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Membership, Political Obligation, and Practical Judgment

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Abstract

This article develops a critique of the associativist claim that membership of a polity grounds political obligations. It does so by examining the role that membership plays in the conceptions of practical judgment that associative theories of political obligation presuppose. I distinguish two strands of associativist theorizing (“adjudicative” and “interpretive”) and challenge an assumption they both share: treating membership as a matter of social fact, given to practical judgment. Neither approach accounts adequately for interpersonal and temporal differences of perspective. I propose instead that judgment partakes in the constitution, breakdown, and transformation of political relationships. The fact of membership is part of the problem, not the solution to the problem of political obligation. Political membership, from a practical point of view, remains an inherently open question. This calls for a pragmatist mode of theorizing political obligation. I read Shelby’s work on the ethics of membership in today’s deeply unequal and racialized United States as an exemplar of a more engaged mode of judging and theorizing political obligations.

Keywords

political obligation, practical judgment, political membership, associative obligations, pragmatism

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Introduction

What is the significance of membership of a polity for the problem of political obligation? Associative theories of political obligation (“associativism” for short) hold that the fact of political membership grounds political obligations. Someone is obligated to obey and uphold political authorities insofar as, and because, they are a member of the polity those authorities govern. It is part of the nature of a political community that authorities and their subjects have a certain standing vis-à-vis one another, just as being part of a family involves special normative bonds among family members. You have political obligations (or lack them) in virtue of a fact about who you are, not qua human being, rational agent, or particular person but qua member (or non-member) of a political collective. Critics have argued in various ways that there is a gap between the facticity of membership and the normativity of genuinely binding obligations. And they object that if mere membership were sufficient to ground obligations, then members of deeply unjust associations would have such obligations, too. An external standard is required to judge whether relations of membership are really normatively binding (Dagger 2000; Simmons 1996; Stilz 2009; Vernon 2007; Wellman 1997). For the critics, then, political obligations must be grounded in something more than mere membership, such as voluntary consent, natural duties, fair play, and so on (for recent rejoinders, see Horton and Windeknecht 2015; Lefkowitz 2024; Mokrosinska 2013; Renzo 2012; Scheffler 2018; Szűcs 2023).

Meanwhile, the apparent fact that most people simply *are* members of polities is taken for granted by associativists and their critics alike. I want to challenge this assumption. As we shall see, political membership is not an unproblematic social fact and an innocuous starting point for theorizing. In contrast to familiar criticisms of associative political obligations, I focus on the structure, not the content of associativism: not on the validity of the principle it defends but the form of practical judgment it presupposes and the role of membership therein. The problem of political obligation, as I consider it here, is a practical predicament that people face when they find themselves confronted by political power: starkly put, whether allegiance or defiance is called for in relation to the regime with which one finds oneself confronted. Instead of examining in the abstract whether one can infer political obligations from the fact of membership, I want to examine how this supposed “fact” of membership appears from a practical point of view. Suppose your friends are calling

on you to take to the streets and demand the fall of the regime, and you find yourself puzzled, confused, or conflicted about what to do. How can a theory of political obligation help in addressing that issue? How does the appeal to membership figure in practical judgment about one's relation to the regime? My conjecture is that approaching political obligation as a problem of judgment enables us to question the terms of the current philosophical debate and to fundamentally rethink the significance of membership for political obligation.

Although theorists of political obligation do not usually construe the issue as a problem of judgment, they still make assumptions about it. I will reconstruct two ways in which associativist theories can be put to practical use: to adjudicate claims about the existence of obligations or to vindicate someone's given sense of obligation. Both pictures construe judgment as backward-looking: they treat political membership as a fact given to judgment. Neither picture, I argue, accounts adequately for interpersonal and temporal differences of perspective.

In a nutshell, my point is this: There is no fact of membership—at least not with the salience that it must have if it is to function in practical judgment in the way theorists of political obligation presume. The supposed fact of membership in a polity is not solid ground to which one can appeal in order to vindicate one's sense of political obligation or to adjudicate disputes about it. From a practical point of view, membership is never a *fait accompli*. It is ever again at stake, reaffirmed, transformed, or subverted in judging. Judgment partakes in the constitution, breakdown, and transformation of political relationships. In a slogan: the fact of membership is part of the problem, not the solution (to the problem of political obligation).

The upshot of my critique is not to ground political obligations on more solid moral foundations. Rather, my argument calls into question the aspiration to find a theoretical solution to the problem of political obligation and draws attention to the inherent ambiguity and fragility of political relationships. Political membership, on my account, remains an inherently open question. This calls for a pragmatic mode of theorizing that is more truthful to the ways in which the problem arises in practice. I see this exemplified by Tommie Shelby's work on bonds of membership and their breakdown in conditions of intolerable injustice. In drawing attention to concrete dilemmas and the need to work through them in connection with others rather than resolving them theoretically, my proposal also makes

common cause with Nancy Hirschmann's feminist approach to political obligation, though I want to resist her admonition that we take "obligation as a given" (Hirschmann 1992, 243).¹

The intended contribution of this paper is fourfold: First, it disambiguates the core associativist idea that membership "grounds" obligations (sections 2–3). Second, it distinguishes more clearly than before between two versions of associativism (adjudicative and interpretive associativism) based on the conceptions of judgment they presuppose (sections 3–4). Third, it identifies and criticizes a problematic presupposition of both strands of associativism: that the fact of membership is given to practical judgment (section 5). The argument here turns on the significance of interpersonal and temporal differences of perspective for the question of whether one is a "member" of a polity (and what it means to be so). Fourth, the paper outlines an alternative, pragmatist account of how membership figures in practical judgment, which holds that political obligations *are* bound up with membership but not in the sense that who you are *answers* the problem of political obligation (section 6). I illustrate this with the help of Shelby's work on the ethics of membership in today's deeply unequal and racialized United States, which I read as an exemplar of a more engaged mode of judging and theorizing political obligations.

What Would It Mean for Membership to Ground Obligations?

