

Republican Political Obligation: A Justification

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Contemporary republican arguments all verge on the idea that active citizen participation is necessary in a democratic society: “ordinary people have to maintain the eternal vigilance that constitutes the price of republican liberty”.¹ In the absence of citizens’ strong involvement in civil society, so the argument goes, the laws of an otherwise representative, majoritarian democratic system lack legitimacy and the system is bound to fail at some point. The corruptibility of people in power and the disagreement characteristic of complex societies loom constantly over the good workings of democratic systems. Why should people, however, get involved in politics, as it is more broadly understood to refer here to both the formal, but especially the informal and diverse fora of public life? For me, the way the claim to enhanced political participation is raised by republican authors immediately brings to mind the notion of political obligation, for this “has always been very intimately associated with the notion of citizenship, and has often been thought of as something like an obligation to be a “good citizen” in some fairly minimal sense.”² Republican authors indeed appear to use ‘civic virtue’ and ‘good citizenship’ interchangeably but is there an obligation of good citizenship that they have in mind?³

My task in this paper is to see if there could be a way to justify more than a minimal sense of ‘being a good citizen’, which I take to be the core ideal of contemporary republican theories. I chose to do so by trying to understand what a republican justification of republican political obligation could look like. This is a fairly unusual route since the standard approach to

¹ Pettit, Philip. Republicanism, A Theory of Freedom and Government. Oxford University Press, 1999, p.280

political obligation in general is to take this to refer to the obligation to obey the law. This is not, however, the focus of republican theories *per se* since for republicans “the point is to create a testing environment of selection for the laws, rather than to have laws that are consensually designed.”⁴ I am obviously interested in a much thicker interpretation of political obligation taken to imply, along republican lines, an obligation to be a participator in public deliberations, to do so in a reasoned and open way, and in general, to be ready to contest government decisions when this need occurs. Though this goes against the usual, legalistic focus in talks of political obligation, it is not counter-intuitive, since political obligation in general should be understood as an obligation to support and obey the political institutions in one’s country, not just in the limited sense of the obligation to obey the law.⁵ I will focus here not on the types of obligations that can be implied by a republican notion, but on the ground or justification of such an obligation. Specifying the content of the obligation, though crucial, remains the work to be done after the ground for the obligation is explored. Thus, I try to sketch here possible routes of justification for republican political obligations. I argue that it is helpful to look at this question through the prism of the notion of political obligation, but I grant that the argument for using this particular notion in relation to republicanism is not fully defended here. I will sketch in the following my main reasons for weighing republican arguments on the scale of ‘political obligation’.

My foundational intuition is that by trying to clarify a republican notion of political obligation we could sharpen the republican argument and try to test it in a clearer way against usual criticisms, one of which is lack of normative clarity or completeness. Saying that individuals are prompted to civic action by personal traits of character or that they have their reasons and

² Simmons, A. John. Moral Principles and Political Obligations: Princeton University Press, 1981, p.5

³ Pettit, Republicanism, p.251

⁴ Pettit, Republicanism, p.280

⁵ Simmons, “Moral Principles and Political Obligations”, Introduction, p.5

motivations for wanting to be active citizens, does not appear to match the breadth of the political or normative claims of republican theories, nor does it vindicate their insistence that such theories are not anachronistic in a contemporary context. Also, in arguing that a notion of republican political obligation could shed light on the republican claim we are certainly not on virgin territory. This notion has been explicitly employed by some republican authors, without however, receiving the careful attention that it deserves. Despite using a wide mix of institutional, social and legislative mechanisms to enhance civic virtue, Philip Pettit for example, insists that “The most important thing for the state to do by way of encouraging the widespread civility that it needs for its own success is to establish the republican legitimacy of its laws in the public mind; and this it can best do by being an effective, contestatory democracy.”⁶ The emphasis on the legitimacy of laws to me denotes the emphasis on the notion of authority, which in turn raises the question of political obligation.⁷ Philip Pettit shies away from discussing political obligation because he thinks that his republican efforts are better placed with issues of institutional design and social mechanisms of engendering civic virtue, than with what he calls “more metaphysical or foundational matters”.

