

Klosko, George. *The Principle of Fairness and Political Obligation*. 2d ed. with a new introduction.

Lanham, Md.: Rowman & Littlefield, 2004. Pp. 240. \$75.00 (cloth); \$28.95 (paper).

This book offers an account of (moral) political obligations based on a principle of fairness. Unlike other fairness accounts, Klosko's grows out of the purported fact that provisions of security (national defense, law and order, and public health issues) are necessary and are necessarily public ones. The juxtaposition of security with fairness makes the account a little like reading Hobbes on Kantian steroids but interpreted by a master of clear and concise prose. This second edition of a book originally published in 1992 includes a newly written introduction that responds to some recent developments in the field. The book is an exemplar of close and careful argument, fairness, and clarity. Although I wished his introduction were more comprehensive, Klosko's argument remains an essential companion to any serious consideration of the principles of fairness and political obligation. Further, even with the developments over the last twelve years, the book retains the virtue of being a terrific introduction to the topics of political obligation and legitimacy more generally.

Klosko argues that we have obligations to obey a "cooperative scheme" as long as this scheme supplies "public goods that (i) are worth their costs, (ii) are presumptively beneficial, and (iii) the benefits and burdens of which are distributed fairly" (p. 113). This account, Klosko argues, meets the criteria he sets for any account of political obligation, criteria which other accounts have failed to meet (pp. 3–6). Klosko stands to solve the "particularity problem" that attends other fairness accounts, notably that of Rawls, by emphasizing the public goods we in fact receive. It is the fact that we receive them (conditioned by fairness and the types of goods that they are) which explains why we have obligations to obey this state but not that one. Klosko stands to solve Nozick's critique that we are not obligated to contribute to goods we did not ask to receive—in Nozick's example, the benefits of a public address system—no matter how fairly distributed or enjoyable they may be, unless we consent to receiving them. While we need not contribute to a public address system, an example of the provision of a trivial good, Klosko argues, we are obligated to the provisions of nontrivial presumptively beneficial goods like national security, law and order, and public health because they are necessary for reasonable lives. And, by arguing that the principles of fair distribution must be chosen from a set that are themselves just and fair, Klosko's theory is able to explain why political obligations are limited to certain kinds of governments, namely, Western democracies. All this leads to a rejection of the libertarian position, as well as of that position championed persuasively by A. John Simmons that we do not, in fact, have these kind of obligations at all.

The first part of Klosko's account is the most innovative and is based on "presumptive goods," a set of goods that each individual is reasonably expected to want because of the necessity of these goods to living a reasonable life: national defense, law and order, and public health. Presumptive goods allow Klosko to avoid the problems that have faced other fairness accounts of political obligation—there is no clear reason why we would have any obligations to help provide

for goods that we are forcibly given. To update Nozick's memorable example, an individual who is forced by his car-pool partners to listen to public radio every morning has no obligation to give money to the radio station, no matter how enjoyable the programming is, because he was forced to listen. Nozick's objection, then, is that fairness is not sufficient to ground a theory of political obligation; we still need an individual's willingness to enter the cooperative scheme.

Presumptive goods purportedly solve this problem because these are (by presumption) fundamental goods that any person needs, not merely enjoys. So while most individuals can live a good life without National Public Radio (at least some people claim they can), few can live at all without national security. The necessity of the good thus allows Klosko to move past Nozick's problems of consenting to enter the cooperative scheme and onto questions of the way the good is provided.

Further, because presumptive goods like national security need to have nonpresumptive goods like roads and an educated workforce in order to be provided, citizens will be obligated to obey a wide range of other government commands (thus meeting another criterion for any theory of political obligation). Klosko's position is that we do not have blanket political obligations to everything that government provides, only to those related to the provision of presumptive goods. So we are obligated to support technical education but not the arts, though, bizarrely, Klosko believes that political philosophy is quite possibly required. This more reasonably limits what political obligations can actually generate. The principle of fairness further limits the provision of goods to the reasonably just—what if national security requires the killing of innocents? (pp. 122–25).

These limits are a part of Klosko's principle of fairness that importantly governs the distribution of costs and benefits fairly among citizens. Fairness is critical to Klosko's account, not only for its role in cost benefit distribution but because it explains how I can be obligated to support a particular provision with which I disagree. Appealing to the precedence rule (pp. 72–77), Klosko argues we must give precedence to any choice that is arrived at by a decision rule that is among a set of reasonably fair decision rules. Further, the proposed provision itself must, as I just said, be among a set of reasonably fair options. Finally, following Simmons, because political obligations can conflict with other kinds of moral obligations, the argument can account for problems at the margins where we judge the provision itself to be morally unjust and thus outside of the set of reasonable alternatives.

