

6-20-2022

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### Recommended Citation

Lefkowitz, D. (2024). Pragmatism and Associative Political Obligations. *Political Studies*, 72(1), 267-284. <https://doi.org/10.1177/00323217221099111>

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## Pragmatism and Associative Political Obligations

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Proponents of an associative account of political obligation maintain that individuals bear certain moral duties simply in virtue of their membership in a particular political community.<sup>1</sup> Call this the associative thesis.<sup>2</sup> The associative thesis can be construed as a first-order moral claim; for example, as a response to an individual who asks “why think I have a moral duty to obey the laws of the state that claims me as a citizen?” In this essay, however, I defend the associative thesis by interpreting it as a second-order moral claim; specifically, as a metaethical claim that expresses or implicitly relies on what I will label a pragmatist account of the nature of (moral) normativity, justification, and knowledge. This reading of the associative thesis has a number of virtues, as I explain below. First, though, it may be helpful to briefly sketch the pragmatist metaethics on which I will rely.<sup>3</sup>

Start with normativity. Norms exist and have the content they do in virtue of actors using them to hold one another, and themselves, accountable. This activity – taking one’s own or another’s conduct (or attitude, or belief, or feeling) to be appropriate or inappropriate – is the source of normativity (Brandom 2000, p. 4; Misak 2013, p. 248). Practices of holding accountable may be said to “ground” norms in the sense that that they make it the case that (those who are treated as) participants have the duties, rights, powers, and immunities they do. This claim regarding the existence conditions for norms should not be confused with a claim regarding their (moral) justification, however. Justification occurs *within* particular practices, in response to, or anticipation of, skepticism regarding the appropriateness of some act (Peirce 1992, p. 29). In justifying or criticizing their own or others’ conduct, individuals invoke a norm

to which they take their interlocutor to be practically committed. Of course, disagreements sometimes arise regarding how best to understand that norm, i.e., what it means to act in conformity to it. Addressing such disagreements may require appeal to a higher-order or more abstract norm, a process of justificatory ascent that terminates in the regulative ideal the disputants attribute to the relevant practice of holding accountable.<sup>4</sup>

Given that norms exist in virtue of their use, moral knowledge is first and foremost a practical skill, a matter of knowing how to navigate a particular practice of holding accountable in which one is (treated as) a participant. While the ability to represent this practical skill in propositional terms, i.e., to state the norm that warrants one's conduct, often plays an important role in the activity of holding others or oneself accountable, it is what agents do, not their description of what they do, that determines what the norms are. The claim that theory ultimately answers to practice, both in terms of the existence of moral norms and their content, provides the rationale for labeling this conception of normativity, justification, and knowledge a pragmatist one.

I demonstrate the advantages of a pragmatist approach to defending the associative thesis in the three sections that follow. First, it offers a better constructive interpretation of many of the arguments advanced in defense of that thesis than the ones proffered by its critics – and, in some cases, by its proponents. Following Dworkin (1986: pp. 49-68, 225-58), I construe the constructive interpretation of an object (text, practice, etc.) as an attempt to offer an account that best fits and justifies that object. In this case, fit is a matter of cohering with specific claims associative theorists advance in their texts. Justification involves presenting their attempt to help us understand or appreciate discourse concerning political obligation in its best light; that is, in a manner that provides the greatest insight into our practice of advancing or countering assertions

of political obligation, and in so doing, possibly enhancing our ability to engage in that practice. To be clear, my claim is not that all proponents of the associative thesis (implicitly) endorse a pragmatist metaethics, but only that such an account of the nature of moral justification, normativity, and moral knowledge provides the best warrant for doing so.

Second, and relatedly, a pragmatist reading provides the resources necessary to rebut a number of objections advanced against the associative thesis. These include: (1) the criticism that associative theorists fail to explain why there is no need to go beyond membership in a political community to justify political obligations; (2) the criticism that associative theorists cannot distinguish actually having political obligations from merely believing or feeling that one has political obligations, and so offer no criterion for distinguishing warranted from unwarranted beliefs or feelings of obligation, and; (3) the criticism that, ultimately, associative theorists must invoke a consideration external to the association itself to justify the duties incumbent upon those who participate in it.

Third, a pragmatist metaethics supports a particular model of practical reasoning, namely constructive interpretation, that helpfully illuminates our actual practice of attributing political obligations; that is, either holding that someone has a duty to  $\phi$  because she is a member of this particular political community, or denying that this is so. For example, we can explain why it sometimes makes sense to respond to a person's doubts regarding her political obligations by asserting that she is a member of the political community. Furthermore, constructive interpretation provides for the possibility of both local and global skepticism regarding one's own or others' political obligations. Yet its exercise may also yield a version of any of the extant moral justifications for political obligation (as well as some that are neither liberal nor egalitarian). As I explain, the associative thesis neither entails nor precludes any particular

account of what justifies political obligations. Rather, it only denies that the success of any such argument rests on a practice-independent consideration, an account of what follows necessarily from our nature as rational, autonomous, sentient, and so on.

If successful, a pragmatist defense of the associative thesis vindicates the claim that the associative model provides a distinctive account of political obligation. However, it locates that distinctiveness in the metaethical presuppositions that inform the arguments advanced by various theorists of political obligation. In particular, it takes the side of Pierce and Dewey in opposition to Descartes. The proper starting point for grappling with questions of political obligation is not radical skepticism, the identification of some indubitable foundation on the basis of which we can then accept or reject possibly mistaken beliefs, including ‘you have a moral duty to  $\phi$  in virtue of your membership in this political community.’ Rather, the proper starting point is from a vantage point within our practices of holding accountable, a local skepticism directed at a particular assertion of political obligation. Pulling at a single-thread need not lead to the unraveling of the entire web. Even when it does, however, we should recognize the resulting globally skeptical response to the assertion that one has political obligations as the end point of a process of critical reflection or inquiry, not its point of departure.<sup>5</sup>

### **I. A Pragmatist Reading of the Associative Thesis**

A commitment to the associative thesis is the defining feature of associative accounts of political obligation. To reiterate, this is the claim that individuals bear certain moral duties simply in virtue of their membership in a particular political community. As Samuel Scheffler puts it, “ordinary moral opinion... recognizes some claims upon us whose source lies neither in our own choices nor in the needs of others, but rather in the complex and constantly evolving constellation of social and historical relations into which we enter the moment we are born”

(2018: 906). In this section, I offer a pragmatist reading of the strategy its proponents commonly employ to defend the associative thesis.