My framing of political obligation as a question of one's practical stance toward the regime contrasts with another common way of framing political obligation in terms of a general moral obligation to obey the law (e.g., Green 1895). What interests me is how to think about whether to take to the streets and demand the fall of the regime, not whether you are morally at fault when jaywalking (cf. Edmundson 1998, 28–29). What political obligation requires exactly may vary by context, but it is not necessarily a blanket injunction simply to obey the law in every instance, and not every breach of the law is an act of political defiance. I'll use the phrase "obey and uphold" as a placeholder for a more precise specification of the

1. A kindred skepticism about theoretically resolving the problem of political obligation is articulated by John Dunn (1980, 2).

content of political obligations.² This is a simplification, but my focus here is not on the content but on the structure of theories of political obligation.

Loosely put, the core idea of associativism is that political obligations are bound up with membership of a political community. There is no commonly accepted definition of membership. But on any account, political membership is a social role, characterized by certain normative expectations, that individuals occupy as part of a larger collective—the political “community,” “society,” “association,” or “polity.” Most scholars seem to take this as referring to citizenship of modern states and not to cultural nations or ethnic communities that lack centralized coercive institutions. Yet the forms of identification and bonds of belonging that many associativists see as characterizing relations among members do not neatly overlap with formal citizenship, which suggests that the sense of membership at issue is not a purely legal category. (I return to this in section 5.)

In what sense, then, are political obligations “bound up” with membership? Associativists cast this as a relation of *grounding*. Formulations to this effect abound in the literature: “people can have political obligations just because they are members of a political society” (van der Vossen 2011, 477), “membership itself is the primary ground of political obligation” (Horton and Windekecht 2015, 903), “what grounds political obligation is the fact that we occupy a certain role” (Renzo 2012, 121), and “an obligation to obey the government arises out of ties of affiliation among individuals who share the same citizenship” (Mokrosinska 2013, 187). But again, “grounded” in what sense? What does it mean to say that people have obligations “just because” or “in virtue of” membership?

There is a negative and a positive aspect to this claim. Much of what associativists are after in saying that obligations are grounded in membership is to deny that something besides membership—some moral feature of the world “external” to our political relationships—must be appealed to in order to show that there are valid political obligations. Contrary to theories of consent, fair play, natural duty, and so on, associativists typically regard membership as not only necessary but also sufficient for valid political obligations to obtain, although some authors do add additional requirements or place

2. This captures the spirit of many accounts but not those that broaden the range of political obligations or defend a political obligation to resist (e.g., Delmas 2018; Mason 1997).

significant constraints on what counts as genuine political membership (Dworkin 1986; Renzo 2012; Scheffler 2018).

Positively, we can interpret this grounding relationship in at least three ways:

- *Metaphysical explanation.* The significance of membership is ontological: the nature of membership is such that its existence brings into being certain (normative) bonds.³
- *Moral justification.* Relationships of political membership have a distinctive moral significance such that one can morally justify claims about political obligations by appealing to the fact of membership.
- *Hermeneutic explication.* Having political obligations is part of what it means to be a member: if you wish to grasp the meaning of the relationship of a member to a polity, you cannot get around recognizing that there are such obligations.⁴

Although these interpretations of the grounding claim invoke different sets of philosophical background assumptions, the distinction between the first and second does not matter much for my argument, and they tend to be run together in the literature. The third, however, will require a separate discussion.

Whichever interpretation one prefers, what makes these grounding claims so attractive for associativists is that they promise a parsimonious solution to the problem of political obligation. Membership is a familiar experience: most people in modern societies seem to think of themselves as members of their societies. If from this basic observation one can derive the far more controversial claim that those who are members are indeed bound by obligations (contra, say, anarchists), without appealing to controversial moral principles or theoretical abstractions (like natural rights or a social contract), then

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3. The clearest example is Margaret Gilbert. Mokrosińska's talk of reasons as "supervening" on relationships and Scheffler's interest in articulating the conditions for "existence of political obligations" also have a metaphysical flavor but are not clearly distinct from moral justification views (Mokrosinska 2013, passim; Scheffler 2018, 11).
 4. John Horton's work fits this interpretation best. Ronald Dworkin notes that "associative concepts are interpretive," but I am not sure he would subscribe to the grounding claim discussed here (Dworkin 1986, 197–98).

that is a compelling result (Mokrosinska 2013, 187; Renzo 2012, 124). This much is generally taken as uncontroversial. The debate focuses on the question whether one can indeed infer binding obligations from mere membership: What's so special about political membership that it can bear such normative weight? Associativists have sought to explain this in various ways, for instance, by appealing to the significance of shared practices, common histories, and feelings of national identity for people's sense of who they are (e.g. Horton 2010; Tamir 1993) or to distinctive values that political relationships are taken to realize (e.g. Mokrosinska 2013; Scheffler 2018). Instead of engaging these arguments head-on, I want to shift our focus away from the inference from membership to obligations and instead focus on the supposed fact of membership and how it appears from a practical point of view—how the theory could be put to practical use. As it turns out, political membership is far more problematic than associativists (and their critics) make it out to be.

Adjudicative Associativism

Can associative theories of political obligation orientate people who are puzzled or conflicted about their political obligations, from a practical point of view? The challenge for an associative account of political obligations, one may think, is not just to explain in the abstract how someone can have obligations at all but also to enable someone in a concrete political struggle to assess whether they are normatively bound by the regime, as part of figuring out what to do—"Should I/we obey and uphold this regime?"

As we shall see, not all theories accept the challenge in these terms. But let us, for now, focus on those that do—I will call them *adjudicative* theories. For adjudicative theories of political obligation, the fact of membership (perhaps in conjunction with further conditions) settles the issue of whether someone has valid (genuinely binding) political obligations. (The alternative will be termed *interpretive*. Those theories do not purport to settle whether political obligations truly obtain in concrete cases.)