Other parts of the book are useful though not essential to this main argument. In chapter 6, Klosko reviews the weaknesses of utilitarianism and consent theory; it is an economical and good review of familiar problems. In the first appendix, entitled "Parfit's Moral Arithmetic and the Obligation to Obey the Law," Klosko turns to an in-depth critique of Parfit's attempts to solve the problems discussed in chapter 6. Finally, appendix 2, entitled "The Principle of Fairness and Political Attitudes," provides a brief discussion of these two issues. This material will be particularly useful for readers new to this topic.

I have three puzzles that I think remain in Klosko's main argument.

First, while providing for our own self-defense and other presumptive goods

is indeed categorically different from providing for goods like public radio, it is still unclear to me why this would solve the problem of entry posed by Nozick. The fact that Nozick's goods are trivial but Klosko's goods are presumptively necessary plausibly explains the strength of our obligations to each one but not whether we have them to begin with. Precisely why do obligations emerge when presumptive goods are provided but not when unrelated trivial goods are provided in the same exact manner?

What is needed here, I think, is an argument explaining why, absent my own consent, I have moral obligations to preserve my own life. This might explain why presumptive goods generate obligations to obey but National Public Radio does not. By analogy, without a presumed obligation to save my own life, I do not see why I would be obliged to repay someone the cost of having saved my life if I did not ask to be saved—no matter how reasonably and fairly they saved it. I think such an account is possible (Aristotle, Hobbes, and Locke each offer different ones), and it is crucial for the success of Klosko's argument. It is not offered here and would raise other difficulties. Indeed, it is not clear how to generate such an obligation to one's life that is consistent with liberal theory, especially one with links to Mill.

Another way to generate obligations to provide presumptive goods (but not unrelated trivial ones) would be to argue that while I may not have an obligation to myself to preserve my own life, I very well may have obligations to others (like my family) to stay alive. In the political sphere, I may have obligations to provide other people with goods that I have a moral obligation to assume are presumptively beneficial to them, and this plausibly would ground obligations to obey laws that in fact helped preserve other people's lives. (The particularity problem could be solved by reference to the interconnectedness of those closest to us.) By this account, the relevant presumptive goods are not our own but, rather, those of others—a position essentially the same as Kit Wellman's account in his work published in this journal (Christopher Heath Wellman, "Toward a Liberal Theory of Political Obligation," *Ethics* 111 [2001]: 735–59). And here readers should read Klosko's reply to Wellman published in *Ethics* in July 2003. Contrary to Klosko's own assessment there, I think the notion of presumptive goods can very promisingly generate political obligations limited by a principle of fairness as described in this book.

Whether or not presumptive goods can help generate political obligations to ourselves or others, I have a second concern about Klosko's argument: presumptive goods seem too general to successfully generate obligations to specific laws, even when their specification is limited by a principle of fairness. Consider that even if we agree that national security is a presumptive good, there is too much significant disagreement about what national security entails and about whether the costs of its provision would be worth bearing. For example, is national security merely (or even) the military defense of our borders or does it extend to being able to "live the American way of life"? And, again, are the costs of innocent lives worth our own security?

As I said above, Klosko's answer to this objection is that so long as the provisions are among a set that are reasonably fair (and decided by rules that are among a set of reasonably fair rules) the precedence rule kicks in—we're obliged to the outcome of this process. But the problem I am raising, then, is

that because of the importance and necessity of presumptive goods, arguments about them will likely be arguments about whether this view but not that one is a reasonable, fair, or just one at all. One need not only think of a pacifist's view about these things (though that helps), in which it is not reasonable to respond militarily. The recent claim that the invasion of Iraq has made us less safe (and thus not a reasonable alternative to provide a presumptive good) is a contemporary example. Interestingly, these problems may arise from focusing attention on presumptive goods away from Nozick's trivial ones: we could probably generate a vast list of reasonable trivial goods even though the articulation of any list of reasonable presumptive goods will be extremely controversial.