Typically, these theorists begin by invoking (what they take to be) a less controversial example of associative obligations, namely familial ones, such as those that obtain between parents and children, or among siblings (Dworkin, 1986: 196-200; Horton, 1992: 145-51; Scheffler, 2001: 100). They do so to remind their audience that they already take themselves to have certain obligations to others simply in virtue of occupying particular roles in specific relationships. To *remind* someone is to call his or her attention to something he or she already knows. In this case, the purpose is to make explicit for their audience the practical schema or normative framework that those individuals already use to navigate a part of their social world (albeit with varying degrees of competency).<sup>6</sup> By inviting his or her audience to formulate in propositional terms what they already know how to do, namely how to hold themselves and others accountable as parents, children, and siblings, the associative theorist aims to demonstrate what it is to grasp or possess the ordinary concepts of [parent], [child], and [sibling]. In part, doing so involves recognizing that the roles of parent, child, and sibling are partly constituted by a set of norms that confer rights, duties, powers, and immunities on those who occupy them, and a correlative set of rights, duties, powers, and immunities on those who occupy other roles in that relationship.<sup>7</sup> And in part, doing so involves recognizing the content of those norms, though perhaps (quite) imperfectly. Put another way, it involves being able to state some of what parents ought to do for their children, and vice versa, and likewise in the case of siblings. Thus, we arrive at the associative theorist's assertion that to be X's parent or Y's brother just is to have certain obligations to X or to Y, certain claims against them, and so on. Indeed, for any

competent possessor of the relevant concept, this claim is likely to be so obvious as to escape notice (or for that matter, to stand in need of a defense).

Familial obligations also serve to illustrate the existence of non-voluntary special duties. Once again, the associative theorist's argument is best construed as an attempt to remind his or her audience of what they already know: that in many cases they do not treat a person's choice to enter or remain in a role as a necessary condition for holding him or her accountable for conforming to the norms that constitute that role. Ordinarily, we deem a person blameworthy if he skips his parents' silver wedding anniversary dinner to attend a concert, despite the fact that he did not choose to be their son (Horton, 1992: 147-48). Likewise, many will judge blameworthy a person who for no good reason exits the role of sibling, treating his brothers and sisters no differently than he treats a stranger. Such a person may be justifiably criticized for abandoning his siblings, which is to say, for acting as if he is no longer bound by the norms that constitute the role of sibling. These claims demonstrate that, for us, the appropriateness of holding a person to the standards that define a role does not necessarily depend on that person voluntarily entering or remaining in it.<sup>8</sup>

The qualifiers "ordinarily" and "for no good reason" indicate that we take there to be justifications, or at least excuses, for not performing one's role obligations. One possibility is that the obligations incumbent upon an agent in virtue of occupying one role take priority over the obligations that agent bears in virtue of occupying a second role. A familiar example is a person offering a familial obligation to justify not performing an occupational one. Of particular interest here, however, are other actors' failures to conform to the standards that constitute their role in the relationship (including norms of rectification and compensation for wrongful conduct). For example, if a person's siblings have repeatedly expressed ill will or indifference

toward her by disregarding their duties to her, then she may be justified in exiting the relationship by treating them no differently than strangers (or at least be excused for doing so). That is, associative theorists can grant that the satisfaction of certain conditions warrant a person asserting that her siblings are dead to her, while denying that this person's will or choice to enter or exit from that relationship is among those conditions.<sup>9</sup>

More generally, associative theorists maintain that we should look to the regulative ideal(s) we ascribe to a relationship, our understanding of its purpose or what makes it valuable, to determine what sort of deviation from our ordinary expectations of those who occupy roles in it are permissible. When we confront our own or another's doubts regarding the propriety of holding actors accountable for conformity to a role-constituting norm, we may be able to satisfactorily address them without recourse to a voluntarist principle such as consent. Our practice of challenge and response vis-à-vis familial obligations illustrates this point, associative theorists maintain. If we acknowledge what we already know, namely how to navigate familial relationships, then we should be open to the possibility that skeptical challenges to political obligations may also be addressed to our satisfaction without the need to appeal to a voluntarist principle.

Having invoked familial obligations to remind their audience that they are practically committed to non-voluntary role obligations, associative theorists then prompt them to recognize that among the roles they occupy is that of a citizen of their state. Michael Sandel, for example, speaks of "those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are – as members of this family or community or nation or people, as bearers of this history, as sons and



daughters of that revolution, as citizens of this republic” (Sandel, 1982: 179). Yael Tamir observes that:

One of the distinctive features of membership in a constitutive community is that members view their self-esteem and well-being as affected by the successes and failures of their individual fellow members and of the group as a whole. Consider, for example, the pride and excitement Israelis felt when the writer S. Y. Agnon became the first and only Israeli ever to win a Nobel Prize...(Tamir, 1993: 96).

John Horton, too, begins his defense of associative political obligation with some “commonplaces” and “reminders.”

We recognize that our government is entitled to make claims on us and we may have legitimate expectations of it, which cannot be explained without reference to the thought that it is *our* government. It makes sense to feel pride or shame in relation to the actions of our polity and fellow members: these are characteristically emotions indicating some sense of being part of, or identifying with, our polity (Horton, 2007: 4).