The problem of judgment is not usually considered explicitly in debates about political obligation. But at first blush, adjudicative associativism appears to have a straightforward response to it. To assess whether someone is genuinely obligated to obey and uphold a regime, one just needs to look and see whether the pertinent bonds of membership are in place. In effect, this is to recommend the following pattern of reasoning; let us call it the *associative syllogism*:

- (1) **Associative principle:** For any polity A, *x* has political obligations to obey and uphold A's regime if and only if, and because, *x* is a member of this polity.
- (2) **Fact of membership:** *p* is [not] a member of polity A.
- (3) **Judgment:** Therefore, *p* is [not] obligated to obey and uphold A's regime.

The *associative principle* articulates the idea that membership of a polity is necessary and sufficient to have political obligations and that such membership, when it obtains, grounds the existence (or justifies the validity) of political obligations on the part of the members. The principle tells you where to look for an answer to the problem of political obligation: the *fact of membership*. To determine whether a particular person in a concrete situation has political obligations, you should first enquire: Is this a genuine polity? And is the person in question a member of it? This is apparently an empirical issue. The appropriate *judgment* of whether or not someone has obligations then is the conclusion of a syllogism: given the associative principle and an interpretation of the relationships of power and commitment in which that person finds themselves, one concludes whether or not they are truly bound by the regime.

This reveals a further sense in which membership grounds obligations for the adjudicative associativist, beyond the abstract sense of metaphysical explanation or moral justification noted above. When the theory is put to practical use in adjudicative mode, the absence or presence of membership figures as an *epistemic* ground for *judgments* of obligation. Two qualifications need to be made. First, this is a *pro tanto* judgment: one judges that someone has solid, but not necessarily conclusive, reason to obey. This leaves open the possibility that one's political obligations conflict with other obligations, which would call for further judgment. Second, an associativist might stipulate further necessary conditions, such as minimal standards of justice, such that only certain forms of political membership generate binding obligations. This would complicate but not significantly alter the general picture.

This is an instance of a common conception of judgment, which Kant called "determining judgment," in which the particular is "subsumed under" the universal (Kant 2000, 5: 179). As noted previously, critics typically contest the validity of the associative principle (1). Associativists and their critics alike take for granted the assumption that the presence or absence of membership is a given (2) and that the appropriate form of judgment is subsumptive (3). Other theories of political obligation typically presuppose this same

form of judgment, but because they substitute a different normative principle, the salient facts to look at would also be different (for example, whether the governed have expressed their consent).

I want to highlight two features of this picture of judgment: it is *impersonal* and *backward-looking*. Judgment is impersonal in the sense that it does not matter who does the judging or whether it be from a first- or third-person point of view. Assessing *my* obligations in relation to the regime with which I find myself confronted is of a piece with assessing just anyone's obligations. The view is indifferent as to the standpoint of the judging subject. What is required for judgment to go well according to this picture is knowledge of the associative principle and epistemic access to the situation—not practical involvement in the situation. Anyone who has the requisite knowledge can draw the correct inference.

For example, in Margaret Gilbert's account, membership in a political society grounds political obligations in virtue of the members being "jointly committed" to upholding its institutions. A joint commitment constitutes a "plural subject" and gives the individuals who compose it a certain normative standing (Gilbert 2006, 147). The existence of a joint commitment is an objective social fact. To determine whether people have political obligations, one would need to see whether the relevant kind of joint commitment is "in place" (Gilbert 2006, 160). But one does not have to be party to the joint commitment to determine whether it exists. (This does not mean it is obvious or easy to establish in practice. "[O]ne cannot assume that every so-called nation's so-called citizens together constitute an association" [Gilbert 2013, 345].)

There is also a certain temporal structure presupposed by this notion of judgment: judgment is backward-looking. The fact that someone is a member (or nonmember) at a certain point in time is prior to and informs judgment as to their obligations at that time. This, too, is clear in Gilbert's account: to assess someone's obligations, one must see whether a joint commitment has been created (and not since rescinded).

Both points are evident also in Massimo Renzo's account. For Renzo, as for all associativists, political obligations are grounded in membership. But he argues that one truly counts as a member of a polity only if one has "endorsed" membership, in a "quasi-voluntarist" fashion.

[W]hat grounds the obligation is the fact that we occupy the relevant role [. . .]. However, our occupying this role is conditional on the fact that we endorse our membership. If we do not identify with the polity in which we happen to be, we

cannot be said to be members; nor, as a consequence, can we be said to have any of the obligations attached to that membership. [. . .] But once we do identify with the polity and endorse our membership, it is this membership, rather than the fact that we endorsed it, that grounds our obligations to the community. (Renzo 2012, 121)

(Endorsement, for Renzo, does not refer to a one-off, momentary act of consent but a gradual process of identification.) If one accepts Renzo's view, then it seems that, to assess one's obligations, one must look back and see whether one has endorsed (in this "quasi-voluntary" fashion) one's membership of the community. This is indeed what Renzo suggests:

[W]e should think about the problem of political obligation by starting with individuals that are born within a net of relationships which include their relationships within the political community. [. . .] We must then go on and ask whether these relationships ground political obligations by asking if they have actually been endorsed. (Renzo 2012, 124)

Notice, first, the third-person, observer's point of view on the individuals in question—it does not matter whether one's own obligations are at issue or someone else's. Judgment is impersonal. Second, the temporal sequencing: judgment looks backward to what the persons in question "have actually" done. First, you become who you are, and *then* you—or anyone else for that matter—assess what you are bound to do by recognizing who you have become. I will argue further on that this misconstrues the relation between political identity and practical judgment. If the pertinent question is not "have I endorsed" (present perfect) but "*do* I endorse" (present progressive) or "*shall* I endorse" (future tense), then membership as Renzo conceives it cannot be a ground of judgment, since it is precisely what is at issue.