I think Klosko could grant that disagreements about presumptive goods will arise more frequently and go deeper than arguments about trivial goods. But given his insistence that theory must be grounded by how the political world actually is, he might argue that there seems to be such broad convergence on what constitutes a range of the reasonable and fair presumptive goods that states may choose, including spending billions of dollars on the military. Further, there are other obligations (say, to one's considered view of justice) that might in the final analysis trump any particular political obligation we might have, so the pacifist might still have a political obligation to obey, but perhaps a prevailing moral obligation to disobey.

The interest in grounding theory in political reality then raises the third concern with Klosko's argument, though (on this point) one that extends to much of the literature in the field. Appealing to what he calls the "coherence method" (pp. 16–23; see also p. 126), he says that any theory of political obligation ought to explain why we have such a strong intuition that we have political obligations at all. Theories "that offend against our general intuitions, say by upholding the existence of either no political obligations or unlimited obligations, are suspect and should be accepted only after the most careful scrutiny" (p. 23). So what could explain the widespread sense of political obligation if, with Simmons, there were none? In a careful discussion (p. 19), Klosko rejects both indoctrination and false consciousness, and I think persuasively so.

But as I said, Klosko (following Simmons) has argued that whether or not we have political obligations per se, we may still have other obligations that indirectly lead us to obey the laws of a particular nation. This might, then, lead to a strong intuition that we have political obligations because in most normal cases when we act as if we had obligations to some particular authority it is because we actually do have them: to our employers or employees, our children, spouses, and friends. The case of political obligation may then be a special case: motivated by very different kinds of first-order obligations, we find ourselves obeying the law and generally acting as if we have primary obligations to the state. Generalizing from most normal cases, our intuitions may be mistaken but nevertheless strong: we feel obliged because of circumstances. (This is an adaptation of Hare's response to the counterintuitive nature of utilitarian judgments made in extremis.)

Klosko's insistence to account for what people actually think and how politics actually unfolds is one of the great virtues of this book. Given recent public debate in the United States about the possibility of reinstating the draft, the book raises critical issues for our day. And whether or not he is ultimately

successful, the book remains an important contribution to the field. As he writes, “Although the principle of fairness by itself does not appear able to ground an entire theory of political obligation, this should not stand in the way of its making a profound contribution to a full theory” (p. xxiv). Indeed, it already has.

ANDREW REHFELD
Washington University in St. Louis

Kukathas, Chandran. *The Liberal Archipelago: A Theory of Diversity and Freedom*. Oxford: Oxford University Press, 2003. Pp. 292. \$45.00 (cloth).

One of the main debates in recent political theory is between political and comprehensive liberals, but in Kukathas’s view both positions share a deeply flawed view of modern society. Both assume that social unity is possible and desirable, and both conceive of society as governed by a sovereign political authority and marked off from other societies by sharp boundaries. According to Kukathas, even multiculturalists like Kymlicka, who acknowledge the existence of national minorities and allow for group-differentiated legal rights, share this broad vision, leading them to restrict the authority groups may exercise over their members. Kukathas rejects the assumption of social unity within clear boundaries and argues for a radically minimalist form of political liberalism, one based not on a shared conception of justice but only on a thin idea of legitimacy. In his vision, there are and should be multiple authorities each of which is legitimate insofar as it secures the acquiescence of those subject to it. The only overarching values are freedom of association and toleration: everyone should be free to associate with others on mutually agreeable terms, but different groups must tolerate the existence of other groups. The power of a group over its members is, in effect, limited only by the right of exit. Thus, the image of a “liberal archipelago”—an archipelago because each group is able to assert itself as separate from others, unconstrained by liberal principles in its treatment of its members but liberal inasmuch as individuals are free to leave a group and associate with others who wish to associate with them.

This work bears a resemblance to Rawls’s *Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999) in that it generalizes political liberalism’s account of moral pluralism to include not only different conceptions of the good but also different views of justice. But where Rawls envisions a world of separate societies or “peoples” within each of which there is a (more or less complete) consensus on some idea of justice, Kukathas insists that there are few if any societies in this sense. Politically organized societies are instead made up of different groups holding conflicting accounts both of justice and of the good. In his vision, the state ought to be “a much diminished entity, a good deal less capable of establishing and imposing common standards” than existing states, and states ought to coexist with other “subsidiary authorities or jurisdictions” which might “be ruled according to quite illiberal principles” (p. 31). But, so long as the groups involved (including the state itself) are successful in commanding the “acquiescence” of their members, they are legitimate, and this rather undemanding notion of legitimacy trumps considerations of justice (and