As in their discussion of familial obligations, the associative theorist aspires to make explicit what he or she takes the audience to know implicitly, namely how to participate in the particular practice of holding accountable that constitutes them as members of a particular political community. The evidence that they possess this knowledge lies in their use of it; that is why associative theorists dwell on their addressees lived experience as citizens of modern states. To possess the concept [American], [Brazilian], [Israeli], etc. just is to enjoy at least a certain threshold level of competence in using the standards that constitute that role to judge the propriety of one’s own and one’s fellow citizens’ actions, beliefs, and feelings.

The final step in the argument for the associative thesis consists in denying the need for any further argument to justify political obligations. Horton provides a particularly clear statement of this methodological position. “The philosophical problem is not taken to be one of straightforwardly seeking to determine whether or not individuals have political obligations... rather, the approach is more interpretive or explanatory in intent, seeking to explore the

conceptual and moral coherence of the idea of associative political obligations” (Horton, 2006: 428). As the associative theorist sees it, the purpose of a general theory of political obligation is to render intelligible to an audience that aspect of their lived experience constituted by their occupying the role of citizen in a particular state, to make explicit for them the ways in which their identity as Americans, Brazilians, Israelis, etc., structures their interactions with others and, in the court of conscience, with themselves. Much work remains to be done in formulating or meeting challenges to specific assertions of political obligation; that is, to the claim that Americans, Brazilians, Israelis, etc., have (or do not have) certain duties, rights, powers, or immunities in virtue of their membership in those specific political communities. But those arguments are “downstream” implications of the associative thesis. What proponents of the associative thesis deny is the necessity of any further argument “upstream” from it, any appeal to practice-independent features of the world on which the justifiability and normativity of practices of holding accountable ultimately depend.

## **II. Pragmatist Rejoinders to Criticisms of the Associative Thesis**

The occasionally explicitly stated but more often implicitly assumed view that a successful theory of political obligations must ultimately appeal to some practice-independent feature of the world underlies many of the objections raised to the associative thesis. Critics concede, at least *arguendo*, associative theorists’ claims that many people do take themselves to have certain obligations simply because they are parents, children, or siblings, and that many people do take their membership in a particular political community to be a central part of who they are, and in virtue of which they have certain rights and responsibilities. However, the critics treat these as empirical claims, as elements of a sociology of political obligation that describes and explains actors’ beliefs and conduct. A *philosophical* theory of political obligation,

however, must provide a criterion that shows those beliefs and conduct to be *justified or unjustified*. To identify such a criterion, we must step back from our political community's practices of applying particular norms to hold people accountable, and ask why we should participate in them. It follows necessarily that the answer to this question must appeal to some practice-independent consideration. A philosophical theory of political obligation, then, is one that purports to identify a consideration that explains why we do, or do not, have a duty to participate in a particular political community's practice of holding accountable, including a duty to obey its laws (Simmons, 1979: 21; Fossen, 2014; 2016).

Three examples demonstrate that it is their commitment to this conception of moral justification that underpins most critics' resistance to the associative thesis. First, in response to Horton calling into question the need to justify shared feelings of political identity and collective political responsibility by appeal to some practice-independent moral theory, George Klosko writes: "saying that no explanation is necessary does not constitute an explanation... of why the fact that an individual has certain feelings in regard to a particular community in itself entails particular moral requirements in regard to it" (Klosko, 2008: 115). There is some truth in this claim: Horton and other associative theorists owe their interlocutors an explanation of the nature of moral justification, one that warrants denying the need to appeal to some practice-independent feature of the world to justify political obligations. Yet Klosko's own "explanation" indicates his failure to grasp Horton's claim, since what he offers in response is not a metaethical thesis but a normative one; that is, a justification for shared feelings of political identity and collective responsibility. Moreover, that justification – Klosko's fairness theory of political obligation – terminates in facts about individual human beings and the world, not ongoing practices of holding accountable. For example, he writes: "community is constituted by joint production and

consumption of indispensable public goods, [and] because people require these for acceptable lives... they are ‘naturally’ members of the community and have requirements to support the community’s effort to promote the common good, as the community sees this” (Klosko, 2008: 115). Klosko’s metaethical assumptions regarding the nature of moral justification and the source of normativity go undefended, and indeed, unnoted.

Second, Richard Dagger contends that when its proponents defend the associative thesis by invoking people’s sense of belonging to a particular political community, they conflate the perception of being obligated with actually being obligated. Yet, he remarks, “someone may have a sense of obligation, even a powerful sense of obligation, without truly being under the obligation in question” (Dagger, 2018: 77). To support this claim, Dagger offers two examples. The first is the case of Tom Pinch, from Dickens’s *Martin Chuzzlewit*, who takes himself to be bound by obligations of loyalty and gratitude to Seth Pecksniff, a person he fails (indeed, refuses) to recognize is ruthlessly exploiting him. The second is a person who is unaware that he has fathered a child, and therefore does not believe that he has obligations to the mother or child. Both individuals are mistaken, however, which demonstrates that a sense of obligation is neither necessary nor sufficient for actually having an associative obligation. More generally, associative theorists appear unable to provide any criteria for mistaken moral beliefs and feelings. If Betty has a duty to phi in virtue of her membership in this particular political community if and only if she perceives herself to be so obligated in virtue of her membership in that political community, then Betty cannot err in recognizing that she has, or does not have, a political obligation. Surely this is an absurd conclusion, and therefore we should reject the premise that leads to it, namely the claim that political obligations are grounded in people’s sense of belonging to a particular political community.

