

Critically assess A. John Simmons' argument against associative theories of political obligation in his 1996 article 'Associative Political Obligations'. Is Simmons justified in his rejection of associative theories?

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In his 1996 article, 'Associative Political Obligations', A. John Simmons presents an in-depth analysis of associative accounts of political obligation (Simmons, 1996). Political obligation, generally understood as a moral duty to obey the law of one's state or country, has seen many versions in the literature, whereby theorists present different philosophical justifications for it (Dagger & Lefkowitz, 2021). Common examples include consent, natural duty and fair play accounts; but associative accounts, which characterise political obligations as associative or role obligations, have experienced a resurgence in the literature (Dagger & Lefkowitz, 2021).

Simmons considers an associative obligation to be "a special moral requirement, attached to a social role or position (including that of membership in a group), whose content is determined by what local practice specifies as required for those who fill that role or position" (Simmons, 1996, p253). He canvasses three styles of argument for associative political obligation: 'the conceptual argument', 'nonvoluntarist contract theory' and 'the communitarian theory' (Simmons, 1996), all of which he asserts are the most prominent accounts, and all of which, he rejects.

This essay will take each of Simmons' three associative accounts in turn and critically assess his reasons for rejecting them. This will form the three key sections of the essay.

Ultimately, Simmons presents that political obligation is not a form of associative obligation. All three styles of argument, in his view, fail to establish political obligations as associative. This is for different reasons, the details of which we will explore in our essay.



I will argue that, due to its dismissal of the problem of political obligation (i.e. the question of whether we are obligated to obey the law) altogether, Simmons is correct to reject the conceptual argument for political obligation. However, I will also argue that, for different reasons, Simmons is *unjustified* in his rejection of nonvoluntarist contract theory and the communitarian theory in their entirety. Since the conceptual argument features in both these latter two accounts (something which Simmons fails to acknowledge), Simmons is correct in his dismissal of them insofar as they entertain it. But with regards to the remaining elements of both arguments, he is mistaken to dismiss them as he does.

Overall, given its prominent featuring within all three accounts discussed by Simmons, we will conduct an analytical deep dive into the conceptual argument.

We now turn to this first account of associative political obligations.

The Conceptual Argument

The first argument for associative political obligations Simmons explores is ‘the conceptual argument’ (Simmons, 1996).

This asserts, on conceptual grounds, that political obligation needs no justification. Given the relationship of meaning between political obligation and concepts such as state, government, authority and citizen, it makes little sense, the argument claims, to ask why one should obey a government which, by definition of government, has authority over them (and by definition of authority they must obey). As Margaret Macdonald puts it, “to ask why I should obey *any* laws is to ask whether there might be a political society without political obligations, which is absurd. For we mean by political society, groups of people organized according to rules enforced by some of their number” (Macdonald, 1968, p184).

Ultimately, the conceptual argument claims that there is no problem of political obligation. The perceived problem in the literature – that a general justification of political obligation must be discovered – is instead a pseudoproblem, resulting from the misunderstanding of concepts (Horton, 2010, p139).



Simmons dismisses this argument given that, even if political obligations are entailed by the concept of membership of that political society, in his view, it remains meaningful and pertinent to ask what makes someone a member of a political community, what gives the government its authority over them and thus what grounds their obligations to it (Simmons, 1996). Simmons contends that if the conceptual argument were sound, the claims of rebels and anarchists (who deny their obligations) would be unintelligible (Simmons, 1996). Essentially, it would be conceptually meaningless or self-contradictory for a member of a political society to deny having political obligations to that society. But clearly, in Simmons' view, it is not.

