

# Political obligations in a sea of tyranny and crushing poverty<sup>1</sup>

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## Abstract

Christopher Wellman is the strongest proponent of the natural duty theory of political obligations and argues that his version of the theory can satisfy the key requirement of 'particularity'; namely justifying to members of a state the system of political obligations *they* share in. Critics argue that natural duty theories like Wellman's actually require well-ordered states and/or their members to dedicate resources to providing the goods associated with political order to needy outsiders. The implication is that natural duty approaches weaken the particularity requirement and cannot justify to citizens the systems of political obligation they share in. I argue that the critics' diagnosis of natural duty approaches is correct while the proposed implication is false. I maintain that 1) only natural duty approaches can justify political obligations and that 2) weakening the particularity requirement *contributes* to the theory's ability to justify a range-limited system of political obligations *among* compatriots.

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If we accept that a set of fundamental human goods can only be secured in conditions of political order, it would seem to follow that individuals have obligations to support such orders when they are organized to provide these goods. However, it has proven exceedingly difficult to defend the view that individuals have political obligations to support the states they have legal membership in.<sup>2</sup> The difficulty is not to show that individuals have moral obligations that regularly coincide with much of what states require within their territories, such as laws against murder or theft. Likewise, where political order is necessary for securing a set of essential goods individuals will often have moral reasons to offer some kind of support or at least not frustrate the state. Still, political obligations are typically taken to involve more than acting on moral requirements that happen to correspond with state dictates.

Sharing in a system of political obligations is usually thought to mean that *each* member or resident within a state's jurisdiction has obligations to accept the *full range* of directives and activities that are part of the state's efforts to secure a political order on fair terms. This requirement entails that those under the state's jurisdiction have at least *pro tanto* obligations to satisfy what the state requires of them because it is the state that requires it. This is typically called the requirement of *universality*. Moreover, it is also usually thought that if individuals have political obligations they have them chiefly in relation to the state in which they live and

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<sup>2</sup> See William A. Edmundson, *State of the Art: The Duty to Obey the Law*, 10 LEGAL THEORY 249–252 (2004); Richard Dagger, *Political Obligation*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Edward N. Zalta ed., 2010) <http://plato.stanford.edu/archives/sum2010/entries/political-obligation/>.

enjoy membership status. This is typically called the requirement of *particularity*. For those committed to the premise of moral equality between all individuals, the challenge is to offer a justification of political obligations that is general enough to apply to all members of a state on equal terms but not so general that political obligations do not bind individuals to 'their' political community.

The main approaches to trying to manage this tension between universality and particularity are based in consent, fairness, associative values, and natural duty. What is somewhat less common in the existing literature is to question whether satisfying both the universality and particularity requirements as they are currently conceived is necessary for justifying political obligations. Does it make good sense to try to find some way to simultaneously offer a general and exclusive justification of political obligations? I defend a theory of political obligations based in natural duties that is similar to existing accounts. However, I argue that the difficulties such approaches have had in satisfying the particularity requirement demonstrates a problem with that requirement as opposed to a weakness in the natural duty argument. This reasoning represents a clear challenge to prevailing views on the relationship between the natural duty theory of political obligations and the problem of particularity.

Christopher Heath Wellman is the strongest proponent of the natural duty theory of political obligations. He argues that the key to defending this theory is to show that it can satisfy the particularity requirement.<sup>3</sup> Massimo Renzo has recently argued that Wellman's model necessarily entails a weakening of the particularity

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<sup>3</sup> Christopher H. Wellman, *Political Obligation and the Particularity Requirement*, 10 LEGAL THEORY 97–115 (2004).

requirement. According to Renzo, the implication is that there is no prospect for natural duty approaches to justify political obligations to the members of a political order. This is because weakening the particularity requirement produces a model of political order that gives no special concern to domestic interests.<sup>4</sup> I agree with Renzo's diagnosis that a weakening of the particularity requirement is embedded in any natural duty theory of political obligations, but I argue that he draws the wrong conclusion from this observation. Instead, I maintain that 1) only natural duty approaches have any prospect of justifying political obligations and that 2) weakening the particularity requirement contributes to rather than detracts from the theory's ability to justify political obligations *among* compatriots.

The argument proceeds in three sections. Section I challenges the view that satisfying both the requirements of universality and particularity as they are conventionally conceived is the appropriate burden of justification for a theory of political obligations. To make this case, I show how the structure of consent, fairness, associative, and natural duty theories prevents these approaches from successfully managing the tension between universality and particularity. Each approach is instead provoked into weakening one of these requirements. Given a commitment to standards of moral equality, I argue that a natural duty approach that weakens the particularity requirement is singled out as the most plausible way forward for developing a justification of political obligations.

In section II I show how weakening the particularity requirement better coincides with the normative premises of the natural duty approach. However, this

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<sup>4</sup> Massimo Renzo, *Duties of Samaritanism and Political Obligation*, 14 LEGAL THEORY 193–217 (2008).

modification of the theory also makes a justification of political obligations among compatriots dependent on their political community making some meaningful effort to ensure that needy outsiders have access to the essential goods political order is intended to help secure. The first objection to this type of reasoning is that accepting state dictates would be contingent on promoting the most overall good. This type of contingency is thought to be incompatible with having political obligations. The second main criticism is that weakening the particularity requirement entails obligations that are far too demanding. This demandingness is thought to rule out one of the central purposes of sharing in a system of political obligations, namely giving some level of special priority to the interests of fellow citizens. In section III I argue that neither of these objections succeed against my contractualist approach to weakening the particularity requirement.

### **I. Universality and particularity?**

In this section I show that neither consent, nor fair reciprocity, nor associative, nor natural duty theories can satisfy both the requirements of universality and particularity. This suggests that a satisfactory theory of political obligations will require some modification of these requirements. I claim that weakening the particularity requirement is singled out as the right modification and that natural duty approaches are best placed to incorporate this modification.

To begin it will be helpful to break the universality requirement down into three features: *generalness*, *comprehensiveness* and *jointness*.<sup>5</sup> These features of universality combined with particularity give us four conventional requirements for a theory of political obligations.

1. *A general system of obligations*

Each member/resident has political obligations to support the political order together with all members/residents.