Dagger's objection reflects a misunderstanding of the associative theorist's purpose in invoking people's sense of themselves as citizens of particular political communities. Consider, first, the possibility of error in identifying one's obligations. The associative theorist maintains that people have obligations in virtue of their occupying specific roles; that is, in virtue of being held accountable for conformity to the norms that constitute that role, either by themselves or by others. The question, then, is how do we justify the claim that it is a mistake to hold an individual accountable to those norms, or a mistake not to do so? There are a number of possibilities. First, we may attribute the error to a mistake of fact. Neither the associative theorist nor the man in the example need deny that he has certain obligations to the mother and child in virtue of his occupying the role of the child's father. Rather, he simply fails to recognize that he satisfies the conditions for occupying that role; e.g. that the child is the biological product of his sperm and the mother's ovum. Second, we may attribute the error to the violation of a doxastic norm. Suppose the man in Dagger's example denies that he is the biological father of the child, despite being presented with a DNA test that shows with a very high probability that he is. If this man treats as warranted many other claims that are justified by the same norms that warrant accepting the results of the DNA test, then we are justified in holding that by his own lights (and, likely, ours), he ought to acknowledge the child as his progeny. Third, we may attribute the error to a misunderstanding of the regulative ideal that informs a particular (type of) relationship, or the specific norms that flow from a proper interpretation of that ideal. For example, we may argue that Tom Pinch fails to grasp the regulative ideal that orients the employer-employee or mentor-mentee relationship in our society (or one sufficiently similar to it), or what it means to conform to that ideal. Or, perhaps more likely, Pinch is a competent possessor of those concepts, and he resolves the cognitive dissonance created by Seth Pecksniff's

widespread disregard for his obligations as Pinch's employer and mentor by refusing to acknowledge them.

Do these observations not prove Dagger's point, namely that it is not an individual's sense of obligation or identification with a role that "grounds" her obligations? No, they demonstrate that he misunderstands the associative thesis, and how the observation that people identify with specific roles, or have a sense that they are subject to the norms that constitute those roles, contributes to its defense. Norms exist in virtue of agent's successful use of them to hold themselves and/or other agents accountable for their conduct (attitudes, beliefs, and feelings). Thus, the man in Dagger's second example is bound by the norms to which we hold fathers accountable if and only if *we* take him to meet the criteria for occupying that role. Were the man to learn that he was the biological father of this particular child, and were he a competent possessor of our concept of father (say because he is a normal member of our community), he would likely draw the same conclusion. That is, he would take himself to be the child's father, i.e., to occupy that particular role, and so have a sense that he owes certain obligations to that child. By pointing to our sense that we have obligations to particular others to whom we stand in particular relationships, when we are aware that we do so, the associative theorist helps us recognize the myriad practices of holding accountable in which we are enmeshed. Highlighting our sense that as an occupant of a role (father, employer, citizen, etc.) we ought to  $\phi$  helps us grasp the nature of moral knowledge, namely that it is first and foremost a practical skill, a knowing-how to navigate a particular social world. But in addition, it calls our attention to the way in which the existence of norms depends upon their use. If no one within the community in which a man lives "has the sense" that he has parental obligations to a child simply in virtue of the fact that the child is partly the product of his sperm, then that man has no

such obligations. This is just to say that no one in this community will hold him accountable for conforming or not conforming to the duty-conferring norms that constitute the role of father or parent in this community.<sup>10</sup>

In short, a person can have role obligations even though he does not recognize that he meets the conditions for occupying a role, and so does not have a sense that he bears those obligations, as long as some community holds him accountable to the standards that constitute that role. A person's "sense of obligation" is simply an inchoate appreciation of his or her knowing how to participate in that practice of holding accountable; i.e., recognizing the application of some role-constituting norm as appropriate. Together, these two claims entail that whenever an individual has an obligation there will always be someone – perhaps that individual, perhaps others, or perhaps both – who has the sense that the individual is obligated in virtue of occupying a particular role.

Dagger's criticism of the associative theorists' claims regarding identity, belonging, and obligation implicitly relies on the assumption that a successful justification of political obligations must ultimately appeal to some practice-independent feature of the world. He treats the observation that we identify with our roles as citizens as if it were advanced as a candidate for that role, a consideration that can justify the claim that we have, or do not have, an obligation to play the role of citizen. Dagger rightly concludes that it cannot, but that conclusion leaves the pragmatist associative theorist unscathed, since she rejects the conception of justification (and normativity, and moral knowledge) on which Dagger's objection depends. Instead, she construes justification as essentially a social undertaking, one that occurs within specific practices of holding accountable, and she invokes our sense of identity as citizens of particular states to remind us of where our reflections on our duties as citizens must begin, namely the

practice that constitutes the particular political community of which we are a member (see Fossen, 2014: 230).<sup>11</sup>

Several critically important conclusions follow from the pragmatist metaethics advanced here; specifically, the claim that norms conferring obligations (rights, etc.) exist only in virtue of their use within specific practices of holding accountable, and the claim that a person's sense of obligation constitutes an inchoate awareness of her moral knowledge, her knowing-how to navigate a particular social sphere. First, we should distinguish between an individual's identifying with a role and others' identifying that individual with that role; for instance, an individual attributing to herself the status of a citizen of state S, and so taking herself to be subject to the norms that constitute that role, and others attributing that status to her by holding her accountable to those norms. In doing so, we recognize the possibility that a person may be treated by others as a member of a particular political community, while refusing to hold her herself accountable as such. In such a case, does she or does she not have political obligations? The pragmatist holds that there is no standpoint from which we can offer a single answer to that question. Rather, all we can say is that from the perspective of participants in this political community this person does have political obligations, while from the perspective of her own conscience she does not. In the court of conscience, identifying with a role is necessary and sufficient to be subject to the norms constitutive of that role. In the court of a particular public's opinion, it is never sufficient, since being held accountable by that public requires that its members identify one as occupying the role in question. Whether it is necessary depends on the norm the community uses to determine who counts as occupying a role; for example, whether it attributes the role only to those who endorse it (say by voluntarily assuming that role). While a person who does not identify with a role may still be quite adept at playing it, especially if she



once did identify with it, she will treat the norms that constitute the role as nothing more than a means of predicting how others will respond to her conduct, indicators of the costs and benefits of performing particular acts, rather than as designating those acts as appropriate or inappropriate.