I, on the other hand, think that such foundational efforts have better hope of clarifying the normative backbone of a republican theory. David Miller, who supports a republican notion of citizenship, actually endorses explicitly an associative notion of political obligation, which derives from national identity.⁸ He points out that these obligations that flow from shared identities are indeterminate and vary according to the public culture and the political debate dominant at a certain time, in a certain political community. He thus clearly goes beyond a

⁶ Pettit, *Republicanism*, p.280

⁷ On an argument for the correlativity of state legitimacy and political obligation see A. John Simmons, *Justification and Legitimacy*, *Ethics* 109 (July 1999): 739-771, p.746

⁸ Miller, David. *On Nationality*, Oxford: Clarendon Press, 1995 or *Citizenship and National Identity*. Polity Press, 2000.

legalistic notion of political obligation as the obligation to obey the law. Finally, Habermas, who combines liberal and republican elements in his pitch for discursive or deliberative democracy as a form of self-government, seems to be reluctant to say that active participation in public debates or the use of public reason are moral requirements of the kind that political obligation implies because he does not want to sound too moralistic, and maybe because he falls prey to the common misconceptions that political obligations cannot be overridden by other more important moral reasons or that they should be enforceable. Finally, there are those republican authors who make an explicit argument for political obligation, and use civic virtue and political obligation interchangeably, such as Iseult Honohan, Richard Dagger or Andrew Mason.⁹ Honohan, for example, points out that “civic virtue takes various forms, from more passive self-restraint to active public service and even to resistance. It does not mean simply more *obedience or deference to authority* than in a liberal system. It should be noted that it is an obligation between citizens rather than to any central authority.”¹⁰ Though there is some recognition of the notion of political obligation in relation to republican arguments, efforts in grounding the obligations remain unsuccessful and fairly sketchy.

So, why should we conceive of republican civic participation, loosely understood in terms of involvement in deliberation on public matters, in terms of political obligations when we can simply say that people have reasons to be active citizens or that they are prompted by virtues when they decide to participate? While I do use the term civic virtue as a shorthand for the kind of republican citizen behavior that I discuss, I certainly do not think that a discussion of republican arguments in terms of traits of character is appropriate in shedding light on a family of ideas that claims to have contemporary normative relevance. There is no mistaking

⁹ Honohan, Iseult. Civic Republicanism, London & New York: Routledge, 2002; Mason, Andrew. “Special Obligations to Compatriots.” Ethics, 107, no. 3, Apr. 1997, 427-447; Dagger, Richard. Civic virtues, rights, citizenship and republican liberalism. New York, Oxford: Oxford University Press, 1997.

that republican authors or some liberal authors for that matter invoke various traits of individual character such as the virtues of tolerance, reasonableness, open-mindedness, inquisitiveness as necessary in the practice of civil society deliberations. But it is equally clear that these authors do not embark in their work on building up theories of virtue. Instead they make arguments about right courses of action for citizens to take in political contexts. They indicate that citizens face moral requirements to act in particular ways in the public sphere. The requirements of action are more at home with arguments of obligation, rather than with arguments of virtue. Also, while virtue is a notion that refers to individuals as persons, the idea that individuals as citizens should act in a certain way welcomes the notion of obligation, which implies that something is owed to someone else or to something within the polity, which pertains to the public sphere. Since republican authors are interested in telling us something about the relationship between citizens and the nation-state, the notions of political authority and obligation are logically implied. My quarrel with the use of the notion of virtue and its pertinence in grounding republican 'good citizenship' thus falls into several categories. First, some republicans do use civic virtue and political obligation to mean the same thing: the practice of 'good citizenship'. Second, virtue theory appears to be mainly concerned with the person and its self, while political obligations are owed to someone or something within the polity, thus accounting better for republicanism's concern with the communitarian character of republican society. Finally, obligations should be discharged irrespective of individual inclinations¹¹, and thus represent a more stable explanatory platform for the republican ideal of citizenship. The moral weight of the argument is not with the nature of the act of participating, or with the qualities of the agent carrying out the act, but with the relationship among citizens and between citizens and the state.

¹⁰ Honohan, Iseult. Civic Republicanism, London & New York: Routledge, 2002. p.166

¹¹ on this point see Simmons, 'Moral Principles and Political Obligations', p.7

For these broad reasons, the tools that political obligation has to offer seem more suited to understand the claims republican authors make. Saying that someone has a reason to act or is motivated to act in a certain way does not necessarily entail that she is morally required to act in that way. Do republican authors not want to say that citizens are morally required to be active citizens or in other words that they have political obligations? If they do not want to make this claim, then what is the nature of their claim that citizens should take active part in public life?