2. *The comprehensive prerogative of the state*

Individual members have *pro tanto* obligations to obey the full-range of dictates that are part of the state's efforts to secure political order on fair terms. If we accept that a morally justifiable form of political order requires democratic control, then political obligations involved accepting the political community's prerogative to comprehensively determine the terms of political order via the instrument of the state. Note that the obligation to give deference to the state is qualified by the obligation to only give deference to the state contingent on it fulfilling its function of securing political order on fair terms. In addition to this contingency qualifier, the *pro tanto* qualifier indicates that a political obligation can be outweighed by some other independent moral obligation that is weightier than the moral grounds for having political obligations. Consequently, giving deference to

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<sup>5</sup> For similar treatments of these distinctions see Michael Kramer, *Legal and Moral Obligation*, in THE BLACKWELL GUIDE TO THE PHILOSOPHY OF LAW AND LEGAL THEORY 179-190 (Martin. P. Golding & Willium. A. Edmundson eds., 2005); Edmundson, *supra* note 1, at 215–216.

the state involves content-independent but not exclusionary reasons to accept state dictates.<sup>6</sup>

### 3. *Ongoing joint commitment*

Having genuinely *political* obligations involves more than giving deference to state dictates. In addition, the content of political obligations should be publicly shared in common as opposed to reflecting a series of private codes of conduct in relation to the state.<sup>7</sup> Thus, the content of my political obligations should not be a function of the degree to which I am in a position to avoid state sanctions, secure special exemptions, or exert influence on the general terms of political order that reflect my personal bargaining advantages.

Ongoing joint commitment entails that the demands and privileges embodied in a system of shared political obligations should apply to all subjects in a like manner. This requirement does not preclude that different individuals will have different obligations under the law or that they be required to support the state in different ways. However, such differences must reflect joint commitment by treating like cases alike.

### 4. *Particularness*

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<sup>6</sup> For support for the view that having exclusionary reasons to accept state dictates is too strong of a requirement for a theory of political obligation see Noam Gur, *Legal Directives in the Realm of Practical Reason: A Challenge to the Pre-emption Thesis*, 52 AM. J. JURIS. 159-228 (2007); Margaret E. Martin, *Raz's The Morality of Freedom: Two Models of Authority*, 1 JURISPRUDENCE 53-72 (2010).

<sup>7</sup> Dorota Mokrosińska, *What is political about political obligation*, 16 CRISPP 88-108 (2013).

Particularized political obligations require of individuals that they support the proper functioning of the political order in which they chiefly have access to essential collective goods as members or residents.

In the upper row of Table 1 are four approaches to justifying political obligations. Along the left column are the four criteria for establishing such obligations.

**Table 1**

		Consent	Fair reciprocity	Association	Natural duty
<i>Universality</i>	Generalness				
	Comprehensiveness				
	Jointness				
	Particularness				

### Consent

Liberals in the social contract tradition have relied on direct, tacit or hypothetical consent as the source of subjects' political obligations. Direct consent fails to justify political obligations within states as we know them because most people do not actively consent to citizenship but are born into this status.<sup>8</sup> Moreover, individuals do not give consent to the territorial scope of states while they to good measure simply find themselves with strong attachments and dependencies to the circumstances and communities they are born into. Add to these facts restrictions on movement within our system of states, and the Lockean

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<sup>8</sup> Democratic control over the political order does not amount to individual consent to the political obligations associated with political order. A theory of political obligation aims to justify why some subset of human interaction ought to be under democratic political control in the first place.



notion that continued residence amounts to tacit consent is also undermined.<sup>9</sup> The difficulty for hypothetical consent theories is that they do not get their justificatory force from what we have committed ourselves to. Instead it is some other consideration such as rational self-interest or natural duty that justifies political obligations.<sup>10</sup>

These well-known problems for consent theory are not, however, conclusive. John A. Simmons' argues that the *generalness* requirement can be weakened domestically in a way that allows actual consent to determine which residents have political obligations to support the state. The idea is that states could accommodate full or partial 'resident non-member' status and much more open systems of intermigration. Such reforms would make it possible for states to be organised around genuine choice procedures for acquiring citizenship.<sup>11</sup>

A basic premise for justifying systems of political authority and coercion is that they are necessary for securing human security and welfare and respect for individual rights and freedoms. The claim is that achieving the benefits associate with modern forms of large-scale cooperation and meaningfully limiting exposure to the threat that others' interests will be in conflict with our own wellbeing requires that social order be arranged though political institutions. Justifications of the state thus point to disastrous coordination problems and the inability to effectively

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<sup>9</sup> David Hume, *Of the Original Contract*, in HUME'S ETHICAL WRITINGS (Alasdair Macintyre ed., 1970), at 263; John A. Simmons, *MORAL PRINCIPLES AND POLITICAL OBLIGATIONS* (1979), at 99-100.

<sup>10</sup> Ronald Dworkin, *The Original Position*, in *READING RAWLS* 16-52 (Norman Daniels ed., 1975), at 17-21; Jean Hampton, *POLITICAL PHILOSOPHY* (1997), at 65-66.

<sup>11</sup> John A. Simmons, *Justification and Legitimacy*, 109 *ETHICS* 739-771 (1999), at 761.

legislate, adjudicate, and enforce the protection of individuals' rights and welfare in the absence of a system of political authority. On this view achieving the goods associated with exchange, cooperation, community, and respect for the moral value of individuals requires some form of political order.

Simmons describes the *essential collective goods* justification of political order outlined above as "quite plausibly offered in support of having states." However, he insists that such a justification of political order does not translate into a justification of political obligations. This is because "all of the problems of life without states can be solved without unanimous participation".<sup>12</sup> It is true that states can and commonly do accept a certain degree of free riding and exempt some individuals or groups from many of the demands of political society. Law is never obeyed fully and the enforcement of law does not in practice aim at full compliance. Moreover, I may very well be able to do more to promote others' wellbeing as a resident non-member of my state; forgoing as far as possible goods the political order secures and dedicating resources to the world's most needy instead of paying a citizen's fair share of the tax burden.<sup>13</sup> However, the fact that the proper functioning of the state is not dependent on universal support is not the same thing as showing that a system of shared political obligations is workable where residents can unilaterally decide if, when, and how they will support the political order.

Individuals' reasoning regarding their obligations to others are regularly affected by incentives for free riding, shortsightedness, limits of judgement, and misrepresentations of others' needs. If a political community were bound to accept

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<sup>12</sup> Simmons, *supra* note 11, at 766.

<sup>13</sup> Simmons, *supra* note 11, at 768.

unilateral claims regarding agents' willingness to support the political order, those with relative power could use this robust right of exit to pick and choose those aspects of the political order they want to support. Alternatively, those with relative power could use their right of exit to influence the terms of participation or enforcement in ways that secure comparative advantages. When ongoing joint commitment is undercut in these ways there is an expectation that essential collective goods will not be provided, will be underprovided, or be provided in morally objectionable ways.<sup>14</sup> As Wellman puts it, the threat of disorder can only be eliminated "by virtually everyone foregoing their individual discretion in favor of the laws of their state, and hence...part of the sacrifice is having virtually no say in determining how one must sacrifice".<sup>15</sup>

Of course Simmons' influential 'philosophical anarchism' only claims that when individuals can contribute their fair share to security and welfare as partial or full non-members that they should be at liberty to do so. The theory does not sanction exploiting the voluntaristic terms of a morally legitimate political order. Yet, pointing this out only highlights the internal inconsistency of accepting the essential goods argument for why we need systems of political order as 'quite plausible' while at the same time advancing a voluntaristic model of social order. If residents of a territory can peacefully and productively supply the goods associated with political order in a way that does not require general or ongoing joint commitment it is difficult to understand Simmons' claim that some possible *state* could be justified. The premium consent theorists place on voluntarism should

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<sup>14</sup> Mokrosińska, *supra* note 7, at 7-10.