Second, identification with a role is compatible with some, perhaps significant, degree of alienation from it. My concern here is not with a vestigial sense of identity and obligation; for example, feeling guilty for one's norm-violative conduct despite no longer being practically committed to occupying the role that renders a person subject to that norm. Rather, the experience of some degree of alienation from a role with which one identifies conveys one's doubts about the extent to which other members in the relevant relationship have been, are, and will be committed to the regulative ideal one attributes to that relationship. It reflects a certain lack of trust or faith in (some of) the other members of the relevant community. One might worry that their constructive interpretation of the community's regulative ideal deviates considerably from the interpretation one finds most compelling, or wonder whether they are even committed to the same regulative ideal. Still, one might not be prepared (yet) to abandon the relationship altogether. That is, one might remain committed to participating in the practice of challenge and response that constitutes this community, to invoking the regulative ideal on which one takes it to be premised to contest certain lower-order norms deployed within the practice and to defend others, and so to the propriety of using the latter but not the former to hold members of the community, including oneself, accountable.

To make this point slightly more concrete, think of a Black American who identifies *as an American*, a member of a particular political community committed to the regulative ideal that all people are created equal and possess certain individual rights, and to some degree, a

common understanding of what that entails. Suppose, however, that this person also wonders how many of his fellow Americans are truly committed to that ideal, and how many are hypocrites, or understand the ideal that orients America's republican experiment in a manner that drastically deviates from his own.<sup>12</sup> Such a person, I posit, will likely feel some degree of estrangement from his identity as an American. Consequently, his sense of the obligations he bears as a member of this political community will be weaker than it would be if he were more confident in his fellow Americans' commitment, and what they take to follow from it.

Talk of the regulative ideal that serves to orient a practice of holding accountable indicates how a pragmatist should respond to a third objection to the associative thesis, namely that associative obligations ultimately depend upon some external justification (Simmons, 2001: 65-101; Wellman, 1997). Dagger, for example, maintains that associative theorists confront a dilemma (Dagger, 2018: 82-85). Either they must concede that participants in unjust, unfair, or otherwise morally reprehensible associations nevertheless have genuine obligations to one another, or they must maintain that participants bear obligations to one another if and only if their association is just, fair, or otherwise morally creditable. The first option will strike many as absurd, yet the second option locates the justifiability of associative obligations in some practice-independent consideration, a principle of justice, fairness, or beneficence that applies to individuals in virtue of their status as moral agents, not their occupying a role in a particular social practice of holding accountable.

In response, Horton concedes (perhaps *arguendo*) that associative obligations are justified only if they are consistent with moral principles that apply to all moral agents as such, or put another way, only if they do not require conduct contrary to our natural duties. In this respect, associative obligations are identical to those based on consent or promises. Just as we

do not offer a promise to commit a theft or murder as a *reductio ad absurdum* argument for the impossibility of promissory obligations, so too we should not point to an associative obligation to defer to one's male relatives on all matters if one is a woman, or to murder those identified as "enemies of the people" as a *reductio ad absurdum* argument for the impossibility of associative obligations. Rather, both sets of examples simply indicate the existence of limits on the promissory or associative obligations we can bear.

However, Horton also denies that we must appeal to practice-independent moral principles, those that apply to us simply in virtue of our being moral agents, in order to justify associative obligations. He offers two arguments to support this claim (Horton 2006: 435-39). The first is that the demands of justice, fairness, and beneficence are often indeterminate. Absent their concretization in the actual practices of holding accountable that constitute particular communities, principles of justice, fairness, and beneficence are too abstract to guide our conduct, whether that be deciding what to do or holding others (or ourselves) accountable for what they (or we) have done. Yet the critic may happily concede that actual, historically-located, practices are necessary to render abstract moral principles concrete. After all, that conclusion is perfectly compatible with his or her claim that the *justification* of the norms that constitute any such practice ultimately rest on appeal to those moral principles; that is, practice-independent standards of right conduct binding on a person in virtue of her status as a moral agent.

As a second rejoinder to the claim that associative obligations require an external justification, Horton offers the possibility of providing an *internal* justification for (or critique of) the obligations constitutive of various roles in a relationship, one that appeals to the intrinsic value of the relationship itself. For example, familial obligations are to "be accounted for in terms of the meaning and value of familial relationships," which "need not involve any general

appeal to justice, or even to the nature of a *true* family [since] valuable family relationships can and do take many different and diverse forms” (Horton 2006: 437). Likewise, “there are goods of citizenship... which it can be argued are internally related to what it is to be a member of a polity” (Horton 2006: 437).<sup>13</sup> Alas, Horton’s explication of the contrast between an external and an internal justification of associative obligations, and how it serves to rebut his critics, is unsatisfactory. First, Horton emphasize that the value of both familial relationships and citizenship is not purely instrumental (Horton 2006: 437). Rather, by engaging in the activities constitutive of these relationships, individuals realize certain values, such as love or justice. This is a claim the critic can (and likely will) accept. The view that associative obligations require an external justification concerns the point at which justification terminates (and an account of the source of normativity), and should not be confused with the claim that the correct justification for associative obligations entails that their value is always entirely instrumental, and so in that sense lies outside or beyond the relationship itself. Second, Horton maintains that denying the need for an external justification of associative obligations does not entail “that local practice must make *no* reference to any general moral values such as truthfulness, loyalty, integrity, and so on. Rather, it should be understood as, at least in part, the claim that local practices give these values a particular substance or content, a particular form, shape, and meaning within a specific social or institutional setting or way of life” (Horton 2006: 438). This looks much like a reiteration of the indeterminacy argument discussed in the previous paragraph, however, and so the critic will likely offer the same response.