That people should be willing to sacrifice the little time they have or that they could make any difference through their actions, in today's complex bureaucratic societies, that they should try to follow politics, be well in tune with political developments and get involved in public life with hope of some concrete outcomes strikes as naive and idealistic. Following the general claims of rational choice theory, it is commonly thought that individuals are self-interested creatures who try to maximize their own utility, and that basic political institutions are the result of unintended consequences, with very little human agency to account for. People acquiesce to the political order they are born into, they do not take active part in it. Also, philosophical anarchists and skeptics maintain that the only justification of political obligation that comes close to achieving its task is a consent theory, but since no one apart from naturalized citizens can claim to have consented to living in the particular community in which they were born, it is really quite difficult to establish that there is any political obligation to speak of. Anything less than consent or a clear voluntary performance of acceptance seems then to fall way short from the target.

And yet, republican authors insist that "republican laws will reliably attract compliance (...) only when the laws are buttressed by suitable norms, only when legal compliance is

occasioned or reinforced by widespread civility.”¹² We may be convinced to go as far as to say that individuals as citizens might have a right to participate in public life, but would we go as far as to say that they have an obligation? We need to examine that claim.

Republican authors expanding on their strategies for ‘civic virtue’ have all tried to justify their call for enhanced civic participation by coming up with reasons that citizens may have to get involved in politics, more broadly understood. For Philip Pettit, the motivational resources for contestation can be generated by the informal affiliation of individuals to some form of ascriptive group generically understood, whose causes the individual embraces and may want to defend and promote. David Miller’s strategy is straightforward in that it squarely relies on the sense of personal identity that individuals are said to recognize with their national community of belonging. National identity is taken to represent a solid motivation springboard for citizens’ participation in deliberations on matters of common concern. We found that in both cases, even if we were to be convinced that the reasons for participating in contestation and deliberations were plausible, which was disputable, the results of such motivational strategies could easily be, in Pettit’s case a divisive polity and in the case of Miller’s theory of republican citizenship, a conformist political society. Jürgen Habermas, whose theory of democratic self-government through deliberation we found most promising in defending a republican argument, is however, at a loss when it comes to telling us why people should get involved in civil society, in the informal and formal deliberations that he sees to be so necessary for upholding democratic institutions. And yet, the central, republican claim of these authors remains that democracy is dependent on the civic involvement of citizens for its strength and endurance. In fact, Habermas’ argument is more explicit: political authority derives from the people and is dependent on the citizens’ deliberative involvement in civil society. If that is indeed the case, then he should be concerned with developing a clear

¹² Pettit, *Republicanism*, p.247

justification for his republican political obligations rather than place his hopes on the virtuous dispositions of citizens that may or may not be available.

So, based on these preliminary thoughts how could we construct a republican theory of political obligation? Out of the three classes of moral requirements that Simmons identifies, and which give us a pretty good overview of the range of political obligation theories out there, a republican theory is likely to fall neither in the class of a requirement that was generated by some voluntary act, nor in that of moral requirements which are incumbent on all humans because of the very nature of the act that is required. Instead, a republican justification of political obligation is most likely to belong to the class where requirements are based on a special, though not necessarily voluntary relationship.¹³

An obligation to be ‘a good citizen’ understood in the thicker, republican manner, which still remains to be defined, would thus be a form of an associative obligation, an obligation that is based in the relevant membership in a group or which is attached to the fulfillment of a role or position. The associative obligations theory is most prominently identified with Ronald Dworkin who argues that political obligation can be justified as an expression of existing rules and norms pertaining to the political community one is member of, and which is characterized by a social practice. Citizens of a particular state share special ties, which ground thicker political obligations. Not any community or ‘bare community’ can be considered as grounding political obligation just in virtue of its existing social practices. There need to be further normative requirements fulfilled like reciprocity, the fact that the obligations are special, in that they are owed to members and not to non-members, and they are personal (they are owed to other persons, not to institutions) and they personalize an equal

¹³ On this typology see A. John Simmons, *Justification and Legitimacy*, Essays on Rights and Obligations, Cambridge University Press, 2001, p.45

concern for the well-being of the other members of the political community.¹⁴ This is an anti-voluntarist, acquired obligation account which is quite similar to the case David Miller makes for national identity as the grounding of republican citizenship. Just as in the case of Miller, Dworkin does not think that political theory should be grounded on general morality, and argues that we should start from social practice when we justify political obligations. He does maintain, like Miller that the community is characterized not only by conventional rules, but also by principles similar to general moral principles, and which are subject to an ongoing normative justification. Nevertheless, because the theory insists that as members of the community, we are bound to follow all the conventional rules that happen to govern the community, without much of an exit strategy, I think this strategy for political obligation is open to similar criticisms as those leveled at David Miller, specifically the charge that it can well justify obligations towards unjust, stifling communities. This strategy of identity-driven justification is not I think, the core or the most normatively promising avenue for a republican form of political obligation. It brings republicanism too close to a communitarian theory where contexts of socialization and identity seem to overshadow anything else that might be of equal or higher moral importance.

