Normative Subjects

Self and Collectivity in Morality and Law

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Individuals, Citizens, Persons

In discussing the interplay between norms and their subjects, individual and collective, my main emphasis thus far has been on the role of norms in the construction (and revision) of subjects. I now shift attention to the norms themselves by inquiring into what their involvement in the construction of their subjects can teach us not just about those subjects but also about the norms. In pursuit of this agenda, the present chapter casts a wide net. The aim is to draw from the meaning-conception of self that I have introduced earlier some implications for the general shape of the practical domain, a domain consisting of the totality of norms concerned with guiding our behavior and shaping our life. I call this all-inclusive field *ethics*. So understood, ethics comprises two prominent subfields, morality and law. It also includes a third: the less commonly recognized yet highly significant domain of prudence, which consists of norms guiding us toward the accomplishment of our individual aims. In discussing ethics, I begin by inquiring about law. Exploring law's claim on us, what I call its normative grip, reveals it to be intermediate, in a sense to be explained, between the two other clusters of ethical norms, moral and prudential. Recognizing in this way law's intermediate position offers in the first place a clue to the kind of authority law itself ordinarily claims. More importantly, situating law between prudence and morality suggests a picture of how all three branches of ethics relate to each other, as well as the way they all relate to their common subject, the human self. As is

obvious, all this adds up to a rather tall order, and in this chapter I make in its pursuit only some preliminary and tentative comments.

I. THE POLITICAL QUESTION

It is commonly believed that countries, their governments, and their laws make at least a prima facie normative claim on citizens. To be sure, attitudes to one's country, its government, and its law may diverge, and each raises some distinctive philosophical issues of its own: under the heading of patriotism, philosophers explore the general, mostly affective attitude to the country; political philosophers tend to focus on the question of the government's authority; and legal philosophy is centrally concerned with the duty to obey the law. But though separable, these issues are closely related. Ordinarily, a vital aspect of allegiance to one's country is acknowledging its government's authority, and law is by far the most significant medium through which that authority is exercised. The divergent issues that arise in this area have a common core: we are expected to pay some heed to our country's interests by, in part, accepting its government's authority, an acceptance manifested in part in a disposition to obey the law. What grip, if any, does this composite claim have on us? Call this *the political question.*

In one form or another, the political question has occasioned over time mountains of writings. Under these mountains, however, is buried a simple if dispiriting truth: we are no closer to a satisfactory answer than we have been before. Philosophers who till these fields have their employment secure. In these circumstances, adding yet another molehill to the landscape may seem foolhardy or worse. However, my aim in engaging with this question is not to offer a better answer, since the aim is not to provide an answer at all. It is rather to use this question as the vantage point for an imaginative reconstruction, partial and simplified, of the normative terrain as a whole. The results are the rudiments of a theory, guided by an old insight that goes back at least as far as Plato: that social and political arrangements are refracted in, and are a refraction of, the structure of the human self; to study the one is to study the other.

Two preliminary points. First, the political question arises with particular acuity with respect to an unjust state. "My country, right or wrong" is a well-known, and for many, notorious, sentiment. But we must also query allegiance to a just state. Our obligations to our own political system are supposedly different from our obligations to other systems, no matter how just these other systems may be. The fact that any given country, government, or law is just does not by itself bind us to them in the way in which we are supposed to be bound to our own. Second, the political question is a quest for justification. Such a quest does not arise in a void. Justification usually proceeds as an attempt to silence some qualms or reply to putative or actual opponents. Allegiance to the state, political authority, and law's bindingness need to be justified. Why? A common answer fixes on the state's coerciveness, since coercion by itself is presumptively bad. But coercion is not my primary concern. In focusing on normativity, I mean to attend to an aspect of the state, its government, and law that is independent of coercion, and, if anything, is antithetical to it. The state's and so the law's normativity consist in an appeal to voluntary allegiance and compliance. The political question is an invitation to assess this appeal quite apart from the fact that the state is in a position to enforce it. What challenge other than coercion gives rise to the political question and guides the efforts to answer it?