Interpretive Associativism

Not all associativists will accept the preceding picture of judgment. The point of an *interpretive* theory (as I will label it) is, in the words of its most prominent exponent, John Horton, not "to determine whether or not individuals have political obligations" but rather to explain "what sense can be made of the idea that people have associative political obligations, and whether or not it can be shown to be irrational or necessarily immoral for people to think in terms of their having such obligations" (Horton 2006,

428, cf. 2010, 172). Horton observes that many people feel bound to obey and uphold the political authorities that govern them and consider them as their own. This, he thinks, is unproblematic and unmysterious. A proper understanding of the relationships in which members of a polity find themselves—relations with which they are already deeply familiar, if unreflectively—suffices to make this sense of being normatively bound by the regime intelligible and plausible, from a first-person standpoint. Political philosophy does not need to prove that such obligations really exist. It is enough to offer an interpretation of this political experience and to counter skeptical challenges. In other words, interpretive associativism simply makes explicit, from a second-person standpoint, what members of a polity already first-personally find themselves committed to.⁵

Because interpretive associativists avoid commitments as to whether such obligations really exist and deny that they are in need of a substantive moral justification, it makes most sense to interpret their claim that membership grounds obligations in the third sense distinguished previously—namely as a relation of hermeneutic explication. The idea would be that political obligations are grounded in membership like a (sound) interpretation is grounded in a text: the interpretation illuminates the text while the text supports the interpretation. Just so, as I understand Horton, associative political obligations express (part of) what it means to be a member of a polity while the fact of membership underwrites one's sense of obligation.

What does this variety of associativism have to say to someone who is puzzled or conflicted about their allegiance to the regime? What form of judgment does the interpretive associativist seek to elicit, and how does membership figure in it? I think the pattern of reflection invited by the interpretive theory is best stated as follows:

- (1) **Sense of obligation:** I feel obligated to obey and uphold the regime.
- (2) **Challenge:** But does it make sense to think I am bound in this way?
- (3) **Fact of membership*:** I am a member of this polity.

5. The aim, as David Lefkowitz aptly put it, 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” (Lefkowitz 2024, 271–72).

- (4) **Associative principle***: My membership can only be made sense of by recognizing that I am bound to obey and uphold the regime that governs my polity.
- (5) **Vindictory judgment**: Because I am a member, and this is what membership means, my sense of being thus bound is reasonable.

Whereas the associative syllogism discussed before assumed no particular point of view, the *associative reassurance* (as I will label it) is essentially connected to the first-person standpoint of a participant. The argument has a default-and-challenge structure, starting from a sense of obligation (1) experienced by a political subject, albeit perhaps with some hesitation, which is called into question in one way or another (2)—be it due to internal doubts or objections from a skeptical interlocutor. In response to this challenge, the subject is prompted by the associative theorist to recognize that they are a member (3). Whereas the associative syllogism tells you to look and see whether membership is present or absent, the associative reassurance presumes from the start that you are indeed a member and reminds you of its significance (Lefkowitz 2024). Here, the fact of membership is not information that functions as input for judgment (as the minor premise in the associative syllogism) but a background presupposition that is rendered explicit (a prejudice, in Gadamer's sense of an indispensable starting point, not something of which we must necessarily be suspicious). Of course, this is not to deny that some people are excluded from membership or that someone's membership status could come into question. But the theory doesn't speak to their situation. This is a limitation of the theory, and it is one Horton is upfront about: his account is meant to address only what he considers "the standard case" of "people simply born into polity" (Horton 2010, 168).

The interpretive associativist now prompts the judging subject to acknowledge what membership involves. The associative principle (4) is reformulated here to reflect that it now functions not as a universal normative criterion but as a hermeneutic insight about the meaning of membership in a particular polity: having such-and-such obligations is just part of what it means to be a member. Finally, the judgment (5) does not infer the existence or moral validity of obligations from the fact of membership but instead vindicates or confirms one's entitlement to *take* oneself to have such obligations.⁶

6. On the notion of vindication, see Owen (2020).

In contrast to the adjudicative mode, judgment is not impersonal in this approach: the reassurance makes sense only from a participant's standpoint.⁷ One cannot extrapolate the conclusion to others who do not accept the same background presupposition. Nor can obligations be said to be obtained from an external, third-person point of view. Still, this view shares the same temporal orientation: the vindicatory judgment appeals to something about who I already am. Judgment looks backward. This is not to say that membership is a static, unchangeable feature of who you are. For Horton, it is possible to renounce one's membership and to dissociate from a polity. But in his framework, this can only be to break a really existing bond. I come back to this later. For now, note, as before, the temporal sequencing: becoming who you are is distinct from and prior to judging what you are bound to do.

Membership and the Practical Point of View

We have examined two ways in which an associative theory of political obligation might respond to the problem of judgment. When you experience political obligation as a practical problem—say, your friends call on you to take to the streets and demand the fall of the regime, and you wonder how to respond—associativism recommends that you consult or reflect on a particular aspect of who you are (politically). The fact of membership in a polity figures either as an empirical datum, a given feature about who you are (that you are, or are not, a member), or as a background condition of your self-conscious social existence, rendered more explicit in reflection. By implication, membership is prior to judgment. Associative theories, whether adjudicative or interpretive, pry apart the moments of becoming who you are and judging what you are to do and construe these as two distinct activities (cf. Tamir 1993, 136). First you come to stand in certain relationships (toward the regime, toward fellow members)—*then* you assess what you are bound to do. This temporal sequence makes it possible to think about political membership as a ground for judgment.

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7. The reader may wonder whether Kant's notion of reflective judgment could be the form of judgment at issue here, just as the associative syllogism is an instance of his notion of determining judgment. But this is not so. The associativist arrives at a determinate view as to why one is normatively bound (namely, in virtue of membership), whereas in reflective judgment (of beauty, paradigmatically), one remains unable to fully settle on grounds for judgment (Kant 2000, 5: 284).