<sup>15</sup> Wellman, *supra* note 2, at 110-111.

logically lead them to argue for a strong form of anarchism over weak philosophical anarchism.

One might instead claim that consenting to membership is consent to ongoing joint commitment. However, a contract to alienate one's right of exit from political association<sup>16</sup> cannot make the political relationship consensual anymore than it could make marriage or church membership on such terms consensual.<sup>17</sup> This claim is not paramount to prohibiting individuals from entering into associations that limit them from exercising some of their rights.<sup>18</sup> Rather, the point is that if an association is said to secure the moral legitimacy to limit its members' rights from the *consensual nature* of the relationship, participants cannot alienate from themselves a robust right of exit from the association.

A final attempt to make voluntarism and ongoing joint commitment compatible is to argue that consent to joint commitment is not consent to something ongoing, vague, and potentially in conflict with individual rights. Instead, one consents only to what is necessary for the state to secure essential collective goods on fair terms.<sup>19</sup> However, this means that it is not the ongoing consensual nature of the political relationship but the state's ongoing realization of its function that justifies political obligations.<sup>20</sup> The more we emphasize the state's function of securing essential collective goods rather than the consensual nature of political

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<sup>16</sup> John Locke, *TWO TREATISES OF GOVERNMENT AND A LETTER CONCERNING TOLERATION*, (Ian Shapiro ed., 2003), at 142.

<sup>17</sup> Joseph Raz, *THE MORALITY OF FREEDOM* (1986), at 90; Hampton, *supra* note 10, at 59-61.

<sup>18</sup> John A. Simmons, *Consent theory for libertarians*, 22 *SOC. PHIL. & POL.* 330-356 (2005), at 352-354.

<sup>19</sup> Simmons, *supra* note 18, at 349-350.

<sup>20</sup> Hanna Pitkin, *Obligation and Consent-I*, 59 *AM. POLIT. SCI. REV.* 990-999 (1965).

order in justifying members' political obligations the weaker the case for rejecting *generalness*. Yet, the whole point of philosophical anarchism is to weaken the *generalness* requirement in order to establish a consensual model of political order.

Philosophical anarchism rightly challenges the idea that we can have a justification of political obligations that is simultaneously general and exclusive, and for this reason it is able to mount a powerful criticism of conventional theories of political obligation. However, the positive account in philosophical anarchism shows us why genuine voluntarism cannot be combined with a justification for genuinely *political* obligations. Making political obligations dependent on voluntary consent undermines the ongoing joint commitment necessary for political order. Efforts to address this problem require that one justify ongoing joint commitment to those that consent to political obligations. However, any such justification forces one to appeal to something other than the consensual nature of the political relationship. As soon as the justification of political obligations shifts away from appealing to the consensual nature of the political relationship the consequence is that we no longer have strong grounds for weakening the *generalness* requirement.

### Fair reciprocity

What about the argument that benefiting from the state generates political obligations to a particular political community grounded in fair reciprocity?<sup>21</sup> The first commonly noted difficulty for this approach is that residents will regularly over the course of their lives not benefit from some of the things the state does to secure collective goods. This is especially true if access to collective goods for *each* resident

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<sup>21</sup> H. L. A. Hart, *Are There Any Natural Rights?*, 64 PHIL. REV. 175-91(1955).

is what it takes to respect every subject's moral importance. Where this is the purpose of political order, one's fair share of support cannot simply be a function of mutual advantage. This is because 'reciprocity for received benefits' suggests the corollary that only those who can reciprocate are candidates to receive benefits.<sup>22</sup> Thus, it is difficult for the fair reciprocity approach to justify a *comprehensive* system of political obligations that applies to all residents. The second commonly noted concern is that individuals will find themselves with obligations to support all kinds of ventures simply because benefits have been paternalistically imposed on them.<sup>23</sup> Even if we envision collective goods that are plausibly needed by most people, acquiring non-voluntary obligations to support the production of goods one needs instead of goods one agrees to is difficult to reconcile with commitments to individual liberty.

George Klosko's main strategy to address these problems for the fairness approach is to weaken *comprehensiveness* and *generalness* in a safer way. He argues that political order is the only entity that can provide a certain set of non-excludable collective goods and that most people need these goods most of the time. The implication according to Klosko is that *each* member *presumptively* benefits from the system.<sup>24</sup> There are people with deeply held religious or philosophical views that will not actually benefit from central aspects of the system. According to Klosko, these people should be exempted from demands of fair reciprocity that would

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<sup>22</sup> Robert E. Goodin, *What is so Special about our Fellow Countrymen?*, 98 ETHICS 663-686 (1988), at 677.

<sup>23</sup> Robert Nozick, ANARCHY, STATE, AND UTOPIA (1974), at 90-95; Simmons, *supra* note 9, at 147-152.

<sup>24</sup> George Klosko, POLITICAL OBLIGATIONS (2005), at 17-74.

normally apply.<sup>25</sup> Still, on his theory each member has obligations of fair reciprocity unless the individual subject can show that their case is exceptional.<sup>26</sup>

Think of an isolationist community that rejects public health measures to control dangerous communicable diseases as morally abhorrent interferences with nature's 'plan'. Their claims to be exempt from associated regulations and taxes would not be an attempt to free ride. They lack the beliefs and attitudes necessary to benefit from the control of communicable diseases. Under the right conditions there is a strong case for making room for non-participation options for this group as one of the means for the state to respect individual liberty. However, if groups and individuals could unilaterally formalise such special exemptions we would create conditions in which free riding, errors in judgement, or exploitation of relative power would undermine the collective provision of essential goods. To avoid these problems Klosko leaves it up to the state to decide if someone has demonstrated their special status and he conceives of this status in such a way that only a very small group of people would not have political obligations.

The question to ask is what reasons do members of the isolationist community have to accept the burden of proof and the state's role as adjudicator of special exemptions? They do not have these obligations based in the receipt of benefits. Instead they have these non-voluntary political obligations because they are necessary to secure the political order that *others* need. This means that the presumptive benefits approach does not actually weaken universality among

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<sup>25</sup> Klosko, *supra* note 24, at 71.