It is instructive that there are in fact two prominent challenges, diametrically opposed: one associated with an individual, self-regarding standpoint, the other with a universal, other-regarding standpoint. Seen from the individual's standpoint the question is, why should I assume the burdens the state seeks to impose on me and accept the setback to my own interests it often demands? From the other standpoint the question is, why do my political community's claims get priority over similar claims of other people or humanity as a whole? Each of the two opposing perspectives is commonly tied to a normative orientation of its own: individual self-interest defines the domain of prudence, whereas the universal

concerns are the turf of morality. The political question accordingly arises between the prudential and the moral, and is answerable to both.

That the challenges to the state's normative claims come from two opposing directions is sometimes obscured by the fact that the same idiom, of autonomy, is used to express both challenges: being subjected to the state's authority and deferring to its demands is allegedly inimical to one's autonomy. But here the polarity is hidden by an ambiguity in these claims between *personal* and *moral* autonomy. Roughly, personal autonomy concerns a person's ability to carry out her wishes and desires and so advance her interests. Moral autonomy, at least as interpreted by Kant, is a matter of acting on universally valid principles one endorses.[1] The charge that political authority and the law threaten autonomy can accordingly amount either to the claim that they restrict people's capacity to pursue their own goals, or that they displace the universal principles that as moral agents people otherwise endorse.

Given the two polar challenges, it is not surprising that answers to the political question should often consist in efforts to account for the state's normative claims in one of two opposite ways, arguing either that these claims arise out of self-regarding individual concerns and are congruent with them, or else that they are the implications of a universal morality and part of it. This is not the place to canvass the voluminous literature, other than to comment that the very volume and endurance of the two contrasting lines of thought raise some doubt that either is fully satisfactory. In any case, there is a prima facie phenomenological objection to both reductionist accounts, as unable to capture the experience of the political domain as a *distinctive* site of normative considerations, marked precisely by their failure to neatly align with the self-regarding/other-regarding divide. For example, some people pay their taxes resentfully, betraying a conflict between their self-regarding wish to keep the money and the state's demands. The same people may feel personally offended and outraged when their country's embassy is attacked or flag burned. The state's claims seem in this way to belong to a large and variegated category of what appear to be *intermediate* interests (values, attitudes) and their associated reasons and norms, which cannot be classified clearly and

stably either as one's own or as those of others. Although a satisfactory answer to the political question would have to meet both the prudential and the moral challenges to the state's normative claims, the answer also needs to account for the perceived distinctiveness of these claims, rather than collapsing them into one pole or the other.

I have mentioned that the twin challenges to the state's normative claims are sometimes phrased in the idiom of autonomy, either moral or personal. Here, too, the apparently intermediate location of the political between the individual and the universal can be observed, confounding the binary division. Autonomy is self-government, and a state's sovereignty is the realization of a people governing itself. Who, however, is the referent of this reflexive expression? It may appear that I have already answered the question in the course of posing it by designating "the people" for that role. But the history of political philosophy is in part the record of pursuing two radically different interpretations of this answer and of coping, inconclusively, with the difficulties to which each of them leads. "The people" either labels an aggregate of individuals, or a single entity, existing over and above the group of individual members. Both answers, however, create a rift between the self-government of the state and the autonomy of its individual members: each individual is governed by a group of other individuals in the one case, or by an independent collective entity in the other. In neither case does the reflexive subject of self-government coincide with the individual self. But here too familiar facts appear to belie this picture. In the name of national self-determination, people often favor a more oppressive regime of their own over a more benign foreign rule. In doing so, they experience themselves as promoting their own autonomy rather than that of some third party, be it other individuals or an impersonally perceived collective entity.