Let us proceed by examining the notion of political membership more closely. In the associative literature, there are two types of view of what constitutes membership: *attribution* views and *recognition* views (cf. Horton 2010, 183; van der Vossen 2011, 480–81). Attribution views hold that membership is essentially a status ascribed by others—pre-eminently by the authorities but perhaps also by fellow citizens. Accounts vary as to exactly what behavior counts as appropriately taking-and-treating someone as a member. But in any case, membership thus conceived is nonvoluntary: it is a condition many people simply find themselves in, thrust upon them by the particular polity in which they are born and raised (migrants and stateless persons excepted). The alternative is to say that to genuinely be a member, one must also recognize oneself as a member, identify subjectively with the community, or endorse one's role as citizen in some way. Here, the reality of the relationship is not independent of the exercise of one's own will: one's involvement is partly constitutive of the existence of the relation of membership. Notice what both types of view have in common. In both conceptions, the presence or absence of membership is determined by actual behavior or attitudes: to be a member is to be taken as a member—be it by others or by oneself as well. The difference between the two types of view lies in *whose* takings do the work.

But do actual behavior and attitudes settle who you are (or what relationships you stand in), from a practical point of view? I think that neither type of view suffices to establish a fact of membership with the salience required for the adjudicative and interpretive associativist. The reason is that they gloss over (1) the difference of perspective between first-personally practically taking *oneself* as a member and being taken as such by others (second- or third-personally) and (2) the temporal gap between *having* recognized oneself as a member and going on to do so.⁸

(1) Let us consider the matter from the first-person, practical standpoint of a participant. In that case, it so happens that the *p* whose political obligations are at issue in the associative syllogism is also the judging subject. In order for the fact of membership to play the role in practical judgment that it is supposed to for the adjudicative associativist, *I* must

8. The following analysis draws on insights about the significance of perspective and the temporality of judgment from philosophical pragmatism and phenomenology (for example, Brandom 1994; Lindahl 2018).

accept or deny (at step 2) the assertion that “I am an Egyptian / American / Ukrainian (etc.).” In interpretative mode, likewise, if who I am is supposed to vindicate *my* sense of obligation, it requires that I take myself (for practical purposes) as a member of the polity in question (step 3 in the associative reassurance). That is to say: I attribute a role to myself. So a first-personal assertion of membership does not merely describe a fact about myself but expresses something about my self-conception: that I conceive of myself as occupying a role. It is an affirmation of sorts. This is tantamount to *identifying* with a role, in Michael Hardimon’s sense of “conceiving of oneself as someone for whom the norms, that is, the evaluative standards associated with a role, its rights, duties, virtues, ideals, and supererogations, have reason-giving force” (Hardimon 1994, 358). To be clear, to affirm first-personally that one is a member is not necessarily to embrace that role wholeheartedly or take it as constitutive of who one is “deep down” (as communitarians would have it) (Hardimon 1994, 359). Perhaps the role is a peripheral feature of my identity, even something I bear grudgingly. Still, if I assert without qualification that I am a member, this expresses that I take it, for the time being, as a status I have. I acknowledge it as a part of my practical self-conception in a broad sense.

Our self-conceptions are complex. We find ourselves in myriad relationships. Besides members of a polity, we are taken-and-treated and think of ourselves as individuals, family members, friends, bandmates, co-workers, fellow believers, gendered and racialized persons, human beings, and so on. To assert, without further ado, that I am a member of this polity implies that I do not regard this membership as fundamentally incompatible with who I take myself to be in other respects. I may experience a tension between, say, my allegiance to my polity and my commitment to treating non-nationals as fellow human beings. But if I really think that there is a contradiction, I cannot sustain both commitments.

Now the problem for attribution views (of the nature of political membership) lies in explaining why being taken as a member by others should have the meaning for *me* that others take it to have. Assume, for the sake of argument, that it is uncontroversial and unambiguous as a matter of social fact that I am being taken and treated as a member by the authorities: the polity *claims* me as its member. Even then, why should I, from a practical point of view, let the fact that others take and treat me as a citizen of this polity determine part of my own self-conception?

To be sure, the takings and treatments of others cannot be simply wished away. If you find yourself being taken as (say) a European Union citizen, this is undoubtedly a fact that opens and closes various practical possibilities for you and comes with certain expectations on the part of others. It affects, for instance, how you will be treated at a border, whether you will be able to obtain a passport, whether you can participate in elections, and so on.

The fundamental practical question, though, is not whether membership is imputed to you but how to relate to being thus treated. To have a practical point of view at all involves having a distinct perspective from which questions can be asked. There is clearly a difference between the assertion that “I am taken-and-treated as a member” and “I am a member,” which derives from the perspectival structure of the situation: the former means that *others* take me as a member, the latter expresses that *I* (also) take *myself* to be a member. To conceive membership merely as an empirical datum, or as something that simply overcomes you—being born in this particular place, being treated as thus-and-so—is to collapse this inherent difference of perspective between oneself and others.

This means that one can perfectly well recognize that one is taken-and-treated as a member of a polity by others and yet deny that this membership is a fact about oneself, a role one “really” has:

- a. Suppose you were raised to think of yourself as a loyal citizen, but R. P. Wolff’s philosophical anarchism now persuades you that this was a mistake and to see yourself for what you truly are: a “[person] without a country” (Wolff 1970, 18–19). You come to think that membership of a polity is fundamentally incompatible with being an autonomous individual.
- b. Suppose you are a dedicated nationalist from an ethnic minority or a cosmopolitan world citizen and cannot bring yourself to see yourself as a member of *this* polity.
- c. Suppose you live in a severely impoverished and racially segregated neighborhood, struggling daily to get by and keep your children safe. Although you know in the abstract that you live in a country that formally considers you its citizen, you see “their” flag as a sign of oppression, their police officers as an occupation force (Shelby 2016, 218, 272; Threadcraft 2014).

In each case, to say “I am an American” or “I am an EU citizen” (for example) would not ring true, whether because you reject membership of any polity,

because your political allegiance lies elsewhere, or because it simply runs counter to your everyday lived experience. In denying the “fact” of membership, the anarchist, the nationalist, the cosmopolitan, and the ghetto denizen do not blindly deny the self-evident reality that stares them in the face. Rather, they judge it to be a farce, an ideological construct, or a device of oppression.⁹ “No, I am not an American,” said Malcolm X. “I’m one of the 22 million black people who are the victims of Americanism” (Breitman 1994, 26).