<sup>26</sup> George Klosko, *Presumptive Benefit, Fairness, and Political Obligation*, 16 PHIL. & PUB. AFF. 241-259 (1987), at 249-259; Klosko, *supra* note 24, at 52.

residents. Instead, it allows for some variation in the way residents satisfy their political obligations.

Imagine that a third of the population sees measures to control communicable diseases as perversions of nature. This level of non-benefiting from presumptive benefits is certainly conceivable but it is also incompatible with the state fulfilling its function. As a result, we are forced to choose between giving a third of the population a special exemption and failing to protect public health or insisting that this minority has non-voluntary obligations to support the provision of public health for the sake of others. If we go the first route we do not have the safe 'presumptive benefits' theory but a weakening of universality in a way that undermines the state's ability to provide essential collective goods. If we go the second route we do not have any weakening of the universality requirement but a theory that appeals to natural duty at the foundational level to ensure that the state provides essential goods in a morally acceptable way. The implication is that fair reciprocity theories seem compelled to appeal to some more foundational principle to justify a general system of political obligations.<sup>27</sup>

### Association

Associative theories justify political obligations by appealing to standards of mutual care entailed in the relationship between citizens that are said to be like

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<sup>27</sup> Klosko does argue that a mutual benefit theory of political obligations must be accompanied by natural duty reasoning in order to be adequately inclusiveness. See George Klosko, *Multiple Principles of Political Obligation*, 32 POL. TH, 801-824 (2004). However, as we will see he insists that fair reciprocity is the foundational principle on which a theory of political obligations must rest. I challenge this reasoning in section III *infra*.



those among family members.<sup>28</sup> These obligations do not have their source in voluntary acts or in universal moral obligations owed to anybody but in the values that are constitutive of family or political community. Recent versions of this view argue for the compatibility of a commitment to individual moral equality and giving special priority to the relationship between compatriots on the grounds that such relations are sources of human identity and value that are owed universal respect.<sup>29</sup>

The main difficulty for associative approaches is that they aim to but clearly do not dissolve the tension between universality and particularity. Instead, this tension is relocated to the identification of features of the relationship between citizens that generate universal and egalitarian political obligations among citizens that are at the same time not owed to outsiders. Some associative theories see simple membership in a political community as the source of political obligations. However, the notion that we could have weighty group-based obligations and privileges simply by virtue of ascriptive characteristics such as state, nation, race or gender fails to even attempt the kind of justifications a commitment to moral equality necessitates.<sup>30</sup>

In thicker associative approaches sharing in a network of obligations is limited to people with attitudes of group identification or kinship with the identities and values the group relations enable. Here the problem is that there will be residents who do not identify in the right way or those who at various points in their

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<sup>28</sup> Ronald Dworkin, *LAW'S EMPIRE* (1986), at 196-2002.

<sup>29</sup> For examples see Yael Tamir, *LIBERAL NATIONALISM* (1993); David Miller, *ON NATIONALITY* (1995); John Horton, *In Defence of Associative Political Obligations: Part One*, 54 *POL. STUD.* 427-443 (2006).

<sup>30</sup> Bas van der Vossen, *Associative Political Obligations: Their Potential*, 6 *PHIL. COMP.* 488-496 (2011), at 490.

lives abandon (partially or wholly) the attitudes that are said to be the source of political obligations. Either these residents do not have political obligations or they have them for some other more foundational reason. If members can only make claims on each other to support a shared system of political obligations *if and when* the subjects in question have the right associative attitudes then general and ongoing joint commitment is undermined.<sup>31</sup> One could of course adopt a justification for political order in which communitarian values generate political obligations for all the members of the state irrespective of whether or not individual subjects endorse or identify with these values. However, treating individual subjects as means to communitarian ends in this way undermines the compatibility of an associative theory of political obligations with respect for individual moral equality and freedom.

Associative theories appear to be like consent theories in that they identify a credible source of obligations but not a credible source of *political* obligations. Social relations shape the makeup of associative obligations but their bindingness on us is dependent on our ongoing endorsement of our role in these relations (see Renzo, 2012).<sup>32</sup> As a result, thick associativism inadvertently weakens universality by weakening the *generalness* requirement. For association to actually generate obligations in a way that does not violate a commitment to individual equality and freedom, those subject to the obligations must have a robust right of exit from their associative roles. Like with voluntaristic theories of political obligations, this robust

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<sup>31</sup> Vossen, *supra* note 30, at 491-493.

<sup>32</sup> Massimo Renzo, *Associative Responsibilities and Political Obligation*, 62 PHIL. QUART. 106-127 (2012).

right of exit undercuts ongoing joint commitment and the political order's ability to fulfil its function.<sup>33</sup>

### Natural duty

In natural duty theories<sup>34</sup> the benefits of political order justify political obligations on the grounds that *others* depend on this system for achieving human goods.<sup>35</sup> The negative effects we can have on each other in the absence of political society and the goods that can be secured in political society generate a duty to support the creation and maintenance of political order. Respecting others as moral equals requires that I support the political order I find myself subject to if this order is fulfilling its function in some minimally just fashion.<sup>36</sup>

Because political society is a cooperative project with clear benefits over disorder we can expect most individuals to often have self-interested reasons to obey state dictates. At the same time this self-interested form of reciprocity will

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<sup>33</sup> Associativists often and compellingly argue that an obligation to die for one's country can only be understandable as an associative obligation. This suggests to me that such an obligation is not a political one. Thus, it might be that a necessary condition for claiming that someone has an obligation to die for their country (if or when such an obligation is justifiable) is that they actually endorse the values of patriotism and/or have the feelings of love that make this level of sacrifice intelligible. See Paul W. Kahn, *POLITICAL THEOLOGY* (2011), at 23-27.

<sup>34</sup> The three main natural duty theories are based in justice, consequences, and samaritanism. They each argue for non-voluntary and other regarding obligations to support political order, and it is this commonality that is relevant here.

<sup>35</sup> John A. Rawls, *A THEORY OF JUSTICE: REVISED EDITION* (1999), at 99; Christopher H. Wellman, *Toward a Liberal Theory of Political Obligation*, 111 *ETHICS* 735-759 (2001), at 744.

<sup>36</sup> Jeremy Waldron, *Special Ties and Natural Duties*, 22 *PHIL. & PUB. AFF.* 3-30 (1993), at 15; Thomas Nagel, *The Problem of Global Justice*, 33 *PHIL. & PUB. AFF.* 113-147 (2005), at 133.

recurrently fail to motivate in specific cases.<sup>37</sup> Still, individuals will regularly accept the benefits of political society as members of a cooperative venture they themselves value. As a consequence they ought to recognize moral reasons to contribute their fair share to the political project. Yet, we have seen that reciprocity based in fairness is not enough to fully establish *comprehensiveness* and *generalness*. When fair reciprocity is not sufficient there remains an obligation to support the state because *others* depend on this system.