For us it would be more promising to look at the role of the citizen, and how an explanation of that role could maybe ground republican political obligations. Can we then think of obligations of citizenship as simply being attached to the role of citizen and could they ground thick obligations of civic participation as republicans usually invoke? That does not sound feasible since just the role of citizen by itself is not saying much by way of justifying moral requirements. We could then add that this is not any kind of citizen we have in mind but one

¹⁴ see here Dworkin, Ronald, Law's Empire, Fontana Press, 1986.

who is a member of a reasonably just democratic society. Republican theory should thus recognize that its application is only limited to reasonably just democratic societies.

So what is it about the role of the citizen in a reasonably just democratic society that can trigger political obligations? It is the classical core concern of republican authors that even the best of democratic systems is bound to fail at some point if it is not watched over. Representative democratic systems tend to misrepresent the interests of those who have entrusted public officials with that representation in two ways. Public officials are either tempted by personal gain and get corrupted or, given the complexity and diversity of world-views that exist in a single political community, they can fail to properly represent some group's interests and points of view. One classical republican answer to the problem of corruption is of course to promote institutional devices such as checks-and-balances and a mixed government that can minimize the occurrence of corruption inside one institution. These institutional devices can only be, however, imperfect in dealing with what is usually referred to in the literature as the 'principle-agent' problem.¹⁵ Representatives and ordinary citizens have access to different kinds of information regarding the political process. It is commonly assumed that citizens are not very well informed, while public officials have inside information on political matters. In keeping its agents accountable, the 'principles' or ordinary citizens have recourse to regular elections, but because of the information asymmetry, they may lack the means to take the right decisions. For the republican theorist, however, elections are not the only channel of accountability. The role of the citizen in a reasonable just democratic community entails a thicker kind of participation in public life. This participation is along the lines of theories of *macro* deliberative authors (Benhabib, Dryzek, Habermas) who focus their attention on the informal deliberative processes that take place in the public

sphere, and thus outside of, and possibly against the state.¹⁶ Theirs is a less structured view of deliberation with a focus on social movements, various associations, the media and networks. Because of the wider breadth of this understanding of deliberation, it is not decision-making as such that is taken to be the main objective, but rather opinion-formation, and thus communication is seen to be in these settings more spontaneous and unrestrained.¹⁷

So far, we argued that corruption is a danger that afflicts any reasonably just democratic society. Ordinary citizens can be poorly informed because they lack that special access to information about their agents. Under these conditions, elections may simply be insufficient in determining which are the right agents for office. Trying to be well informed about political matters, and getting involved in the diffused forums of public debate that set the agenda of political decision-making may be in this context morally required. Contestation and civic vigilance appear to be the republican solution to the lack of accountability that is said to characterize the relation between ordinary citizens and their representatives in office. There is, however, one big assumption in this argument: that a reasonably just democratic polity is worth the trouble. I agree with A. John Simmons when he argues that a role obligation by itself cannot generate the requisite moral requirement, that it is not sufficient. More needs to be said about how and why that role is valuable. Thus, I think that a second dimension needs to be added to this line of justification: an argument from fair-play.

¹⁵ see on this point and on a more general discussion of the principle-agent problem with regards to republicanism, Francisco Ferrer Vázquez, *Political trust, democracy and the republican tradition*, in Iseult Honohan and Jeremy Jennings, *Republicanism in Theory and Practice*, Routledge, 2006, pp.97-108, p.101

¹⁶ Hendriks, Carolyn M. "Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy", *Political Studies* 54 (2006): 486-508, 486-7