It is possible, of course, to dismiss all such attitudes that people exhibit toward their country as deluded and wrongheaded. But even if this were one's verdict, it would make better sense to reach it on substantive rather than conceptual grounds. We should be hesitant to diagnose large segments of human history as displaying a *conceptual* error. The reluctance stems in part from the explanatory paucity of such an account. Given

how pervasive the attitudes in question are, an adequate account, even if it does not justify these attitudes, should tell us something about what prompts and sustains them. Ascribing to people a conceptual error that renders their attitudes senseless or incoherent is unlikely to meet this goal. It would be more fruitful to try to maintain conceptual room for political autonomy, seen as a genuine and distinct possibility, even if we denounce on substantive grounds its supposed realizations.

II. THE MORAL QUESTION

When the political question is raised, and the state's normative claims are brought before the court of morality, this court's jurisdiction is for the most part taken for granted. That the political question arises between two contrasting poles—of prudence and morality—reminds us, however, of the challenge that the self-interested individual poses not just to the state and its law but to morality as well. For this individual, keen to advance her interests and satisfy her desires, morality presumes to stand in the way. Why would the individual care about its demands? How are we to understand morality's grip in possible derogation of our own interests and desires? In Kant's well-known formulation, how is morality possible? Call this *the moral question*. Clearly, our answer to the political question must be linked to our answer to the moral question.

Adding the moral question to the political question, while compounding difficulties, also provides a clue. Both questions must respond to the same challenge, posed by the self-regarding individual. Given the similarity between the two questions and the common challenge they face, strategies for coping with the moral question may be employed in coping with the political question too. One response to the moral question, of which Kant's own moral theory is a prime example, resorts to abstraction. Since morality purports to speak in a single voice to or on behalf of individuals whose interests and desires potentially conflict, it presumably requires a unitary standpoint, occupied by every human being. Abstraction paves the way. By abstracting from actual, concrete individuals, their interests and desires, we efface differences and construct a single platform on which they all stand. In Kant's case this feat is accomplished by means of the noumenal self, characterized exclusively by the possession of a rational will, and by the uplifting image of a Kingdom of Ends, a forum in which abstractly conceived noumenal selves spell out the practical implications of their shared humanity.[2]

It is instructive to note that the most influential recent engagement with the political question, that of John Rawls, purports to follow Kant in this regard. Since Rawls considers justice to be the primary virtue of political institutions, his response to the political question takes the form of a procedure for constructing a society's constitution, laws, and institutions that embody sound principles of justice. Rawls explicitly models his procedure on Kant's approach to the moral question.[3] The participants in the original position, a forum analogous to the Kingdom of Ends, are abstracted from actual human beings by means of the veil of ignorance, and so reach principles of justice in their shared capacity as citizens, oblivious to distinguishing characteristics and conflicting ends that keep them apart.

On a closer look, however, Rawls's use of abstraction turns out to be at once too timorous and excessive in ways that help reveal some of the broader issues involved. To appreciate the first weakness, we need to compare Rawls's theory to Kant's. Despite their surface similarity, the approaches are fundamentally different, exposing a crucial ambiguity in the notion of abstraction and its relationship to the self. In employing abstraction, Kant is making a metaphysical claim. His moral theory is grounded in a bifurcated metaphysics that distinguishes between the world of appearances—that is, the world as it appears to creatures with the particular perceptual and cognitive capacities that human beings happen to possess—and the world as it exists apart from humans' perception of it, the world of things-in-themselves. People belong to both domains. As phenomenal selves they belong to the world of appearances, in which psychological *inclinations* participate in the same system of perceptual and cognitive capacities by means of which all of human reality is constructed. Qua noumenal selves, however, they are

things-in-themselves, to which ex hypothesi they have no experiential access. We can, however, use our philosophical imagination to project on this blank screen the aspects of our moral condition that the phenomenal self cannot by itself accommodate. Specifically, we can view moral reasons as applying to us as noumenal selves and motivating us in this capacity.[4]