It is worth noting that the sense of misrecognition might also run in the other direction. Thus,

- d. Suppose you have lived, worked, and paid taxes in this country for years. Despite the fact that you lack official documentation attesting to membership, and the authorities consider you an “illegal alien,” you have come to think of yourself as a member of the polity.¹⁰

The associativist could, of course, say that those who deny their attributed membership are mistaken or, in the case of the ghetto denizen, grant that they are correct not to regard themselves as members. They could argue that those who are subjected to systematic oppression aren’t taken-and-treated as members in a genuine sense since they are not properly treated as citizens and that the polity in question is therefore not a “true community” but merely a “bare community,” in Ronald Dworkin’s terms (1986, 195ff). But that is to assess the situation again from a third-person, observer’s standpoint. The point I am making is that being taken-and-treated as a member by others (however one defines the relevant takings) doesn’t fully settle whether I *am* a member, from a first-person, practical point of view. What one does in taking oneself as a member, for practical purposes, is not simply a matter of cognizing the

9. This is not to deny that one can also be an anarchist, cosmopolitan, ethnic nationalist, or ghetto resident, and still take one’s citizenship as a fact about oneself. One may take the existence of a polity, and one’s membership thereof, as an inescapable reality. But this would be to see oneself as a member only in the qualified sense that this happens to be how one finds oneself taken-and-treated, not as expressing something about who one is.

10. Mary McThomas (2016) argues that “undocumented members” are *true* members, not “illegal aliens,” and ought to be recognized as such. On her “flipped” understanding of political obligation, an entitlement to formal citizenship status follows from the actual performance of the duties associated with the role of citizen (rather than the status grounding the requirement to perform such duties).

attitudes and behavior of others. From a practical point of view, whether I am truly a member remains a meaningful question and, indeed, a political problem that is not settled by postulating a definition.

From a first-person standpoint, the salient question is not “am I being treated as a member” but “can I (continue to) see myself as the member I am taken to be”? Associativist theories that rely on an attribution view of membership—whether they proceed in interpretative or in adjudicative mode—fail to appreciate the first-personal significance of taking oneself as a member. Membership, thus conceived, cannot inform practical judgment, for this view ignores the significance of practically taking oneself as a member and collapses the distinction between one’s own point of view and that of others.

(2) Most associativists recognize that, as Renzo (2012) puts it, membership “must be something more than a mere label imposed on individuals simply because they happen to be born in a certain territory” (p. 114). And most therefore subscribe to one or another form of recognition view—the idea that one *is* a member only insofar as one is taken *and takes oneself as* a member. (Again, accounts vary as to what counts as an appropriate “taking.”) Renzo’s theory, discussed previously, is a clear example. As we’ve seen, Renzo holds that one is truly a member only if one has, in some sense, endorsed one’s membership by identifying with one’s role. Clearly, then, taking oneself as a member first-personally has a special kind of significance in this view. Your first-personal takings contribute to shaping who you are. The trouble with this type of view arises not from the interpersonal difference of perspective between oneself and others but from the temporal gap between who I have taken myself to be, thus far, and who I go on to take myself to be. We have seen that both adjudicative and interpretive associativism presuppose that practical judgment is backward-looking—it looks at who I already am to answer what I am bound to do. Yet from a first-person standpoint, the salient question is not so much “have I endorsed” but “*shall* I (continue to) endorse” the membership attributed to me? Can I go on seeing myself as the citizen I’ve always taken myself to be? (Or, alternatively, can I begin to see myself as the citizen I’d never taken myself to be?) The mere fact that I have considered myself a citizen settles the question of who I truly am just as little as the fact that others take and treat me as such.

Having a first-person, practical point of view brings with it the possibility of coming to see oneself differently, including coming to think that one has misidentified or misrecognized oneself. Crucially, the anarchist, the nationalist, and the ghetto denizen, as I presented them, do not think of themselves as renouncing an existing fact of membership, breaking with an already existing bond, but rather deny that there was a genuine bond in the first place. The converted philosophical anarchist retroactively takes himself as other than they took themselves to be: "I always uncritically thought of myself as a citizen, but now I see myself for who I truly am."

Backward-looking views depend on treating the existence of a relationship of a certain kind as a *fait accompli*. Not, of course, once and for all. But as Horton writes (with Ryan Windeknecht, 2015, 911): "although membership [. . .] is something individuals can ultimately choose to reject, it is initially rooted in an associative relationship with an independent reality." Dissociation, then, can only be understood as breaking a really existing bond. If this is right, then the philosophical anarchists' retrospective realization that they were not who they took themselves to be is not just mistaken but seems incomprehensible.

To see the problem with this, let us examine how Renzo draws the analogy with family relations. As we have seen, Renzo argues that the relationships one stands in are not simply externally imposed but arise and are maintained through one's own involvement. Really standing in an associative relationship and being subject to the obligations it involves depends on one's participation in maintaining the relation. Conversely, such bonds can be broken by "stepping out" of them: "[I]f I 'deny' my parents, I stop occupying the role of son, and *consequently* I stop having the obligations that normally attach to that role" (Renzo 2012, 121 emphasis added; cf. 2021, 11). Such a stepping out, though, cannot be a mere act of whim. Rather, it must be "grounded in a process of self-understanding in which I come to realise that those ties that used to bind me to my parents or to my son are not in place anymore" (Renzo 2012, 122). Notice the temporal paradox: one comes to break off the relationship (and release oneself from its obligations) by realizing that it was already broken (and thus, that one was no longer under its obligations to begin with). But isn't denying one's parents, if they are true parents, exactly to violate one's obligations as a son or daughter? Alternatively, if they are not true parents, in the sense of really enacting their parenthood in some minimal sense, then is it not their failure to perform their role as parents rather than the act of denial that breaks the bond and releases him from his obligations?