¹⁷ Hendriks, 'Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy', 493

The justification of political obligation from fair-play was classically defended by John Rawls in an earlier conceptualization of political obligations.¹⁸ According to this argument, the obligation to obey the law is a special case of the more general moral principle of fair play. This principle states that the burdens and advantages associated with a cooperative scheme should be shared by participants equally. In order for this principle to apply to political communities and justify political obligation, further conditions need to be in place. The constitution that characterizes the scheme of social cooperation has to be just and mutually beneficial. It is an intrinsic part of the argument to say that the advantages that spring from the social practice of the political community can only be secured if nearly everyone contributes. Also, those who take part in the social scheme of cooperation have to accept the benefits that the constitution and the scheme of cooperation bring. Then, if these two conditions are met, and given the general moral principle of fair play, an individual has the obligation to obey the law. Because the claim is that members of the cooperative scheme have to accept the benefits, this is a voluntaristic argument. That is why this theory will face similar problems as a consent-based theory. How exactly are members of the cooperative scheme said to have agreed to receive these benefits: is their acceptance tacit or explicit? Also, if the benefits that the scheme is said to provide are for the most part unavoidable (e.g. public goods such as rule of law, public defense, law and order) does that not take us back to the anarchist's criticism that political obligation undermines natural freedom? Also, very interestingly, Rawls presupposes the justice of the constitution, and does not speak of agreement on the justice of the constitution. Thus, this could very well point us again, in the direction of a more moral freedom-friendly argument for political obligation inspired by Habermas where the justice of the constitution is open to debate, and is ensured via continuous, civic deliberations.

¹⁸ see John Rawls, "Legal Obligation and the Duty of Fair Play", Rawls, Collected Papers (Cambridge, Mass.: Harvard University Press, 1999): 117-129

Another example of an argument from fairness, this time under the umbrella of natural duty is that proposed by George Klosko¹⁹. His is a non-voluntary fairness argument. By referring to presumptively beneficial goods that satisfy essential needs (thus making endorsement no longer necessary), Klosko makes the same argument as Rawls did above, but from a non-voluntaristic point of view. The problem with this argument, however, is that the idea that presumptively beneficial goods satisfy needs, and thus there is no reason for individuals not to want them goes against natural freedom, against the more established, liberal idea that individuals should be free to figure out for themselves what needs they have or do not have.

A republican route of justification would make use of the idea that it is unfair to let others bear the burden of checking on political representatives, when this is taken to be an important and necessary task, part-and-parcel of the role of a citizen in a robust democratic polity. Of course, free-riding seems far too easy, so is there something additional that could justify an obligation to participate in public life? First of all, I think the costs associated with participation are not as high as we might think at first look because these republican obligations to participate in public life would entail the agent's discretion in terms of when and how she will perform the obligation. It is not the case that this is a general obligation in the sense that all citizens are expected to participate at all times in all deliberative contexts. My expectation is that an individual will exercise this republican form of obligation according to her own powers, especially when matters of particular interest to her are being raised on the public agenda. There is thus a level of variability and indeterminacy of these obligations. Sometimes republican obligation may require public disobedience when extreme situations have prevented a minority's views to be properly represented or discussed.

¹⁹ see George Klosko, 'Presumptive Benefit, Fairness and Political Obligation', *Philosophy and Public Affairs* 16 (1987): 241-259

What kinds of benefits can a republican justification for political obligation invoke? Is it enough to refer to the usual benefits of the rule of law, police protection, environmental control and so on or do we need something more to be able to justify obligations of participation? The ideal of republican citizenship emphasizes the importance of ensuring that all citizens have means to be equal participators in the diffuse, both formal and informal streams of public opinion and decision-making. The main value that such an ideal of democracy brings forward is that of equal standing among citizens. In an inclusive, contestatory republican democracy, individuals of otherwise very different social, economic and intellectual backgrounds are encouraged to express their views and fight for their rights. It may be this benefit of equal standing that constitutes an added moral reason which generates a moral requirement to participate in public life.

I have tried to sketch here the reasons for preferring political obligation to arguments from virtue in justifying republican citizenship. Not only do some republican authors use 'civic virtue' and political obligation interchangeably, but they seem to be most concerned with how to ensure the legitimacy of laws. That is a question of political authority that triggers the need for a justification of a republican form of political obligation. Without going into the specific types of obligations, I have argued further that a republican notion of political obligation could be grounded starting from the identified problem of corruption of representatives in reasonably just democratic societies. The justification would take a general associative form, but would rely on the justificatory mechanisms of an argument from fair-play. According to this outline, citizens of reasonably just democratic societies have an obligation to participate in public life as part of their share of the burden in checking on their elected officials. Given that the temptation of free-riding could be thought to be quite high, an additional element was introduced into the argument to explain the value of equality as a core benefit of a republican

polity focused on enhancing opportunities for deliberation and public control. In the process of contesting or contributing to public debates, individuals as citizens gain self-respect and the respect of others, they enhance their deliberative capacities and feel empowered. It is this enhanced sense of equality that they benefit from, which offers them a moral reason not to free-ride and recognize the obligation to participate, stemming from their role as citizens in a republican polity.