Post-Kantian philosophy, however, is generally averse to this bifurcated metaphysics, and at any rate Rawls abjures it. Cut off from such metaphysical moorings, Rawls's abstraction differs fundamentally from Kant's. Unlike the Kingdom of Ends and its noumenal inhabitants, the original position is a *hypothetical* meeting of *imaginary* representatives, whose characteristics purport to be nothing more than theoretical stipulation. The original position and its abstract inhabitants accordingly play a much more attenuated role in answering the political question than the Kingdom of Ends and the noumenal self play in answering the moral. The normative force of the principles of justice and of the laws and institutions they generate comes from outside the theoretical devices Rawls employs. He appeals from the start to people who are assumed to possess a sense of justice; the original position serves only as a heuristic device designed to instruct them about what justice, to which they are independently committed, requires.[5] But appealing in this way to a sense of justice is unsatisfactory. If we are puzzled about the source of our alleged commitment even toward a just state, positing a sense of justice that accommodates such a commitment from the start is too ad hoc, and does little to solve the puzzle.

Rawls's abstraction is also excessive for the task he undertakes. Depriving the participants in the original position of all individuating characteristics is designed to replicate Kant's subject of morality, the noumenal self. But what would stop such an abstract self from assuming a universal perspective? Why would its interest in justice and the scope of the principles it adopts be confined to domestic institutions and apply only to citizens of a single state? This indeed is the gist of the critique that communitarians launch against Rawls. On the communitarian view, only a "situated" self, thickly constituted by communal norms and practices,

can sustain the burdens of communal life and exhibit the other-regarding concerns that justice mandates.[6]

But this communitarian critique of Rawls's position, and the alternative it presents to liberalism's abstract strain, raise difficulties of their own. First, by privileging the community and its norms, the communitarian position militates against a universal morality, and weighs instead in favor of moral relativism that many, including some communitarians, find unappealing. Second, when the communitarian trains her critique on Kantian abstraction, she tends to downplay the individualist challenge to which the political question must also respond. After all, the communitarian's situated self isn't quite the concrete, prudential self either. The integration of the individual into the community denoted by the "situated" conception of self risks displacing not only the universal standpoint of morality but also the unique standpoint of the individual and its normative significance. I consider these next.

III. THE PRUDENTIAL QUESTION

In contemplating both the moral and the political question, the self-regarding individual provides the natural, taken-for-granted point of departure, posing a seemingly obvious challenge with which morality and law must contend. The claims of morality and of law are commonly perceived as *demands* made on the individual, and so her responding to them is deemed in need of explanation in a way that her pursuing her own interests is not. Removing your hand from a burning stove is easily explained in terms that don't seem to apply to your pulling someone else's hand from harm's way. Nothing corresponding to the heavy machinery of morality or law that comes into play in the latter case seems to be involved in the former. Your own sharp pain does all the motivating as well as explanatory work.

But even this simple example reveals a difficulty in the notion of the self-interested individual and in the normative challenge it is taken to present. To act in a self-interested manner is not the same as to act on

impulse, instinct, or whim. Much as you're inclined to escape an occurrent pain, prudence might require that you endure it, say, for medical reasons. Removing one's hand from the fire is explained by the fact that the fire hurts. But when you refrain from doing so on account of prospects of greater future pain, we need an altogether different account, since unlike occurrent pain, future pain does not hurt. Why would you resist present desires or assume burdens on behalf of a future self?[7] Call this *the prudential question.*

This question too can be posed in the idiom of autonomy. I have earlier mentioned the distinction between personal and moral autonomy, and suggested that political autonomy represents a distinctive category intermediate between the two. But what does personal autonomy amount to, and what does it have in common with moral autonomy? A possible answer invokes Kant's distinction between psychological inclinations and rationality. Just as moral autonomy is a matter of subjecting psychological promptings to the discipline and oversight of a universal standpoint that encompasses humanity as a whole, personal autonomy requires subjecting those same promptings to similar control from a standpoint representing one's life as a whole. Juxtaposing the alleviation of one's own occurrent pain to that of someone else's conflates two different issues: the contrast between the self-regarding and the other-regarding with the contrast between inclination and rationality. To exhibit personal autonomy requires that one submit one's psychological inclinations, even when self-regarding, to a regime of prudence that resembles in this respect the regime that governs other-regarding concerns as well. The addict, for example, has cravings for narcotic drugs, and yet to be autonomous he must comply with prudential considerations that mandate that these cravings be resisted. How are we to understand this regime and the autonomy it enables?