However, Simmons is mistaken to claim that conceptual argument proponents deny the claims of rebels. In the case of rebellion, conceptual argument proponents do not deny that disobedience of particular laws or governments can be justified (Horton, 2010). Thus, the claims of rebels under the conceptual argument are indeed understandable. However, what they *do* deny is that philosophical anarchism, the notion that we have no political obligations at all, is intelligible (Horton, 2010). This claim, however, is referenced by Simmons as a clear failure of the conceptual argument. That we *can* understand the claims of philosophical anarchists is taken by him to be obvious. However, some may argue that this is not the case. "That social man has obligations is an analytic, not a synthetic proposition", argues Thomas McPherson (1967, p64). It is true by virtue of meaning. Therefore, to pursue a general justification for political obligation, or to deny it altogether in the case of anarchists, is to conflate something which is analytically tied to the concept of political society with something which is an empirical fact about such societies (McPherson, 1967). The claims of philosophical anarchists are therefore, in this view, conceptually erroneous.

However, a problem arises when we fail to distinguish between legal and moral obligations. It may be unintelligible to claim that we have no legal obligations (for we are indeed punishable by law), but it is not inconceivable to reject having a *moral* obligation to obey the law. Essentially, being legally required to obey the law and morally required are distinct; and political obligations, generally understood as moral requirements (Gilbert, 1993), can be relinquished or denied, even if legal obligations cannot. Therefore, the denial of political obligations by philosophical anarchists is certainly intelligible.



The suggestion here, then, is that, given that we can understand the claims of anarchists who deny political obligations, the conceptual argument is at fault for supposing these obligations are analytic – legal obligations may be, but political (moral) ones are not.

However, even if we consider that political obligations *are* analytic (i.e. that they are conceptually inextricable from political societies), in Simmons' view, it is still meaningful to seek a ground for these obligations (Simmons, 1996). In his book, *Moral Principles and Political Obligations* (Simmons, 1979), he provides a helpful example:

"Let us suppose, as seems likely, that it is analytic that magnets attract iron, that 'object which attracts iron' is at least part of the meaning of 'magnet.' Still, the question 'Why do magnets attract iron?' is not a confused question, or one to which we would answer 'because that's what 'magnet' means.'" (Simmons, 1979, p42).

He goes on to explain that even if it is analytic that we are obligated to obey governments with authority, it does not follow that asking why involves a confusion around political concepts. For we do not seek a reminder of definitions, but an explanation, in the form of a justification/ground for this obligation (Simmons, 1979, pp.42-43).

Similarly, we might add, in the case of legal obligations, being legally required to obey the law (and not being able to understand the claims of those who deny being subject to law) should not stop us from asking why we are subjected to it in the first place.

But key conceptual argument proponent, Hanna Pitkin (1966), argues that this is a futile endeavour. In her view, there are no absolute first principles from which political obligation may be derived. It is instead connected to various other types of obligation in various ways. But the relationship between them, she argues, is not deductive or hierarchical (Pitkin, 1966, p48). This is demonstrable through Hume's challenge to consent theory, where he points out that the obligation to keep one's word is no more indubitable than political obligation: either may reinforce the other, but neither is superior. The suggestion that one can ground the other is therefore misguided (Pitkin, 1966, pp.45-46).

Alternatively, if we consider scientific theories such as Simmons' magnet example, once explained by science (if the explanation/theory is correct), this theory cannot be challenged – it is either true or false, it is finite. The same is not true of theories which postulate a



ground for political obligation. Essentially, the argument seems to be, where the results yielded are normative the endeavour is futile, but where the results yielded are scientific it is not. The multiple options available in the case of political obligation – consent theory, natural duty, fair play etc – from which no legitimate hierarchy prevails, have not provided a ground for consensus on the matter of political obligation. They are neither objectively true nor false – they have brought us no closer to discovering an absolute ground of political obligation. Pitkin (1966) thus argues that to keep seeking a justification is merely to engage in an infinite regress of questions with no final answer. As such, in response to Simmons' example, one might say that seeking an explanation for the process of magnetism is legitimate (as it produces a final answer), but to seek one for political obligation is not.

This criticism, however, can be applied to all philosophy. That, unlike science, its theories cannot be proved true or false (and an objective hierarchy of theories cannot emerge), and so they have no purpose. However, it should be the inclination of most philosophers that this is not the case. That philosophical truths have their place in the discovery of knowledge should be taken as an obvious core belief within the discipline of philosophy. It is therefore perfectly reasonable to compare seeking answers about the process of magnetism to seeking answers to the problem of political obligation, as both concern the discovery of reasons and ultimately knowledge.

