



The Principle of Fairness and Political Obligation.

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camps, and between them. He argues that this extraordinary moral complexity gives integrity to those legislators and citizens who compromise, and who in the process affirm integrating principles of the liberal constitutional order. But, as Dobel himself acknowledges, there are times when, despite the moral complexity of the issue, such as slavery, the principled actor, in this case Lincoln, shouldn't compromise. Remember, it was Douglas who was the compromiser on the matter of the expansion of slavery into the territories, out of fear of threatening the constitutional order. Nevertheless, it's Lincoln we remember as the principled actor.

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The Principle of Fairness and Political Obligation. By George Klosko (Lanham, MD: Rowman and Littlefield Publishers, 1992. Pp. xii, 204. \$52.50 hard, \$19.95 paper.)

Traditionally, theories of political obligation have been rooted in either consent or utility. Both of these approaches have been problematic, the former because of the practical impossibility of actual consent and the irrelevance of tacit consent, and the latter because of the prisoner's dilemma and collective action problems. While Klosko is not particularly perturbed by the failure of consent theory, the failure of utilitarian theory does present a singular challenge to any theory of political obligation: how to legitimately obligate free riders to participate in cooperative schemes that provide public goods. Klosko's solution forgoes any attempt to repair utilitarian theory and offers instead a theory of political obligation rooted in fairness. "As a theory of political obligation," he writes, "the principle of fairness is intended to show that noncooperators also have an obligation to cooperate" (34).

Fairness demands that those who benefit from the actions of others or, more precisely, from those "who have yielded to certain rules and have restricted their liberty" (33) are obligated to similarly restrict their own liberty. As originally conceived by Hart and Rawls the principle of fairness is limited; it cannot obligate individuals unless they voluntarily accept the benefits of a cooperative arrangement. Like utility before it, fairness in its current formulation cannot cope with obligations to provide public goods. To overcome this problem, Klosko initially restricts his discussion to presumptive public goods, those "indispensable to acceptable lives" (40). This is the linchpin of the argument, for once an obligation can be established relative to these goods, the obligation to contribute to the provision of other less necessary or less discretionary goods can be subsumed under this general obligation.

Can fairness establish an obligation to contribute to the provision of these presumptive public goods? Presumptive goods are limited to those of national defense, law and order, and public health, the basic goods provided by even the most minimal states. Because individuals would not, indeed could not, choose to live without these goods they are obligated to contribute to their provision. To do

otherwise would simply be unfair. The operationalization of fairness in practice, however, remains unclear for it appears to incorporate disparate elements of cognition and affect. Fairness arises first in situations in which rationality makes the provision of certain public goods indispensable. Unfortunately, even under these circumstances individuals will be inclined to free ride making it impossible to ground political obligation in utility. Free riding does, however, violate the principle of fairness for although an individual's reluctance to contribute to the national defense, for example, would not imperceptibly harm others such an individual would, by his refusal to cooperate, be behaving unfairly, "assuming a liberty that he would be unwilling to extend to others" (41). Ultimately, the individual is beset by confusion or perhaps empathy and shame for "it is difficult" writes Klosko, "to imagine what such an individual could say to the members of (his society) who provided him with national defense in order to justify his unwillingness to cooperate" (41).

Coming at a time when many Americans are examining their own reluctance to cooperate in the provision of national defense, this argument is especially poignant. What did, in fact, many say when they refused to serve or relegated service to those unable to afford student deferments? What do many say now when it appears that the all-volunteer army is building a front line force composed disproportionately of poor minorities? Under these circumstances it is not at all clear that fairness has generated any sort of obligation on free riders. Contrary to Klosko's assertion it is *not* difficult to imagine what individuals would say. Their response is invariably that of the egoist though sometimes, as in the Vietnam years, accompanied by moral indignation. Today nonservice is justified by appropriate payment to others and the consent of those who choose to serve. But is this fair or is it any less repugnant than the purchase of substitutes during the Civil War? If, as Klosko claims, the burden of supplying a public good be distributed in a way which is "tolerably fair" then should not military service be distributed equally? The current scheme, on the other hand, enjoys legitimacy by consent. Under these circumstances fairness and consent may generate conflicting obligations. How then is the obligation to provide this basic public good to be evaluated?

Even in Israel, cited as a classic case of fairness-driven political obligation (52), the issue is not clear cut. Individuals exhibit a wide range of reasons justifying their obligation to serve in the military making it very difficult to disentangle fairness, utility, and even consent. Because, for example, immigration and emigration are an integral part of Israeli demographics it is not uncommon to ground political obligation in actual or tacit consent. In other cases, the obligation to serve in the military, particularly the military reserve, can be rooted in fairness but it is often fairness of a limited nature, extending not to citizens of the nation as a whole but confined to a particular moral community. Reservists who would otherwise refuse to serve in the occupied territories have voiced their obligation to serve in terms very much like Klosko's. They do feel that it would be unfair if others assumed the burden of providing them with an indispensable public good. However, contrary to what Klosko had in mind, these "others" are usually limited to a closed circle of

“buddies.” It is not clear to what extent fairness grounds obligation within the larger community.

These examples point to some of the shortcomings of utilizing fairness as the exclusive justification for political obligation. First, it is affectively charged and often limited to specific moral communities within nation states. Second, it is only one principle among several and cannot, as Klosko demonstrates in his discussion of Parfit, address all the problems of political obligation. While fairness can justify the obligation to support discretionary public goods it may not clearly support the obligation to provide, for example, philanthropic public goods, that is, goods provided by one group for the benefit of another. While charitable institutions might be voluntary and consent driven, the obligation to support taxes for welfare payments or foreign aid cannot readily be accounted for by fairness.

There is no doubt that the idea of fairness adds a powerful and persuasive element to political discourse. But it need not be construed as the exclusive justification for political obligation. With this in mind it might be fruitful to abandon parsimony and the search for a single justification of political obligation and focus instead on a plurality of first principles.

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Rethinking Obligation: A Feminist Method for Political Theory. By Nancy J. Hirschmann. (Ithaca and London: Cornell University Press, 1992. Pp. 341. \$15.95 paper, \$39.95 hard.)

Nancy Hirschmann has written a lucid and provocative work of feminist political theory utilizing a broad range of interpretative and theoretical modes of thought. Her method is syncretic in bringing into challenging dialogue ideas from classical liberal theory, contemporary obligation theory, democratic theory, gender psychology (particularly object relations theory), continental postmodern thought, and various strands of contemporary feminist theories.

It is in this latter feminist project—the articulation of an alternative feminist model of obligation which “must derive from women’s material experiences and practices . . . work, both for wages and in the home, affective production, reproduction, maternal thinking and sexual relations . . . and a fundamental rethinking and restructuring of the way politics is conceived and implemented . . . requiring participation, communication and interpersonal relationship as the model for political community” (293, 296)—that Hirschmann’s creativity is demonstrated.

She deftly bridges feminist standpoint epistemology with postmodern critique, arguing powerfully the impossibility of a “feminist postmodernism” which itself may be “postpolitical” (319) and “post-theoretical” (332) with its negative emphasis on deconstruction, totalizing theory, and denial of subjectivity and agency. But through her own critically affirmative use of the resources of postmodernism, *Rethinking Obligation* stands as an elegant example of “postmodern feminism.”