Not only are these serious puzzles, but they resemble the ones raised by law and morality. When considering the political question and the moral question, we saw how abstraction can provide the requisite unitary perspective, universal in one case, communal in the other. Abstraction from what? The natural answer presumes a concrete individual, whose

properties are fully determinate and given. But reflection on the problem of prudence discloses that no such individual exists. A temporally unified individual must be *constructed* in light of some template, idea, or plan. Here too unity must be *imposed* on an endless experiential manifold and an equally unruly menu of potential responses and acts. And here, too, abstraction is the route to the unity we seek. As we have just seen, prudence can be every bit as demanding and cumbersome as morality and law. The difference is that when, as in our example, prudence requires that I sustain some occurrent pain, it points to my self-interest (say, in a medical procedure) and so it speaks on behalf of my own future self. But as we have also noted, this future self is an abstraction, and to give its claims priority over the present suffering self I must espouse a position of spatiotemporal neutrality between the two; I must subsume the occurrent experience and the immediate urge to withdraw from the pain within the same abstraction that includes the future promise of health or other enjoyment or relief. In short, no less than the other branches of ethics—morality and law—prudence too depends on abstraction; it requires, if you like, a veil of ignorance of its own.

We can draw two lessons from these remarks. One concerns the crucial role that abstraction plays even at the level of the individual and indeed in constituting one. The second is that the abstraction in the case of prudence is not the same abstraction employed in the case of either morality or law. Prudence would seem to require that we introduce yet another abstract conception of the self, a conception that would now be in competition with both the universal abstraction of the noumenal self and the communal abstraction of the situated self.

IV. THE ABSTRACT SELF

We have started our discussion by attending to the political question: why should we obey the law or recognize the authority of the state is a familiar and persistent challenge. As it turns out, however, an adequate answer to the political question must do more than assess the claims of the state

in moral and prudential terms, since these two domains pull in opposite directions, and are themselves under a similar shadow of doubt. An answer to the political question must be part of a more general account that encompasses morality and prudence as well. We have also considered attempts to account for each of the three normative domains we've distinguished in terms of a corresponding abstract conception of self. But some formidable difficulties arise, of which three are particularly salient.

The first concerns the relationship among these conceptions. To align each of the various normative standpoints (universal, communal, individual) and their correlative normative orientations (morality, law, prudence) with a suitable conception of self is to replay the tension among the normative domains as a conflict among conceptions of self, and so does not bring us any closer to a unified account. The second difficulty concerns each of the accounts that an appeal to abstraction is expected to provide for its respective domain. It is natural to speak in this connection about an abstract conception of self. But this locution conjures up a certain imagery in which the abstraction is a mere *representation* of something else. This imagery comes into play, since the notion of an abstract conception of self is naturally construed in light of the broader idea of "an abstract conception of *X*," in which *X* is implicitly taken to be some concrete material object, such as an elephant or a chair. And obviously, only representations of such objects can be more or less abstract, not the objects themselves. A drawing or description of an elephant may render it in various degrees of resolution and detail, and so be more or less abstract. But it makes no sense to talk about a more or less abstract version of Jumbo itself. Now if abstraction relates to human beings as to elephants, then human beings cannot be any more abstract than Jumbo can. On this view, and as our discussion of Rawls illustrates, abstraction can yield only hypothetical representations of human beings, thereby creating a gap between the unitary normative standpoint that abstraction is expected to create, and the concrete individuals that are supposed to occupy this standpoint. Unless we suppose in each case that people are already disposed from the start to act prudentially, or legally, or morally, in what way does an abstract representation help account for the normative

grip that each of these domains is supposed to exert? Why should any of us care for one or another *representation* of ourselves? Finally, the third challenge that a unified account of ethics faces results from the exclusivity or comprehensiveness that each of the domains appears to claim. Morality, law, and prudence, each claims authority over human life as a whole, at least in the sense of being in charge of defining over which issues each has a final say. This suggests an apparently inescapable conflict that a unified account would be hard put to resolve.

