these two classes will line up exactly, it is very unlikely that all thin members will be thick members as well. Thus, thick membership theory will not easily show that all the citizens of a state will have APO.

We need not spell out in detail what is meant by associative attitudes in order to come up with some examples. Consider the common case of those who disobey the law when they can get away with it. Clearly at least some such persons do not feel they owe it to their community to comply with its norms and standards. They do not see its rules as
normative for them, do not consider themselves bound to take up the viewpoint of their co-citizens. Instead, they simply calculate the risks and rewards of compliance versus disobedience. Or consider those who evade taxes. Can we really say that all these people display the associativist’s commendable attitudes? Surely the last thing we would say about them is that they are disposed to contribute to the community’s collective political endeavors. By their actions, indeed by their law-breaking, they show that the attitudes the associativist has in mind are absent. Stronger still, disobedience can be a highly significant act: it can be a means of signaling to others that one does not — and does not want to — have associative attitudes toward the community. Think of anarchistic punk-rockers who explicitly reject and deliberately try to offend society’s norms and rules. They go out of their way to violate and upset people’s expectations through their attitude, clothing, behavior, and, yes, at times through disobeying the law.6

Such persons, we might say, can be in relevant respects disassociated from their community. After all, it is perfectly fitting to say of such people that they are not behaving as members at all. Here the associativist analogy with friendship is again instructive. If my friend frequently does not behave as a friend — when she does not reciprocate, does not take my values, feelings, interests into consideration — it is perfectly fitting for me to say that she really is no friend at all (cf. Horton 148).

There are additional ways in which those who are members in a thin sense may fail to be members in a thick sense. For even when one has the relevant associative attitudes, disobedience to the law may bring about the loss of associative attitudes. This may happen in two ways. First, one’s actions can alter, purposely or as a side effect, one’s commitments or psychological barriers. For example, by committing small wrongs, we can break down our inhibitions, gradually making it easier for us to commit further wrongs (Feldman ch. 9). Similarly, it seems plausible that acts contrary to one’s associative ties, and in particular disobedience to the law, may erode one’s associative attitudes. In this way people who disobey the law can damage their own commendable associative attitudes. Second, many associativist authors emphasize that associative attitudes must be mutual attitudes between members. But one’s actions, including one’s disobedience, may also damage the attitudes of other group members. We can lose the respect of others through wrongdoing, even when our act does not reflect the relevant attitudes — the damage may simply not be reversible. Unthinking behavior, moments of weakness, and other acts that are out of character can harm a relationship. Similarly, the moral bond of community can be hurt through misunderstanding. A person might not mean to disrespect her community, but that community might still be outraged by her act.

It is unlikely, therefore, that all co-citizens (that is, those who are thin members of a political society) will be members in the thick sense of a single community. Thus, on the most plausible reading of associative theory, it seems likely that not all citizens will have the relevant APO. The first and most obvious conclusion that follows from this is that theories of APO can probably show neither that all citizens owe a special bond of allegiance to other thin members of the political society in which they live, nor that they are morally bound to obey its laws.

More worrisome, perhaps, is the implication this has for associative attempts to establish the legitimacy of states. If APO are to form the justification for a state’s legitimacy, they must be capable of justifying that state’s authority and enforcement of the law. But consider a law that requires something that citizens are not, of itself, morally required to do. If someone who has APO disobeys a law, we might think the state justified in enforcing that law for the reason that she violated one of her moral obligations — the obligation to obey. Yet for those who lack APO, that particular justification is absent. Enforcement of such laws

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against them thus requires a different kind of moral justification. It follows, then, that the examples above show that the theory of APO will very likely fail to establish that states have the right to enforce the law against all citizens (i.e., thin members of political society). In other words, the theory of APO will likely fail to establish the legitimacy of states. Indeed, the examples above are particularly problematic here for they suggest that those who are disobeying the law – those who will be on the receiving end of a state’s use of coercive force – are especially unlikely to be members in the thick sense.