Some may assert, however, that the problem only arises when philosophy inquires beyond the limits of what is analytically reasonable. In the case of the problem of political obligation, where an objective and finite explanation (or justification) is sought for what conceptual argument proponents deem to be a pseudoproblem, this is supposedly so. A more appropriate equivalence (of a question drawn from an analytic statement) might be: 'do magnets exist?', because existing is just part of what it means to be a magnet. In fact, Margaret Macdonald essentially uses this example when denouncing the justification process of tradition political obligation theories, arguing that "A general proof of the existence of material objects seems impossible, and to ask for it absurd" (Macdonald, 1968, p183). She goes on to say that, when entertaining the problem of political obligation, political theorists seek an answer which is unfailingly always right, just as epistemologists seek a guarantee for the existence of material objects and that both are "equally senseless requests, for they result from stretching language beyond the bounds of significance" (Macdonald, 1968, p184).

However, what is linguistically significant or analytically reasonable is arbitrary.

Whilst Macdonald's intent is clearly to show the nonsensicalness of seeking a justification for political obligation, John Horton (2010) believes her challenge offers a useful suggestion about what might be expected from a strong theory of political obligation. Specifically, that she emphasises the complexity and diversity of considerations affecting political judgements (albeit as an argument for why it is nonsensical to seek finite reasons (see Macdonald, 1968)), Horton believes might be taken to direct us to pluralist accounts of political obligations, which combine two or more of the traditional theses. These he proposes as an alternative to the more sceptical approach of the conceptual argument, which dissolves the problem altogether.

The conceptual argument in its current form is unable to explain why dissolving the problem is superior to seeking a complex or pluralistic answer. Its proponents seem to suggest that this is because a finite ground cannot be discovered. But several theories have developed ostensibly finite grounds (e.g. social contracts). What is it, then, that makes these inadequate to conceptual argument proponents? The point made seems to be that political obligation theorists have failed to reach agreement (Pitkin, 1966). However, the fact that consensus has not been reached surely should not be grounds for doing away with the issue altogether. Nor should the possible pluralism or complexity of a successful account. If this were the basis of "stretching language beyond the bounds of significance" (Macdonald, 1968, p184) then all philosophy would be guilty and all philosophical problems should be dissolved.

It is conclusively the case, then, that the limit postulated by the conceptual argument is arbitrary, and ultimately fails to justify the dissolution of the project.

To summarise, since (as we have discussed) it should be the inclination of most philosophers, that the lack of an objective hierarchy of theories within their discipline should not render its pursuits meaningless, the conceptual argument fails to overcome the problem of political obligation. Furthermore, since the conceptual argument is also unsuccessful in presenting political obligations as analytic in the first place (due to its inability to distinguish between legal and moral requirements), Simmons is correct to reject the argument entirely, and to call for its proponents to instead seek a ground for political obligation.

We now turn to his second account of associative political obligations – ‘nonvoluntarist contract theory’.

Nonvoluntarist Contract Theory

The second account of associative political obligations Simmons explores is what he terms “nonvoluntarist contract theory” (Simmons, 1996, p255). This is an account which rejects voluntarism and contract theories based on consent but nonetheless advances a social contract (or form of social contract) to justify political obligations.

The example he details is Margaret Gilbert’s notion of joint commitments (Gilbert, 1993). Gilbert describes her argument as a version of the “analytic membership argument” – her term for the conceptual argument. However, unlike traditional versions of the conceptual argument, Gilbert does not seek to dissolve the problem of political obligation with concepts but provides a ground for political obligation too.

This already makes her account more plausible than the traditional conceptual argument in Simmons’ view, as he argues it is incumbent on conceptual argument proponents to provide a substantive account of why the requirements of social and political practices should be binding upon group members (Simmons, 1996, p255).

Ultimately, Gilbert argues the conceptual point that the attachment of obligations to group membership accords with the vernacular concept of a social group, but she also postulates a ground for these obligations (Gilbert, 1993).