The key to the response I propose requires that we reconceive the relationship of abstraction to self. Instead of a competition among variously abstract representations of self, we need to think of a single conception of self *as abstract*. On this conception, abstraction pertains to the actual self, rather than being a property of its representations, so that different levels of abstraction can be all internal to the self. This conception of self is implicit in the meaning-oriented, constructivist approach to the self we've discussed in previous chapters, and in the traditions of thought on which we have already drawn: it is the view of the self as an ordered configuration of meanings, for which the literary and dramaturgical imageries provide some familiar templates. Such literary and dramaturgical analogies alter our understanding of the way abstraction relates to human beings. In the case of physical objects there is a clear distinction between the object and its representation, for example, Jumbo and a drawing or description of it. In the case of literary objects, this distinction is effaced. The point can be made succinctly in terms of the two different uses of the verb "tell," intransitive and transitive. In telling me *about* a physical object, an elephant or a car, you provide a description of the object or an account of it. The description or the account is external to the object: in describing the car, you don't give me the car or any part of it. But when it comes to literary objects, *tell* can be used transitively. To tell a story or a joke is not to describe but to *transcribe* it; it is to convey to the listener the very story or joke that is the subject matter of the telling. Telling a story, transcribing it, can be performed at various levels of abstraction or detail. Suppose that I ask you to tell me the story of *Macbeth*, and you oblige with a synopsis. This may be fully responsive to my request. Whether the level

of abstraction of your narration is adequate will depend on such contextual considerations as the degree of my curiosity or whether I am in a rush, and such considerations may call for greater abstraction as much as for more detail. Just as interpretation can add detail to a story without changing it, a synopsis gives us a shortened version of it. Different renditions of a story that vary in level of abstraction are equally *versions* of the story itself.

In addition to such "vertical" differences among versions in level of abstraction, versions can also diverge "horizontally," when they differ in some of their detail, for example, the story of *Faust* as rendered by Marlowe, Goethe, Lessing, Heine, and Mamet. In what sense are they all, despite their differences, versions of a single story? Here too the answer lies in abstraction. Since increased abstraction effaces differences among the versions, at a higher level of abstraction the different versions merge into a single story, whereas at lower levels of abstraction (or higher levels of resolution) the differences among the versions appear. By the same token, when we think of the self as abstract, the content or meaning constitutive of the self can also range over various levels of abstraction. Distinguishing characteristics that appear at lower levels of abstraction are effaced at higher levels, and so interpersonal commonalities and unities appear.

This point can also be made in terms of the dramaturgical imagery. Many of the roles constitutive of our identities are nested: a cardiologist and a dermatologist are both physicians. In what sense do they occupy different roles and in what sense one and the same? As in the case of the different versions of the same story, roles too can diverge at lower levels of abstraction and converge at a higher level. Now as we further ascend the ladder of abstraction, we reach the idea of a *person* understood in terms of the convergent abstract content of all human lives. When, moving in the opposite direction, we descend the ladder of abstraction, and increase resolution, individuals come into view. As we have seen earlier, to be an individual also involves abstraction, though the level of resolution is much greater (or, conversely, the level of abstraction lower) than that pertaining to being a person. Individuals enact or realize at a high level of specificity,

and therefore in vastly ramified and divergent ways, a singular meaning or content that pertains to all persons as such.

Person and *individual* thus label the two polar extremes on a spectrum of abstraction over which the self ranges. This spectrum contains innumerable intermediate levels, such as those occupied by the role of cardiologist and physician just mentioned. But here we need draw a further distinction. Both *person* and *individual* are comprehensive terms, in that at their respective levels of abstraction they each pertain to a human being as a whole, whereas *cardiologist* and *physician* are partial, pertaining to some aspects of their bearer's identity but not to others. In addition to such terms referring to partial roles, however, there is logical room for a comprehensive term that applies to a human being as a whole, but at an intermediate level of abstraction. *Citizen* is such a term.[8] To be French, for example, is to be constituted by a concatenation of meanings that at a suitable level of abstraction defines a common identity of being French. These three terms—individual, citizen, person—accordingly designate the same human being conceived at different levels of abstraction: *individual* alludes to a cluster of meanings unique to her, *citizen* to meanings she shares with the other members of a political community, and *person* to the more abstract content shared by every human being as such.