A pragmatist metaethics offers conceptual tools we can use to explicate the claim that the justification of associative obligations occurs “internal to the relationship itself,” rather than via appeal to some external justification. We take as our starting point a call for justification that

arises within an actual practice of holding accountable. Such a practice presupposes its participants commitment to a regulative ideal, a highest-order standard of right conduct that provides the point or purpose of engaging in it. In participating in the practice, in invoking one of the norms constitutive of it to hold one another and/or themselves accountable, agents implicitly (and, occasionally, explicitly) attribute that ideal to the practice. One familiar ideal of this sort is the one Dworkin attributes to a liberal-democratic political community, namely a commitment to treating all of its members with equal concern and respect. Many other regulative ideals are conceivable, and contra Dworkin, some might even be attributed to the American political community; for example, a basic commitment to the treatment of all its members as free and equal. The crucial point is that the basic norm that serves to orient a particular practice of holding accountable exists in virtue of that practice. Americans are properly described as entitled to equal concern and respect, or treatment as free and equal, if and only if attributing that status to them makes the best sense of past and present American political practices. This is not to say that in their practice of holding one another accountable Americans have perfectly realized their fundamental commitment to treating one another with equal concern and respect, or as free and equal, or to any other ideal we might attribute to the American political community. Whatever ideal we posit, we will surely conclude that many Americans have only an imperfect grasp of what they are committed to as Americans. Nevertheless, when Americans argue with one another about these commitments, not as a mere intellectual exercise but in the course of actually holding one another to account, they must presuppose that there is a highest order principle imminent in their practice of holding one another accountable, an axiom upon which all their assertions ultimately depend.

The foregoing account of moral justification explains the sense in which any attempt to justify a political obligation must be internal to a particular practice of holding accountable. While responding to a skeptical challenge to the existence of that obligation may involve recourse to increasingly higher-order and more abstract norms, it terminates in the regulative ideal agents attribute to the practice. There is no further, practice-independent, perspective we can occupy, and from which we can identify the true demands of justice, fairness, beneficence, loyalty, intimacy, and so on. Nor will appending “and this claim is true” to whatever arguments we have already made in constructively interpreting the regulative ideal we attribute to our political community make our case any more persuasive.

A pragmatist account of (moral) justification and normativity entails that the content of associative obligations, and indeed all norms, including a community’s regulative ideal, are settled by a community’s actual practice of holding accountable.<sup>14</sup> There is no answer to the question “what does the treatment of all as free and equal require?” or “what does fair treatment require?” apart from those worked out within specific communities. The success or failure of answers to these questions advanced within particular communities depend on the extent to which they are accepted by, or achieve uptake among, the members of that community. This reflects in turn the extent to which those individuals view a particular candidate answer as a better constructive interpretation of the regulative ideal they attribute to their political community. The key point for our purposes here is that associative obligations and other role-constituting norms do not simply specify abstract principles that apply to people qua moral agents. Rather, they construct individuals as agents with specific associative obligations in virtue of those individuals being embedded within particular communities, or practices of holding accountable. That is why moral knowledge is first and foremost a practical skill, a

matter of knowing how to navigate a particular society by adhering to its norms for treating others justly or fairly, or for exhibiting loyalty or proper regard for intimacy, and so on. This characterization of moral knowledge explains why, to paraphrase Horton, we should not seek to justify associative obligations by deriving them from universally valid or externally justified moral principles, but instead meet skeptical challenges to them by describing the relationship in question in a manner that brings out the value and meaning it has for those who participate in it (Horton, 2006: 438; see also Fossen, 2014: 229).

### **III. Pragmatism, Practical Reason, and Political Obligations**

Thus far I have argued that a pragmatist reading of the associative thesis makes the best sense of the strategy many theorists employ to defend associative political obligations. It also provides a basis for responding to several objections to their existence or distinctiveness. In this section I expand on some of my earlier asides outlining the implications that a pragmatist reading of the associative thesis has for moral argument.

As a practical matter, the problem of political obligation consists in an individual's skeptical response to the implicit assumption or explicit assertion that she has a duty to  $\phi$  in virtue of her membership in the political community. That skepticism comes in varying degrees, as I explain momentarily. First, however, I want to consider what sense we can make of a response that simply asserts the skeptic's membership in the political community. So, suppose Alf asks Betty why he should pay income taxes on the sale of some paintings he has created, or why he should vote in the upcoming presidential election, and Betty responds "because you are an American." This looks like the wrong kind of answer, and in one sense it is: Alf seeks a *justification* for his duty to  $\phi$ , while Betty offers an (abbreviated) *explanation* of what makes it the case that Alf is so obligated. Nevertheless, Betty's response serves a critical function in

addressing Alf's skepticism, namely identifying the necessary starting point for an argument that yields the conclusion that Alf has, or does not have, a duty to  $\phi$  in virtue of his status as an American. If Alf responds to Betty's claim by acknowledging his status as an American but questions its normative relevance, then the source of his skepticism is metaethical, and Betty should respond accordingly. If instead Alf responds by asserting that his alleged duty to pay income taxes or to vote is not warranted by the best constructive interpretation of the American political project, then he and Betty can engage in a normative argument regarding the justifiability of Alf being held accountable, by others and by himself, for voting and for paying his taxes. In doing so, neither will appeal to Alf's status as an American as a reason for him to vote or to pay his taxes. Rather, each will appeal to norms to which they take all Americans to be committed to support their conclusions.<sup>15</sup> The purpose of invoking Alf's status as an American is to establish that this presupposition for genuine argument is satisfied, to indicate Betty's belief (or "sense") that the best constructive interpretation of the regulative ideal immanent in the American political project warrants a duty to vote and to pay income tax, and an invitation to Alf to justify his (perhaps implicit) claim that it does not.<sup>16</sup>

A pragmatist account of justification allows for the possibility of both local and global normative skepticism. The former consists of a challenge to particular norms alleged to apply to a person in virtue of his occupying a particular role, on the grounds that they do not flow from the best constructive interpretation of the regulative ideal that orients the relationship partly constituted by that role. Alf's skepticism regarding his duty to pay income tax or to vote is likely to be local, though there is a chance that it will turn out to be the leading edge of a global skepticism. For this to be the case, Alf must reject (or, perhaps better, adopt a practical stance that constitutes a rejection of) the regulative ideal he attributes to the political community that



treats him as a member. Crucially, Alf's skepticism will be grounded in the regulative ideal *he* attributes to the political community, which may not be the one many of its citizens and officials profess.