Self-interest, fair reciprocity, and other-regarding natural duties produce a package of reasons individuals have for accepting political obligations. Still, it is natural duty that lies at the foundation of the claim that there is for all individuals within a just political community a *pro tanto* obligation to support the full-range of demands involved in a system of political order (i.e. *generalness*, *comprehensiveness* and *jointness*).

On the natural duty account, particularized systems of shared political obligations have been necessary to escape the perils of lawlessness and disorder.<sup>38</sup> However, once a state is well-established it is unclear why an individual subject should give special priority to domestic improvement when she can better meet here universal natural duties by supporting the provision of essential collective goods to people outside of her political community. Those who defend the natural duty approach tend to argue that once a justifiable political order is in place the 'moral landscape' is changed. The argument usually appeals to the way in which the

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<sup>37</sup> See Allen Buchanan, *Justice as Reciprocity versus Subject-Centered Justice*, 19 PHIL. & PUB. AFF. 227-52 (1990).

<sup>38</sup> Note that the natural duty approach is not bound to the existing state system as the only institutional means to securing political order.

state creates a set of cooperative and coercive institutions that give rise to egalitarian distributive obligations among members that are not owed universally.<sup>39</sup>

Let us accept for the sake of argument that 'moral landscape' arguments go some way to justifying special priority for the demands of domestic distributive justice over global standards of equal concern. Nevertheless, we should notice the more basic point that 'moral landscape' arguments always justify strongly particularised political obligations to co-members on the grounds that they are co-members not because they satisfy one's natural duty. Yet, when faced with conditions in which large groups of people live in circumstance of tyranny or the kind of disorder that leads to crushing poverty moral landscape reasoning is *necessarily* insufficient. In our world, universal natural duties to ensure that all individuals have access to the essential goods associated with political order can and do come into conflict with obligations to give priority to domestic interests and improvement.<sup>40</sup> This means that the foundational justification for political obligations *domestically* comes into conflict with the claim that a demarcated political order creates special obligations to prioritize the interests of fellow citizens. The implication, which is further developed in the next section, is that natural duty theorists cannot justify the kind of particularised political obligations they envision because of a conflict of normative reasons that is *internal* to these theories.

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<sup>39</sup> See Christopher H. Wellman, *Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'?*, 110 ETHICS 537-562 (2000); Michael Blake *Distributive Justice, State Coercion, and Autonomy*, 30 PHIL. & PUB. AFF. 257-296 (2001); Nagel, *supra* note 36.

<sup>40</sup> Renzo, *supra* note 3.

## Moving forward

When philosophical anarchists or associativists weaken the *generalness* requirement they also undermine ongoing joint commitment, which would in practice undercut the ability of a political order to adequately fulfil its function. Theories grounded in fairness have difficulties justifying *comprehensiveness*, resulting in a model of political order that is underinclusive in morally objectionable ways (Table 2). The ultimate concern with each of these theories is that they do not adequately safeguard the essential-goods political order is designed to secure and on which the large majority of people depend.

Table 2

		Consent	Fair reciprocity	Thick association	Natural duty
Universality	Generalness	✗	✗	✗	✓
	Comprehensiveness	✓	✗	✓	✓
	Jointness	✗	✓	✗	✓
	Particularness	✓	✓	✓	✗

Natural duty theories can satisfy the universality requirement and thus propose a model of political order that respects moral equality between all individuals. Yet, as a consequence the approach appears to be unable to particularise political obligations in a strong way. This is troubling because a theory of political obligations is supposed to justify to residents and members the system of political obligations *they* share in. In the next section I will argue that a weakening of the particularity requirement does follow from the normative premises of a natural duty approach and in turn challenges common presumptions about political

obligations. I argue that this actually contributes to rather than detracts from our ability to justify political obligations among compatriots.

## II. Weakening the particularity requirement

Proponents of the natural duty approach appeal in part to the perils of a lawless environment when justifying a state's demarcated system of political obligations. However, they also tend to imagine a counterfactual context where all people have access to the goods associated with political order in their respective states. Thus, they imagine a context where there is no clear conflict between a demarcated system of political obligations and universal duties to rescue any individual from disorder.<sup>41</sup>

Likewise with regards to immigration, John Rawls argues that political communities can for the most part legitimately exclude outsiders.<sup>42</sup> He recognizes that many people wish to escape the persecution of minorities, political persecution, starvation and poverty, and the subjection of women. However, he argues that this type of immigration "is eliminated as a serious problem in a realistic utopia".<sup>43</sup> There are no outlaw or burdened societies in a realistic utopia and limits on free-movement are mutually agreed to between political communities. These limits are justifiable to each individual because their own political communities are providing them with a well-ordered system of political order.

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<sup>41</sup> Goodin, *supra* note 22, at 678-684; Waldron, *supra* note 37; Wellman, *supra* note 2, at 106-107, 111-112.

<sup>42</sup> John Rawls, *THE LAW OF PEOPLES* (1999), at 39.

<sup>43</sup> Rawls, *supra* note 43, at 9.

Once we move away from idealizations of a world populated by fair and effective political communities, strongly particularized political obligations among compatriots can come into conflict with natural duties we owe to all others. For example, in current conditions it seems entirely plausible that I can better satisfy universal natural duties by contributing resources to support the interests of outsiders than by paying taxes to support my political order. How can my fellow citizens justify compelling me to give priority to our own political community's interests?

Of course, many of the ways in which I have obligations to support political order are not transferable or not easily transferable. As well, a political order is not just a vehicle for satisfying our natural duties but also enables other cooperative and individual goals. There is thus a reasonable question about how demanding our natural duties are. However, the important thing to notice is that this same question about demandingness is present *within* a political order following the natural duty approach. There is a reasonable question about how much a political community can require from its members to secure the goods of political order to fellow citizens on other-regarding grounds.

I will address this problem of demandingness in the following section. For current purposes let us accept for the sake of argument that even in a fairly unequal world a political community could be in a position to claim that they have done enough for outsiders to satisfy their members' universal natural duties. However, if my political community has not done enough to satisfy its universal natural duties, one implication is that individual citizens could be in a position to justifiably



withdraw some of their financial support from the state and direct it towards providing essential collective goods to outsiders. It could be permissible or maybe even obligatory for individuals to respond to their state's indifference by unilaterally prioritizing needy outsiders. This is not just because it would be morally good for more local wealth to be dedicated to securing the conditions for human welfare everywhere.