What this paradox points to, I think, is that it is not possible to unambiguously identify from a practical point of view whether the bond still exists or is broken.¹¹ This is because it depends in part on what *will* happen. For example, whether the son's denial of his parents actually breaks their bond depends on whether he will be able to sustain his denial in the long run. If he cannot, then it also depends on what the parents can bring themselves to forgive.

When you seriously doubt whether you owe anything to these people in particular, the existence of the relationship cannot ground an answer to that predicament since the existence and character of that relation is precisely what hangs in the balance. To deny that one has special obligations toward one's parents *is* to deny that one is in a meaningful family relationship to them.

So one does not first work out the meaning of the relationships one finds oneself in and then assess what this means practically for what one should do. Rather, figuring out what one owes to these people is part and parcel of fleshing out the meaning of the relationship one has with them—whether a genuine bond exists between you and them and what is the character of this bond. Hardimon captures this well when he says:

To regard a given consideration as a reason for acting is to conceive of oneself as the sort of person for whom that consideration is a reason. The process of coming to identify with a social role is at once a process of coming to regard certain considerations as reasons and a process of coming to conceive of oneself as a person of a certain kind. (Hardimon 1994, 358)

What this suggests is that—contrary to the backward-looking assumption on which both interpretive and adjudicative associativism rely—becoming who

11. The clearest formulation of this thought that I know of is in Hans Lindahl's account of legal order: "The meaning of what takes place now is shot through with ambiguity, for its significance can only be established retrospectively, and only for the time being. On the one hand, what may seem to participant agents to be only a slight change [in their legal order], retrospectively can appear to be a decisive change that marks the emergence of a novel collective [. . .] On the other hand, what now seems to be a revolutionary moment, galvanizing participants to great achievements and sacrifices, retrospectively can appear to be no more than a revolution in the sense of a return of the same; the genuinely revolutionary moment escaped its protagonists when they thought they had it in their hands" (Lindahl 2015, 171).

you are and judging what you are bound to do are not distinct activities: practical judgment does not merely respond to the prior fact that such a relationship is present or absent but contributes to shaping who you are and partakes in making and breaking relationships.

Membership as an Open Question

I have argued against associativism in both adjudicative and interpretive modes that the supposed fact of membership in a polity is not solid ground to which one can appeal in order to vindicate one's sense of political obligation or to adjudicate disputes about it. Membership does not supply the answer to whether one is politically bound; it is precisely what is at issue, where political obligation is practically in question.

This last section outlines an alternative, pragmatist view of political obligation, which regards membership, from a practical standpoint, as a fundamentally open question.¹² This does not mean that it is always explicitly at issue or at the center of reflection but that the problem of political obligation is an existential predicament. To ask how I should practically relate to the regime *is* (in part) to ask the questions: "Who am I? And who are we?" This includes the question of whether I am a member and what it means to be a member of this polity: "Can I see myself as the kind of person the regime takes me to be?" Particular judgments are seen here as moments in an already ongoing and open-ended practice rather than discrete and self-contained time slice evaluations.

The problem of political obligation presents us with the challenge of rationally integrating the identity imputed to us by the authorities and by fellow subjects with who we take ourselves to be, both politically (qua members or nonmembers of the polity) and in other respects (as persons, human beings, members of social groups, and so on). Our identities are inferentially articulated, but they always remain, to some degree, implicit, fragmented, and even fractured. In concrete practical situations, our different senses of who we are may pull in conflicting directions or be at odds with how we find ourselves to be taken and treated by others. Such incompatibilities may manifest along two axes: inter- and intra-personally. My sense of who I am politically can

12. The analysis in this section parallels the account of the significance of identity for political legitimacy proposed in Fossen (2022). The pragmatist approach sketched here is developed in more detail in Fossen (2024).

come apart from who others take-and-treat me as, or it may be at odds with who I take myself to be in other respects.

On the *interpersonal* dimension, the question is both whether I can see myself as a member at all, and how well my own sense of what it means to be a member of this polity meshes with what others—not least, the regime in question—take it to mean. A discrepancy between who I take myself to be and who others take me to be commits me to rethinking who I am, struggling to make others recognize who I am, or, if that seems infeasible, finding a way to live with this lack of recognition. Of course, different people, including different agents of the regime, may take-and-treat me in different and potentially contradictory ways. Thus, judgment is called for already in interpreting what role is really being attributed to me and whose attributions are salient. Even in the case of the integrated illegal migrant (d), it would seem that, for their sense of membership to make sense, at least some fellow citizens must take them as a member of the polity, say in a local community or a sanctuary city, even if the authorities don't.

On the *intrapersonal* dimension, the question is how well, from my *own* point of view, my membership (or lack thereof) meshes with who I take myself to be in other respects (say, as a Muslim, a woman, an aspiring good parent, or a virtuous person): whether membership in this collective, thus characterized, is something I can live with, with other senses of who I am intact. An incompatibility along this axis commits me to revising my own commitments. But it is not evident a priori which aspect of my self-conception requires revision—my membership of the polity or some other sense of identity.

On the view I am proposing, judging how to relate practically to the authorities is a matter of coping with such tensions and dilemmas, making sense of myself (and what I am to do) to myself and to others. This is not an abstract question but a challenge that arises in relation to concrete practical issues, for example, as a dilemma of whether one is bound as a “good citizen” to accept an offer to move out of a structurally disadvantaged (Black) area to a different (white) neighborhood, breaking with one's existing local ties; whether to call the cops on a burglar in conditions where the criminal justice system is profoundly unjust; or whether one can maintain one's political allegiance in view of a government's decision to close down one's ritual butcher shops.