Genuinely global skepticism involves judging a practice of holding accountable to be fundamentally misguided, and so in need of replacement. This differs from the stance taken by a person who experiences even a significant degree of alienation from her political community. As I explained previously, this person may think her compatriots' constructive interpretation of the community's regulative ideal is deeply flawed, not only in terms of what they take its content to be (i.e., what lower-order norms flow from it), but also in their incomplete grasp of that ideal itself; for instance, that it requires equal concern as well as equal respect. Nevertheless, unlike a genuinely global skeptic, this person retains a commitment to her political community, despite its deep flaws. For her, the practical question is one of reform, not revolution, even if the former ultimately results in dramatic and substantial changes to the lower-order norms that give content to the political community's regulative ideal.

The foregoing observations add further nuance to two claims advanced earlier in this essay: first, that associative theorists seek to remind their audience of what they already know, namely how to hold themselves and others responsible for conforming to the norms that constitute the social roles they occupy, and second, that the content of those norms is settled by a community's actual practice of holding accountable. Both claims may suggest a consensus on the norms that specify who occupies a particular social role (e.g., who is a member of the political community), as well as on the norms that spell out the what it means to occupy that role (e.g., the rights and duties that partially define what it is to be a citizen). But while some consensus on these matters is necessary at any given point in a community's history, an

associative account of political obligations allows for a good deal of disagreement regarding our commitments, and indeed, who counts as one of us. We are embedded in specific practices of challenge and response in which we not only invoke norms to hold accountable but dispute the appropriateness of invoking a norm to hold accountable, either in this particular (kind of) case, or in all cases. The associative thesis illuminates how these disputes are typically conducted.

For example, political disagreements are often couched in terms of who we are as a people, or what we stand for, and they often invoke particular constructive interpretations of our history, readings that may describe certain periods in our history as golden ages and others as times when we betrayed our principles. This is how we speak to those who wonder what it means to be a member of our political community, not as an abstract question of metaphysics but as a practical question of whether to obey a particular law, campaign for a particular candidate or party, engage in civil disobedience to contest a law or policy, and so on. It is also how we address questions regarding who counts as a member – again, not as an abstract metaphysical question but as a practical one. The earlier example of a Black American who wonders whether the American project is one to which she can belong, or whether it is one that, on the best constructive interpretation, excludes her on the basis of (community members' attribution of) her race, illustrates this point. So, too, does the case of a person who argues that undocumented individuals brought to the U.S. as children should be granted citizenship, not because there is some practice-independent universal moral principle from which this conclusion follows, but because the best reading of America's moral-political ideals includes a principle of individual responsibility that does not penalize or punish people for things over which they cannot be expected to exercise control.

First-order disagreements over membership in the political community and what it involves are settled, to the extent they are settled, and for as long as they remain settled, within specific, historically-located, practices of holding accountable. A theoretical account of such practices, one that explains how disagreements arise and are resolved, and how the practice of argumentation or holding accountable perpetuates the creation, evolution, and dissolution of communities, can help us better understand our social world. But it cannot settle any substantive disputes.

Just as an associative theory of political obligation provides for many forms of skepticism, so too it recognizes the availability of many competing justifications for the claim that an individual has certain obligations simply in virtue of his membership in a particular polity. Indeed, theories of political obligation typically taken to be rivals to an associative theory can be recharacterized so that they are consistent with the associative thesis. For example, consider the claim that consent is a necessary condition for political obligation. Typically, a defense of this claim rests on an appeal to certain pre-political rights that individuals possess in virtue of some practice-independent property, such as autonomy, rationality, or being created in God's image. Yet the claim may also be defended on pragmatist grounds. One need only attribute to a particular political community a fundamental commitment to treating all of its members as free and equal, and then argue that on the best constructive interpretation of that ideal members only bear those political obligations to which they have consented. The same is true for fair-play arguments. Given a pragmatist metaethics, the principle of fair-play justifies the claim that an individual owes certain obligations to his fellow citizens if and only if it follows from the best constructive interpretation of the regulative ideal to which they are committed. If that regulative ideal is the treatment of all members of the political community as free and equal,

then the principle of fair-play may only justify political obligations for those who knowingly and willingly accept the benefits provided by the cooperation of other community members (Simmons, 1979: 132). If that basic norm is the treatment of all members of the political community with equal concern and respect, then acceptance of benefits may not be necessary to generate a fair-play political obligation, at least if treating other members of the community with equal concern requires cooperating with them to secure certain benefits for all. Cosmopolitan accounts of political obligation can also be given a pragmatist interpretation. Of course, that requires abandoning the attempt to ground political obligation in natural duties, ones that all moral agents bear simply in virtue of their status as such, and that they owe to all moral agents or patients as such. Instead, we must posit a global political community premised on a regulative ideal that warrants (but perhaps also limits) the allocation of rights and responsibilities to more local political communities. Finally, nationalist or communitarian, and even fundamentally inegalitarian (e.g., caste-based) arguments for political obligation, are compatible with the associative thesis, once we construe it as an account of the nature of moral justification, normativity, and knowledge.

This conclusion may strike some proponents of an associative account of political obligation as unsatisfactory. After all, they construe that account as an *alternative* to consent, fair-play, and natural duty justifications for a duty to obey the law. Two points may serve to assuage this concern. First, the metaethical picture set out in this essay justifies the approach to defending political obligations that proponents of associative political obligations typically adopt, namely inviting their readers to reflect on their lived experience as participants in a particular political community's practice of holding accountable. Associative theorists clearly believe that if they do so, their readers will recognize that they bear certain duties to particular

others simply in virtue of occupying roles in various types of relationships, not all of which they entered voluntarily. So, while a pragmatist reading of the associative thesis leaves open the possibility of voluntarist or natural duty-like constructive interpretations of existing moral practices, associative theorists are implicitly committed to the claim that these are not the interpretations that will win out – especially if people are not mistakenly led to believe that the justification of their role obligations must bottom out in some practice-independent consideration. Second, many of the arguments set out in this essay serve to rebut objections to an associative account of political obligations advanced by the proponents of rival views. In doing so, it indirectly contributes to a defense of associative obligations. Indeed, if ordinary moral opinion does recognize associative political obligations, as Horton, Scheffler, Tamir and others maintain, then perhaps nothing more is needed to defend them than to show that we should not be concerned by the objections raised against them thus far.