No doubt this implication will be rejected by some associativists. For they might be loath to give up on the more sweeping conclusions that they perhaps once set out to establish. However, I believe the conclusions reached here should not be regarded as a regrettable retreat. As said before, the idea of the very possibility of APO is still highly controversial. I suspect that part of the controversy is traceable to two claims that have been made by associativist theorists. One is the claim that the theory supports the conclusion that all citizens have APO, something that presupposes thin membership, based on arguments that presuppose the more plausible thick understanding of membership.7 The other is the claim that, since obligations are often thought to be enforceable, the theory of APO is capable of supporting the state’s enforcement of the law. If the arguments above are correct, both these claims should be given up. Then again, perhaps the explicit adoption by associativists of a thick membership view and its implications will allow the theory of APO to receive a more favorable, and more charitable, reception.

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Short Biography

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Notes

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1 The discussion of this position has benefited greatly from helpful correspondence with Margaret Gilbert.

2 It is not always clear what is meant by labeling a community ‘unjust’. Communities may be what we can call internally unjust, for example when organized around unjust (e.g., racist or sexist) norms. Or they can be externally unjust when they are dedicated to unjust projects (e.g., the Mafia). Or both. A more precise statement of the present objection would be this: (a) In internally unjust communities, there can be no morally relevant associative obligations to support it as a community. (b) In externally unjust communities, there can be no morally relevant associative obligations to carry out its unjust projects. (c) If a community is both internally and externally unjust, there can be no morally relevant associative obligations at all. ‘All communities’ views typically deny all these points.
3 Associativists might here press on and claim that (thick) members of unjust societies do seem to feel pressure toward compliance with their country’s unjust laws. I take this to be problematic for two reasons. First, I am not convinced that reflective persons do feel they owe compliance to unjust laws simply because they are members of a society. But if they do, second, assuming that obligations to commit injustices are correctly described as counter-inuitive, this brings in a much larger problem: how is a theory that emphasizes intuitions to accommodate conflicting intuitions?

4 See for arguments that duties are constitutive of the value of friendship, Raz ‘Liberating’, Gaus Value 287–92. See for a dissenting view, Blum. One might wonder what to say should people consider themselves as members of a community in a morally important sense, as such take up various attitudes, but where the content of these is decidedly non-associative. While I believe it cannot be ruled out that thick views would hold such individuals to have APO, I believe the present point strongly suggests against such a conclusion. Thanks to Tony Laden for pressing me on this.

5 Perhaps another attraction of thick views is that these alone can regard as making a serious moral mistake neither those who feel the bonds of communal or national allegiance nor those who disavow such allegiance in favor of a more cosmopolitan outlook – as, for example, Albert Einstein famously did. Both critics of APO (Wellman) and proponents of thin membership views seem committed to choosing a side here.

6 Such ‘counter-cultural’ behavior is typically central to the identity and values of such persons in precisely the ways that associativists describe. But if punks have associative obligations, they are surely not political obligations owed to the wider community. It is worth noting here that the reverse is possible too. Sometimes acts of disobedience, so-called acts of civil disobedience, can be a statement that one considers oneself deeply connected with one’s political community, but only disagrees with a particular law. Thanks to Tony Laden for this latter point.

7 This is mistaken or, at worst, dishonest. Here are but two examples. Dworkin, summarizing his view (which explicitly aims to establish obligations for all thin members) in response to some of Leslie Green’s objections, writes: ‘My entire argument, however, aims to show that an obligation of obedience to collectively enacted laws is derivative from the more basic attitudes, which are not themselves attitudes of obedience, that hold among the citizens of a true community’ (‘Ronald Dworkin Replies’ 378, my emphasis). Similarly, David Miller emphasizes throughout his book On Nationality that membership in a nation is constituted by belief. Yet he concludes that ‘in a national community a case can be made out for unconditional obligations to other members that arise simply by virtue of the fact that one has been born and raised in that particular community’ (42).

Works Cited