If the moral legitimacy of a system of shared political obligations can only be justified at the foundational level by appealing to universal natural duties, my state's efforts to prevent me from redressing my political community's lack of concern for outsiders undermines the state's moral legitimacy. This is because the political community's lack of external concern and efforts to compel me to prioritize internal interests suggests that the demands the state is making on me are not grounded in natural duty but some other principle such as fair reciprocity or shared identity. Yet if these other principles cannot ultimately justify political obligations, my political community's efforts to block me from redirecting collective resources to satisfy universal natural duties undermines its *internal* legitimacy to some extent.

Shifting some of my support from my own state to outsiders does not mean that I do not have political obligations. Rather, having political obligations is compatible with some justifiable shifting of support externally because of the deficiencies of legitimacy *within* my own political order. This shifting of resources to outsiders does not violate standards of fair burden sharing internally because it simply moves out of the political order a very small portion of the resources that should have been collectively dedicated to needy outsiders.

Of course individuals could not be justified in shifting support externally in ways that threaten political stability. This puts limits on the aggregative extent to which directing resources to outsiders could be morally legitimate. Moreover, there may be limits on the justifiability of unilaterally redirecting resources that appeal to the same reasons natural duty theorists reject giving individuals a robust right of exit from political society. Note, however, that there is a disanalogy between the cases. The shifting of support externally is only justified to a limited extent and for the aim of satisfying natural duties to help secure the essential goods associated with political order.

A corollary to the reasoning above is that the state's *internal* legitimacy is dependent on *not* giving too much priority to the perfection of political order, justice, and prosperity domestically. Once a political order provides its members with essential collective goods, dedicating resources to further domestic improvement must be balanced against the political community's *universal* natural duties to support the provision of essential collective goods.<sup>44</sup> This again raises the question of how demanding these natural duties are in relation to reasonable interests in domestic improvement. Still, the point is that on a natural duty approach there could not be a case for focusing exclusively on domestic improvement until all people enjoy effective political order on fair terms. An exclusive focus on domestic improvement would undermine the plausibility that natural duty is the foundation of political obligations internally.

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<sup>44</sup> See Renzo, *supra* note 2, at 193-217.

The reasoning above identifies the consistency between Rawls' view that we have a natural duty to support our own political community and his claim that "well-ordered peoples have a *duty* to assist burdened societies".<sup>45</sup> Even on Rawls' restricted view on what can be done to assist in this regard important implications follow. A well-ordered society can dramatically improve access to essential collective goods for *individuals* in outlaw or burdened societies by allowing and even assisting them to immigrate into their country. Given a natural duty justification of the state, on what grounds can a well-ordered political community reject a request of entry of this kind?

The problem for the Rawlsian view is that justifying limits to entry are made to individuals via what has been agreed to between well-ordered political communities. Yet, when a political community is burdened it is not a partner to this agreement and it does not fulfil its function sufficiently for its citizens. As a result, a well-ordered state must give a justification directly to the individual that wants to escape a burdened society. A political community can relatively uncontroversially restrict immigration for the sake of maintaining political order domestically. However, this is a limited form of particularization and would in practice entail large levels of legitimate claims to entry into safe states. Another position is that a political community's chief duty is to assist people in burdened societies where they are. Yet, even if states are actually satisfying their duties of assistance justifying restrictions to entry on such grounds is clearly insufficient.

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<sup>45</sup> Rawls, *supra* note 43, at 106.

There is a valid expectation that the process of moving from a burdened society to a well-ordered one will take a considerable amount of time. This leaves the question of how to weigh our natural duties towards those individuals who will suffer from conditions of disorder and tyranny against any claims we have to prohibiting them from securing membership in our political community.<sup>46</sup> Given that a justification is owed directly to those individuals that are suffering from the consequences of political disorder, appeals to support for a long-term project of political reform cannot close the issue. Following a natural duty account of political obligations, the normative grounds on which the domestic system of political obligations is justified to its members also requires some level of access to membership for needy outsiders. The upshot is that both assistance to burdened societies and limits on the extent to which a political community can exclude needy outsiders are necessary to establish the internal legitimacy of states and the legitimacy of a system of states.<sup>47</sup> Of course, proponents of strongly particularise political obligations almost invariably argue for humanitarian duties to help the destitute wherever they are. However, the key point is that what is at stake is more than an imperfect duty of assistance.

The moral legitimacy of individual political communities, their systems of political authority, and the state system are all dependent on the provision of external support and on limits to exclusion. Without them it is not plausible to claim that political obligations among citizens are ultimately grounded in natural duties.

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<sup>46</sup> See Sune Lægaard, *What is the right to exclude immigrants?*, 16 RES PUBLICA 245-262 (2010), especially at 260-262.

<sup>47</sup> Goodin, *supra* note 22, at 684-686.

Crucially, when the internal moral legitimacy of a state is brought into question in this way there are real consequences for the state's political authority. The few examples I have highlighted suggest that members can be justified in disobeying some of their state's laws, that outsiders can be justified in disregarding some of a state's claims to control over its borders, and that the domestic legitimacy of a state can be undermined when it prioritises domestic interests in ways that are currently viewed as part of its fiduciary responsibilities.

Note that there is an equally important and positive way of making the same point. By providing some level of external support and accepting limits on exclusion a political order is better able to demonstrate to its *own* members that their system of political obligations is grounded in a genuine and universal commitment to the moral equality of each individual. Thus, the surprising implication of weakening the particularity requirement is that a state is actually in a better position to justify to its own citizens that they have political obligations to support their political order.

### **III. Objections to weakening the particularity requirement**

The main objections to weakening the particularity requirement are that this approach makes political obligations overly contingent and overly demanding.

#### **Too contingent**

Robert Goodin argues that we should understand systems of political obligations within our own states as efficient means to promoting the welfare of all agents.<sup>48</sup> Goodin's 'assigned responsibility' approach is the most prominent example

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<sup>48</sup> See Goodin, *supra* note 22.

of a theory that weakens the particularity requirement, and he argues that sharing in system of political obligations “cannot bar the way to our discharging the more general duties from which they are derived. In the present world system, it is often - perhaps ordinarily - wrong to give priority to the claims of our compatriots”.<sup>49</sup> For Wellman this theory makes obligations to obey the state strongly contingent on promoting overall wellbeing and thus incompatible with giving meaningful deference to the state. Such contingency in turn undermines the state’s ability to fulfil its function.<sup>50</sup> However, weakening the particularity requirement should not raise this worry.

Goodin like Wellman argues that other regarding and universal obligations can justify particularised political obligations. Yet, Goodin also argues that grounding a political community’s moral legitimacy in *universal* obligations can in non-ideal conditions lead to requirements to accept refugees and dedicate resources to outsiders in the ways described in the previous section. These types of implications are compatible with giving enough deference to the prerogative of state to secure political order. If one accepts Wellman’s premises that such deference is a necessary prerequisite for political order and that political order is a necessary prerequisite for securing human goods, then consequentialist reasoning should instruct agents to accept what the state requires because the state requires it. Consequentialist reasoning should also instruct agents to give enough priority to domestic interests to ensure that the essential goods associated with political order are in fact provided.