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This essay serves two purposes. First, it demonstrates that the dispute between associative theorists of political obligation and their critics is best construed as a metaethical one: it turns on conflicting and generally undefended views regarding the nature of moral justification, normativity, and knowledge. Second, by demonstrating how proponents of an associative theory of political obligation can draw on a pragmatist metaethics to rebut many of their critics' objections, it contributes to a defense of that theory. Whether a pragmatist account of moral justification, normativity, and knowledge is one we ought to adopt is a topic for another essay.

#### ACKNOWLEDGEMENTS

For their comments on earlier versions of this essay, I wish to express my gratitude to the participants in the Seminar Series in Law and Philosophy organized by the Brazilian Law and Political Philosophy Network, and the University of Richmond Ethics Working Group. Special thanks to Jorge Fabra Zamora, Thomas Bustamante, Thiago Lopes Decat, Richard Dagger, and Will Reckner for their detailed feedback.

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<sup>1</sup> Prominent recent examples include Dworkin 1986; Gilbert 2006; Horton 2006; 2007; 2015; Hardimon 1994; MacIntyre 1982; 1992; Scheffler 2001; 2018; and Tamir 1993. For a survey of the literature on associative political obligation, see van der Vossen 2011.

<sup>2</sup> I employ this label for brevity. A more accurate one would be the 'associative political thesis,' with the label 'associative thesis' reserved for the more general claim that individuals bear particular duties, rights, powers, and immunities in virtue of the various associations in which they participate.

<sup>3</sup> Pragmatism is a broad tradition of thought, so while there is a compelling case for labeling as 'pragmatist' the metaethical claims I sketch in the main text, I do not maintain that one must accept all of them if one identifies as a pragmatist.

<sup>4</sup> On the idea of justificatory ascent, see Dworkin, 1986: 90; 2006: 25. The case for characterizing Dworkin as a philosophical pragmatist, though not a legal one, is a strong one. See Rorty 1991; Decat 2015; Nye 2016; Barzun 2018.

<sup>5</sup> The arguments in this essay complement those advanced in Fossen 2013 and 2014. They differ in their focus on the work of more recent proponents and critics of associative political obligation, and perhaps also in some of the implications they are alleged to have for advancing or contesting claims of political obligation.

<sup>6</sup> Proponents of the associative thesis typically presume that they share a common social world with their audience, or at least that their audience inhabits a social world that is sufficiently similar to their own. I explain the importance of this often-implicit assumption in section III.

<sup>7</sup> Indeed, as a social rather than biological phenomenon, the parent-child and sibling relationships just are the complex web of norms that obtain between parents and children, and between siblings, respectively.

<sup>8</sup> These claims are neither theory neutral nor fixed data points, but instead constructive interpretations of historically situated practices of holding accountable; at a minimum, the one in which I take myself and the reader to be participants. As such, they are inherently contestable, and their correctness is determined by the actual practice of holding accountable in the relevant community.

<sup>9</sup> Compare to Renzo 2012. For a critical response in line with the position taken in the text, see Dagger, 2018: 81-2.

<sup>10</sup> This appears to be true of sperm donors in the United States, for example.

<sup>11</sup> Put another way, the pragmatist associative theorist agrees with Dagger that a consensus among members of a community is not a truth-maker, a fact or property that makes it the case that the judgment or assertion "phi-ing is immoral" is true or false. Rather, to claim that a person is subject to a moral norm N in virtue of being a member of community C is simply to maintain that members of that community will hold her accountable for conforming to that norm; e.g., they will take themselves to be *pro tanto* justified in criticizing or sanctioning her if she violates the norm. As I explain later in this essay, the norms they assert to justify specific acts of holding accountable reflect their commitment to a regulative ideal (e.g., the community's treatment of all its members with equal concern and respect), together with a history of working out what it means to live up to that commitment. This account of what it is to have an obligation is perfectly consistent with the possibility that the members of community C err in using some, or even all, of the moral norms they use to regulate their interactions with one another, including the regulative ideal their practice presupposes. Pragmatists are fallibilists: in principle, all the norms to which members of a community at time t1 are committed are subject to revision in light of new evidence, experience, or argument.

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Thus, the argument advanced in the text is not vulnerable to a version of Dagger's objection that associative theorists cannot distinguish between the mere perception of obligation and actual obligation, directed not to the individual but instead to the community.

<sup>12</sup> Some will surely argue that his concerns are well-founded, that America is not and never has been committed to this regulative ideal, especially though not only with respect to Black people. While there is much to be said for this claim, I believe the example in the text accurately represents the practical stance some black Americans adopt vis-à-vis the American political community.

<sup>13</sup> Minimally, these goods include order and security, though Horton holds that many polities will furnish their citizens with more goods that are "internally related" to membership in their political community (Horton 2007: 8).

<sup>14</sup> Of course, the precise content of norms, duty-conferring and otherwise, is often not settled, but the pragmatist offers several possible explanations for this state of affairs, including disagreement over what exactly follows from the regulative ideal the disputants all attribute to that practice, disagreement over the regulative ideal participants in a practice ought to attribute to it, and the possibility that what is presumed to be a single community is in fact two or more.

<sup>15</sup> Again, such claims are compatible with holding that many Americans fail to fully appreciate the content of their commitments.

<sup>16</sup> But what if Alf's skepticism centers on the norms that determine membership in the political community? The same conditions for a genuine argument apply, and the argument itself takes the same form, namely an appeal to a particular constructive interpretation of the political community's fundamental commitment and a demand that it act with integrity.