We have seen that political obligations possibly being analytic with political societies is not enough to solve or dissolve the problem of political obligation. So we will address Gilbert’s ground. This is that each member of a social group, in her view, has expressed to the other their willingness to be party to a particular joint commitment with particular content (Gilbert, 1993). For Gilbert, all that is required to establish a “joint commitment” is that the parties involved express their willingness to be so committed, in conditions of shared knowledge (Gilbert, 1993). Essentially, members of the group must be aware of these expressions of willingness by others.



Some may argue that this is no different from a voluntarist or consent-based argument for political obligation. However, Gilbert dismisses this by offering an example of how joint commitments can “grow up” instead of having to be based on an explicit expression of consent. This involves two individuals deciding to go for coffee after a philosophy society meeting. After the next meeting, they do the same. If this occurs one or more times, the parties involved can expect a tacit agreement to “grow up” to the effect of being jointly committed to go out for coffee after philosophy society meetings. The expectation then, is that, if one of individual cannot meet this expectation on one occasion, they will inform the other so as not to violate the commitment (Gilbert, 1993, p124).

Simmons argues, however, that whilst members of political communities may have commitments (such as obeying the law), they have not normally committed to one another in a way that grounds for them political obligations – i.e. they have not produced a tacit agreement. He uses the example of Kant embarking on daily walks through town (Simmons, 1996, p258), during which he is spotted by local housewives. They form a reasonable expectation, from seeing him everyday, that he will continue his walks. However, this reasonable expectation does not ground for Kant an obligation to continue his walks into the future. Kant may be committed personally to his daily walks, but he has not made this commitment to the housewives. This example, argues Simmons, is more reflective of relations between members of a political society, than the more personal examples of regularly meeting friends out which grows a tacit understanding or informal obligation-generating agreement. Since Gilbert needs the latter, stronger version of relational commitments to justify political obligations, argues Simmons, she has failed to justify them in this case, as this is not how political societies work (Simmons, 1996, pp.258-259).

But is Simmons correct to argue that political societies must be relationally intimate for political obligations to exist? Ronald Dworkin claims that this is not the case (Simmons, 1996, pp.259-260). For Dworkin, communal obligations are not based on psychological conditions but interpretive ones. Essentially, political obligations can indeed be communal or associative, despite lack of emotional closeness between members, if the best interpretation of that political society’s practices includes concern for all members (Simmons, 1996, p260).



Simmons contends, however, that it is simply not the case in any familiar political society that most individuals feel concern for all their fellow citizens (Simmons, 1996, p260). But this criticism seems only to be true of individualistic societies and cultures. In more communal and less atomistic societies, it seems perfectly reasonable to express that members have concern for (and obligations to) their fellow citizens. Examples may include some Nordic countries, with their reputedly robust welfare systems and strong commitment to social cohesion.

Therefore, it seems a sweeping generalisation to dismiss Gilbert's "joint commitments" theory of political obligations on the basis of political societies being non-communal.

As such, since the conditions for Gilbert's joint commitments to arise very likely exist in some political societies, Simmons is wrong to reject this version of associative political obligations in its entirety. He is only justified in this rejection insofar as Gilbert entertains the conceptual argument which, as we have seen, proves superfluous in this case anyway, as the ground of a joint commitment is provided.

The Communitarian Theory

The final type of associative argument Simmons explores is what he terms the "communitarian theory" (Simmons, 1996, p261).

This consists of accounts which stress one or both of the following theses: firstly, that our obligations are justified in virtue of the fact that denying them amounts to denying (at least in part) our identities as socially constituted beings. This thesis Simmons calls "the identity thesis" (Simmons, 1996, p262), which can be summarised as follows: "I cannot meaningfully ask why (or whether) the I-who-am-in-part-constituted-by-certain-obligations has those obligations" (Simmons, 1996, p261).

The second thesis is that local social practices independently generate our moral requirements. This thesis, which Simmons calls the "normative independence thesis" (Simmons, 1996, p262), typically accompanies the identity thesis, but instead emphasises the normative force of local practice. It asserts either that local practice is one of a plurality of sources of moral obligations, or that it is the only source.