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<sup>49</sup> Goodin, *supra* note 22, at 685.

<sup>50</sup> Wellman, *supra* note 2, at 99.

Contingency does of course arise in a theory like Goodin's when there is some conflict between what the state requires of its members and satisfying one's universal natural duty to rescue any agent from the perils of disorder. However, this same contingency necessarily arises in Wellman's theory. Having a content-independent political obligation entails that any judgments a subject may have with regards to the merits of specific state requirements will always need to be weighed against the recognition that the state can only fulfil its function if subjects accept its prerogative to determine the means and terms of securing political order overall.<sup>51</sup> However, because this general reason to accept state dictates is grounded in a natural duty to support the provision of political order, there is some extent of state failure to secure essential goods that will partially or fully outweigh the general reason we have for giving deference to the state.

On Wellman's theory if a capable political community simply refused on unjust grounds to secure essential goods like security for the 'bottom' ten percent of society, individual citizens could very well be justified or even morally required to unilaterally disregard state dictates in ways that would redress this exclusion of the bottom ten percent. Weakening the particularity requirement simply amounts to admitting that because natural duties entail *universal* obligations there can arise circumstances in which a political community's indifference to the interests of outsiders can also weaken one's obligations to give deference to the state. Thus, because the contingency in strongly and weakly particularised natural duty theories is almost identical, contingency is not a plausible objection to weakening the

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<sup>51</sup> Wellman, *supra* note 2, 110-111; John Finnis, *Authority of Law in the Predicament of Contemporary Social Theory*, 1 Notre Dame J.L. Ethics & Pub. Pol., 115-137 (1984).

particularity requirement. Instead, the real objection is that weakening the particularity requirement would be too demanding.<sup>52</sup>

### Too demanding

There are two related concerns about advancing a natural duty justification of political obligations that is too demanding. The first is that this demandingness would precariously ground political obligations on a contentious moral standard. The second is that a demanding version of the natural duty approach would rule out the possibility of giving special attention to individual and domestic projects and the bonds agents' value with their compatriots.

The first concern is apparent in Klosko's recent incorporation of natural duty reasoning into his fairness-based theory in order to make it sufficiently inclusive.<sup>53</sup> Klosko argues that obligations grounded in natural duty can serve as a reinforcing compliment to his mutual benefit theory, but that natural duties cannot be foundational. This is because other-regarding duties to support political order can be only weakly demanding. Klosko bases this claim in Rawls's position that we have natural duties to support just institutions as long as the cost to us is not unreasonable.<sup>54</sup>

Justifying a natural duty to support political society is dependent on political order being central to achieving important human goods. Having political obligations is thus dependent on the benefits of political order regularly generating for members reasons to support the state grounded in self-interest and fair

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<sup>52</sup> See Wellman, *supra* note 40, at 544-545.

<sup>53</sup> Klosko, *supra* note 27.

<sup>54</sup> Rawls, *supra* note 35, at 99-100.



reciprocity. For Klosko's this suggests that we must appeal to reciprocity at the foundational level to make the demands of mutual care justifiable.<sup>55</sup> To the person who questions full inclusion of all residents on equal terms Klosko replies that "only if the poor and unfortunate members of his society regularly obey the law can there be an overall atmosphere of law and order that is essential to his own well-being."<sup>56</sup> It is this type of reasoning that produces a truly problematic form of contingency.

Klosko makes full inclusion on equal terms contingent on the majority of members seeing mutual aid as a more worthwhile way of ensuring that the poor, weak, and unfortunate do not undermine the system of political order compared to oppressive and exclusionary alternatives to realizing this end. This contingency is itself a failure to recognize the inherent moral equality of each individual and as such fails to achieve the inclusiveness an appeal to natural duty was supposed to provide. Thus, we should draw the opposite of Klosko's conclusion with regards to the demandingness of natural duties. If invoking natural duties is going to make political society inclusive in a way that respects the moral equality of each resident, these duties must be at least demanding enough that they justify including the poor, weak, and unfortunate even when they do not represent any threat to political stability.

Contrary to Klosko, Wellman does see natural duty as the foundational justification of political obligations. Yet, one of the main purposes of Wellman's *samaritan* version of the natural duty argument at least echoes Klosko's approach. Wellman suggests that, "since samaritan duties are both less intrusive to the duty-

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<sup>55</sup> See Klosko, *supra* note 27, at 808-812.

<sup>56</sup> Klosko, *supra* note 27, at 811.

bearer and so profoundly important to the beneficiary, they are much more intuitively compelling than the more general duty to promote happiness.”<sup>57</sup> The idea seems to be that a justification of political obligations is on safer ground the less demanding it is. Wellman often points to the benefits individuals receive from political order as ensuring that obligations to support political order are a form of ‘easy rescue’ and thus not overly demanding. Thus, both Klosko and Wellman seem to be working with an underlying assumption that what is important is to identify a justification of political obligations that is as uncontroversial as possible for those who share in a well-ordered state. However, because establishing such a justification is dependent on appealing to universal standards of equal concern such assumptions about the perspective from which a principle should be uncontroversial are problematic.

For Wellman’s theory it is essential that his justification not break down into a mutual benefit account. This means that it is reasonable to expect agents to take on some level of cost for the sake of others in supporting an inclusive political order. Importantly, setting the justifiable level of cost just high enough to make political society inclusive of all *residents* is also deeply problematic for Wellman’s theory. This would amount to endorsing the duplicity of justifying political obligations by appeal to universal equality while in practice operating on a principle of ‘universal equality for us’. Thus, built into a natural duty theory of political obligations is at least the possibility that the other regarding reasons we have to support political

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<sup>57</sup> Wellman, *supra* note 2, at 106.

order can be demanding enough that the internal legitimacy of political society is dependent on also supporting the provision of essential goods for outsiders.

Once the above possibility is recognized it also becomes clear that appealing to the weakest possible other-regarding duty to ground political obligations is not inherently 'safer'. Such a move can unjustifiably suggest very weak obligations to the world's most needy. Still, Goodin does treat the limits to justifiable prioritization of co-nationals interests as a function of the most efficient means of bringing about the greatest good. The demandingness involved in this type of approach is clearly a great deal more than a duty to perform easy rescue. What I want to highlight is that presenting the debate as a choice between a very undemanding easy rescue theory or a very demanding consequentialist theory is misleading.

Recall that natural duties to support political order are just one manifestation of what is required in general to respect the moral equality of all individuals. Thus, unless we think there is some obvious answer to the general problem of moral demandingness there is no reason to simply posit as a premise that our natural duties to support political order can only involve very weak demands. Likewise, it does not follow from accepting that we have universal natural duties that these involve doing as much as is possible to promote others' interests.