The pragmatic form of judgment I have in mind is exhibited in an exceptionally reflective and articulate form in the work of Tommie Shelby. In *We Who Are Dark*, Shelby examines “how blacks should relate politically to the

United States, a country still plagued by racial discrimination, unjust economic disparities, and unequal opportunities” (Shelby 2005, 12). Rejecting a strand of Black nationalism that relies on a substantive conception of Black unity and advocates autonomous political institutions for Black people, he defends a conception of Black political solidarity on strategic grounds, as a means for countering oppression while maintaining allegiance to the American polity. More recently, in *Dark Ghettos*, he confronts the persistence of structurally marginalized and racially segregated neighborhoods in American cities and examines its normative implications for American citizens—both those in the ghetto and those outside it. Shelby argues that the oppressed ghetto poor are not bound by the associative bonds that (at least in a more or less just society) apply to ordinary citizens. “In view of the serious injustices that disfigure the basic structure of society, sinking it below any reasonable standard for tolerable injustice, the ghetto poor owe neither loyalty nor obedience to the state” (Shelby 2016, 279). Moreover, the existence of dark ghettos also reflects on the society at large. “The ghetto is not ‘their’ problem but ours, privileged and disadvantaged alike. The ghetto is a sign that our social order is profoundly unjust” (Shelby 2016, 275). In this sense, the persistence of dark ghettos challenges the self-understanding of Americans as equal citizens (Marin 2017, 86–88; Yankah 2022). In other words, it reveals that “we” are not (yet?) who “we” purport to be.

This practical predicament—of how to comport oneself toward the regime with which one finds oneself confronted and of working out what it means to be (or to be taken as) a member of this polity, and how that membership squares with other aspects of who one takes oneself to be in the face of injustices that may be deemed intolerable—is at the heart of the problem of political obligation, as understood here. Although he does not describe his project in these terms, we can think of Shelby’s work as exemplifying an alternate mode of theorizing political obligation. Again, our focus is on the structure of the view rather than its content; on the form of practical judgment it aims to elicit, rather than the principles it defends.

The key is to see Shelby’s theorizing as a manifestation of practical judgment, not a preliminary to it. Its *modus operandi* is neither adjudicative nor interpretative but avowedly political: it is “meant as a contribution to sustaining a fragile group unity in these dark times” (Shelby 2022, 47). He is not adjudicating a dispute, overlooking the contending parties from a disengaged, third-person standpoint, but taking a political stance among fellow citizens. Nor does he take anyone’s actual relationship to their polity as a given ground.

Instead, he offers an invitation (thoroughly argued) to see oneself *as* Black, and *as* a fellow citizen, in *this* way, in today's circumstances. As the first-person plural in the title *We Who Are Dark* signals, the judgment expressed here is far from impersonal. "I am offering a philosophical reconstruction of the black nationalist tradition from the inside, from the standpoint of persons who identify with the tradition, from a hermeneutic point of view" (Shelby 2005, 32). Throughout, Shelby is acutely aware of the practical significance of taking oneself as such-and-such a person and keeps in view the distinction between who you are and who you are taken to be. Even the supposed fact that one is Black or non-Black is not simply a given.¹³

Moreover, the form of judgment manifested here is not just backward-looking: it is directed not to the *de facto* behavior and attitudes of oneself or of others but to what one can hope and expect for the future. For example, whether one can see oneself as an American citizen may depend on whether one regards the system as flawed-but-reformable, as irredeemably broken, or as built that way. History does, of course, play a role here: the issue cannot be disentangled from whether and how America comes to terms with the legacy of slavery and segregation. But whether America is an irredeemably racist society, and whether the promise of free and equal citizenship is still alive or is a sham, is also a matter of what will and what could happen in the future. It depends on whether bonds of solidarity can be forged, whether collective action can bring about a restructuring of the basic structure, and whether fellow citizens will redeem themselves and live up to what it "really" means to be a citizen of this polity (in part by coming to see that meaning in a different light) (Shelby 2016, 317 n. 60). None of this is secure. Membership is not a fact that grounds judgments of what citizens are bound to do but an aspiration that such judgments may help to sustain, transform, or subvert. It is such judgment that Shelby's work both manifests and seeks to elicit.

Conclusion

Can membership still be said to "ground" political obligations, and in what sense? Theorizing political obligations in a pragmatist mode bears some affinity with a hermeneutic reading of associativism in which political

13. "It should be clear, however, that the choice not to self-identify as black, whatever its rationale, does not dissolve the often constraining social realities that are created by the fact that others may insist on ascribing such an identity to one and consequently may treat one accordingly, whether for good or ill" (Shelby 2005, 213).

obligations are seen as explicating what it means to be a member of a polity. To be a member is just to have the rights and obligations of membership (whatever they might be). It does not make sense (without further ado) to acknowledge that one is a member and yet deny that one is (pro tanto) bound to act as a member. I think this captures what is intuitively plausible about the associativist idea that membership grounds obligations. But it is merely a claim about the conceptual grammar of the concept, to put it in Wittgensteinian terms (Fossen 2014; Pitkin 1966), not a substantive metaphysical, moral, or hermeneutic grounding relationship. The crucial difference with interpretative associativism is that the “text” at issue for the interpretive associativist is the supposedly given fact of membership, whereas, as proposed here, it is the much wider, ever-changing, and conflictual constellation of social relationships in which one finds oneself. Membership is not the given ground for judgments of obligations. Political relationships are considered in connection to who one is in other respects, and not just on their own terms. In contrast to other critiques of associativism, however, this is not conceived here as a purely cognitive challenge of thinking through and ordering hierarchically all our various senses of who we are into a single, comprehensive whole but rather of dealing practically with incompatibilities as they arise, in engagement—and struggle—with others. One does not work out in advance who one is qua Black person, world citizen, member of an ethnic group, autonomous individual, and member of a polity and then engage in politics. Who one is, then, is ongoingly (if not always explicitly) politically at stake. Selfhood, whether personal or collective, is never a *fait accompli*.

Viewing membership as an inherently open question does not solve the problem of political obligation. But it is more truthful to the ways in which the problem arises in practice and to the predicaments and dilemmas it raises. As Shelby’s work illustrates, a pragmatist approach to political obligation does not prevent one from taking a principled stance on these issues and articulating it theoretically. It does involve recognizing that any such self-understanding is inherently precarious and uncertain.

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