The identity thesis, Simmons rejects reasonably quickly, stating that: “The personal unintelligibility of denying the obligations is not the reason why persons in fact have the assigned obligations (i.e., it is not the ground of the obligation). That reason is provided by whatever is taken to justify the normative independence thesis” (Simmons, 1996, p263).

Simmons thereby treats the identity thesis similarly to the conceptual argument: both are neither necessary nor sufficient to solve the problem of political obligation. This seems appropriate given that (although Simmons does not acknowledge this himself) the identity thesis is essentially a version of the conceptual argument – it makes the same point about conceptual inextricability of obligation, membership and society, but from the perspective of the individual. Our critique of Gilbert’s version of the conceptual argument (Gilbert, 1993) – that her conceptual point is superfluous – is thereby applicable here. Ultimately, it is not the analytic nature of statements concerning relevant concepts which justifies political obligation, but the *ground* of that obligation. In Gilbert’s case this is the ‘joint commitment’ drawn between members (Gilbert, 1993). In the case of the communitarian theory, it is (in Simmons’ view) the normative independence thesis, which usually accompanies the identity thesis.

But Simmons also rejects the normative independence thesis. Firstly, because (he argues) it would be counterintuitive to accept that cruel local practices generate moral obligations. However, we may revisit the distinction drawn between rebellion and anarchism under the conceptual argument here (Horton, 2010) – that rebellion involves denying one’s obligations to *particular* laws/governments, whilst philosophical anarchism involves denying a *general* obligation to obey the law. Since associative accounts of political obligation usually argue in favour of a *general* obligation, room is left for rebellion against particular laws/governments or practices which are considerably cruel (Horton, 2010). Simmons’ second reason is that many people do not accept local obligations as unqualifiedly self-justifying, in which case they revert to external moral principles. However, this does not undermine the normative independence thesis because, as we saw, it can include pluralistic accounts of obligation-generation, where local practice is only one of multiple sources of moral requirements.



As such, Simmons is justified in his rejection of the communitarian theory, only to the extent that it engages the conceptual argument. Since this occurs only through the identity thesis, and given the additional reasons we discussed, his rejection of the normative independence thesis is unjustified.

Conclusion

In conclusion, our argument overall is that Simmons is justified in his rejection of associative theories of political obligations, insofar as these are conceptual in nature. He is otherwise unjustified in his rejection of them.

Due to its inability to demonstrate that political obligations (which are moral, not legal obligations) are analytic, the conceptual argument fails to substantiate its principal claim. Moreover, even if political obligations are analytic, as we have demonstrated, it is still meaningful to ask why we have them (Simmons, 1996).

The second argument Simmons explores is nonvoluntarist contract theory (Simmons, 1996). This advances a nonvoluntarist form of social contract to justify political obligation. Margaret Gilbert's 'analytic membership argument' (Gilbert, 1993) relies in part on the conceptual argument to justify political obligation. To the extent that it does, Simmons is correct to dismiss the argument. However, given Gilbert's provision of a ground (the 'joint commitment'), in this case, the conceptual argument is superfluous and her account justified. Nevertheless, Simmons presents that Gilbert still fails to establish political obligations as associative. However, since his point here is based on a narrow perception of political societies (that they do not generate mutual concern amongst citizens), Simmons is mistaken to reject nonvoluntarist contract theory in its entirety.

Simmons' final account is the communitarian theory, which postulates the identity thesis and the normative independence thesis (Simmons, 1996). Since the former is essentially a version of the conceptual argument, Simmons is correct to reject this aspect of it. However, contrary to his claims concerning the normative independence thesis, the ground it provides does not succumb to permitting cruelty, nor does it default to external moral principles (Simmons, 1996). Overall, our conclusions about the communitarian theory, then,



are the same as those of nonvoluntarist contract theory – both provide a suitable ground for political obligation, and the reliance on the conceptual argument by both is superfluous.

Therefore, overall, Simmons is correct to claim that the conceptual argument fails to establish political obligations as associative, but he is only correct to reject nonvoluntarist contract theory and the communitarian theory insofar as they entertain the conceptual argument.

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