In thinking about the demandingness of moral obligation to support political order we should, I suggest, look to the contractualist reasoning that underlies most natural duty approaches. Following contractualist reasoning, accepting each individual's inherent moral equality entails accepting that judgements about what we owe to each other should be made from an impartial stance. As a result being

motivated by pure partiality for one's own interests is clearly ruled out as normatively unreasonable. Yet because there are impartial reasons to respect each individual's interests in pursuing their own projects, expecting any agent to value their own interests in a purely impartial manner along with others' interests is also unreasonable.<sup>58</sup>

It is true that contractualists sometime use this reasoning to develop principles that *sound* weakly demanding such as 'assist others when the costs to yourself are not unreasonable'. However, contractualist accounts are notable for the difficulty they have in determining what should count as 'unreasonable' between the extremes of pure partiality and pure impartiality.<sup>59</sup> Nevertheless, the point I want to emphasize is that if one appeals to a universalistic theory of morality that is compatible with giving special priority to one's own interests, then weakening the particularity requirement to match the universalistic demands of a natural duty theory of political obligations will also be compatible with giving some level of special priority to personal and domestic interests. Moreover, it seems that the natural duty theory of political obligations is especially conducive to a form of contractualist reasoning that is able to be somewhat more specific about how demanding our obligations to others are.

Garrett Cullity has argued that if I have clear grounds to assist others so that they can enjoy lives that will not be altruistically focused it could not be morally

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<sup>58</sup> See Thomas M. Scanlon, *WHAT WE OWE TO EACH OTHER* (1998), at 189-247; Thomas Nagel, *EQUALITY AND PARTIALITY* (1991), at 10-20, 41-52.

<sup>59</sup> See Leif Wenar, *What We Owe to Distant Others*, 2 *POL. PHIL. & ECON.* 283-304 (2003), at 287-291; Elizabeth Ashford, *The Demandingness of Scanlon's Contractualism*, 113 *ETHICS* 273-302 (2003).

wrong for me to lead a non-altruistically focused life for myself. The idea is that we should give an account of what kind of lives we are morally obligated to assist others in having. Once this account is in place it will also serve as a limit to the level of assistance we are required to provide to promote others' interests. On Cullity's view, we do not have obligations to continually take on new burdens of assistance until the point at which there are no other agents that are worse off than we ourselves are. Such a moral standard for what we owe to each other would prevent us from living the kind of lives all agents have moral reason to assist others to enjoy; namely the kind of life that allows for a set of non-altruistically directed aims.<sup>60</sup> Cullity's argument requires a much subtler treatment than can be offered here. However, the broad outline above is clear enough to show how this reasoning can be applied to the problem of political obligations.

On a contractualist natural-duty theory of political obligations, the whole point of having other-regarding obligations to support political order is to create conditions that are safe and supportive for individuals and groups to pursue the projects they value. On such an account it could not be wrong for members of a political community to limit the amount of resources they dedicate to helping others secure the goods associated with political order. Dedicating resources to enjoying personal aims and domestic improvement are justifiable from an impartial perspective on the grounds that 1) each individual has obligations to support political order so that others can enjoy the personal and collective projects made

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<sup>60</sup> See Garrett Cullity, *THE MORAL DEMANDS OF AFFLUENCE* (2006), at 128-166.

possible in such conditions and 2) it cannot be wrong for individuals in general to enjoy ways of life that they have an obligation to assist others in having.

The demandingness of weakening the particularity requirement depends on an account of the kinds of individual, collective, and associative interests that give rise to other-regarding obligations to support political order in the first place. Unfortunately, I am still to a significant extent following in the contractualist tradition of being frustratingly resistant about specifying what should count as reasonable partiality. However, I hope to have given a general outline of a theory of political obligations that is not strongly particularised but at the same time does not suffer from the objection that it involves demands that are incompatible with giving special priority to domestic interests.

The implication of the above reasoning could be that current levels of aid and current immigration policies in many states satisfy or even exceed their members' universal natural duties. Although I strongly doubt this, it is admittedly an open question. Even so the central claim of this work is still valid. The burdens of justification for demonstrating the moral legitimacy of a shared system of political obligations are not what we thought they were. The question is not only how can we justify political obligations among those that reside within a political order but also what obligations must we satisfy to outsiders if we are to justify the *internal* legitimacy of our own political order?

### **Not demanding enough**

The natural duty approach as I have described it can appear to defend Rawls' view that there are no demands of distributive justice globally but only fairly weak

duties of assistance. However, I have not adopted or rejected Rawls' view or the view that demands of distributive justice apply at the global level. What I have shown is that the internal moral legitimacy of a state is dependent on giving meaningful weight to the interests of outsiders in enjoying the essential goods political order is designed to help secure. Because my argument does not need to appeal to theories of global distributive justice to arrive at this conclusion it should be treated as 1) an additional line of evidence that supports cosmopolitanism but 2) only a compliment to important empirical and theoretical work on the problems of global poverty and global justice.

## Conclusion

A comparison of recent attempts to address the tension between universality and particularity in developing a theory of political obligations shows that most approaches intentionally or inadvertently weaken the universality requirement. However, this undermines individuals' access to essential collective goods in morally objectionable ways. Weakening the particularity requirement is on the other hand compatible with justifying range-limited systems of shared political obligations and universalistic moral commitments. Still, this modification brings with it integral limits on the ways in which members of a political community can legitimately prioritize their domestic interests over the interests of needy outsiders. The argument is that the main challenge to addressing the problem of political obligations is not theoretical but lies with us; in our unwillingness to accept that the internal moral legitimacy of our respective political communities are undermined in

important ways when outsiders do not enjoy the goods political order is devised to provide.

In response one may worry that the argument advanced here misunderstands what a theory of political obligations is supposed to be about. It is first and foremost about justifying the laws, taxes and other demands a morally satisfactory state imposes on individuals under its jurisdiction. Once this justification is established, we can then start to ask questions about what a system of states must be like in order to be morally justifiable. There is a clear problem with this two-step approach.

Once we become committed in the first step to developing a justification of political obligations that respects the inherent moral equality of members we are ultimately forced to ground political obligations in universal duties to help ensure that any person has access to the basic goods political order is designed to secure. Introducing a universal duty in this way requires that we abandon to some extent the local prioritarianism implicit in a strict two-stage process of justifying political orders and political obligations. It is this shift in our understanding of the normative status of our own political order that leads to the types of implications defended in this work. Still, many will take the implications I defend to be reductios that prove against the natural duty theory. The question is “how much of this discomfort is due to our bad faith about justice rather than to any specific difficulty about the duties we owe” to each other?<sup>61</sup>

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<sup>61</sup> Waldron, *supra* note 37, at 30.