V. ANSWERING THE QUESTIONS

We can now combine this conception of self as abstract with the tripartite division of ethics discussed earlier. On the resulting picture, the three subdivisions of ethics—prudence, law, and morality—relate to us in the same kind of way: morality defines in part what a person is, thereby helping constitute the common identity of all human beings; law defines in part what a citizen is, thereby helping constitute the common identity of, say, the Brazilians or the French; and prudence defines in part what each individual is, thereby helping constitute each individual's unique identity. Since the three branches of ethics correspond to different levels of abstraction of the self, they represent points on a continuum rather

than standing for a disjunction or an opposition. Even so, they can each be loosely associated with a different value or goal. Applying to people at the highest level of abstraction, morality upholds dignity, the value all persons have qua human beings. Law spells out the more specific requirements of justice among the members of a political community. Prudence, operating at an even greater level of specificity, at which each individual's particular experiences come into view and take pride of place, is oriented toward the individual's happiness. Acting in one's capacities as an individual, a citizen, and a person, one acts, respectively, prudently, legally, and morally, and so one pursues happiness, realizes justice, and respects dignity.

This picture suggests straightforward answers to the questions regarding the practical domain we have raised. First, to see morality, law, and prudence as operating at various levels of abstraction explains how each of them can apply to one's life as a whole, without being in necessary conflict with the others. Since they are each other's abstractions, or in reverse order, each other's elaborations, each of these normative systems can claim exclusive dominion over the self's corresponding level of abstraction, consistent with recognizing the others' exclusivity at other levels. This picture also relieves the pressure to divide all interests, reasons, attitudes, and the like into self-regarding and other-regarding. This binary division is replaced by a continuum of increasing abstraction and correspondingly greater convergence of content, a continuum of which the unique individual and humanity as a whole are the two extreme poles. Political reasons (attitudes, etc.) pertain to intermediate levels of abstraction, which create smaller clusters of partial convergences of content, and hence more limited pockets of solidarity than the entire human race. Finally, the tripartite division of autonomy into personal, political, and moral also finds its place. Autonomy at all three levels involves subjecting impulse to norm. The norm must be internal, though, rather than externally imposed. But to be internal it need not be, indeed it cannot be, invented by the agent or pulled out of thin air. Rather, a norm is internal insofar as it fits, at a suitable level of abstraction, within the structure of meanings that defines the agent as an individual, a citizen, or a person,

or, to put the same point differently, insofar as the agent identifies with it, or endorses it, as an element within the overall structure of meanings she enacts. Within this picture, the subject of the self-government exercised by the state, and hence of political autonomy, is not an aggregate of individuals, nor is it an impersonal collective entity, but rather each citizen, abstractly conceived.

VI. IDEAL AND REALITY

As I indicated at the outset, this sketch is preliminary and raises more questions than it answers. But I find it generally appealing, and thus, the questions it raises worth pursuing, both for the unitary conception it offers of what otherwise are often treated as disparate phenomena, and for the link to what seems to me an independently attractive conception of self. These gains, if such they are, were yielded to a large degree by the starting point: conceiving of law (and the political) as intermediate between morality and prudence, and correlatively, conceiving of citizenship as intermediate between (universal) personhood and individuality. But this starting point, despite its appealing theoretical yield, is troublesome. I conclude this chapter by airing some doubts in this respect.

The preceding account of citizenship, and relatedly of law and the state, is highly idealized, in two senses. The first is in the Weberian sense of an ideal type. By highlighting certain salient features of a segment of our experience, we get a schematic representation that exhibits what is arguably an inner logic that connects various aspects of that experience. Such a model can serve as a methodological baseline or template in light of which the relevant range of real-life phenomena can be studied and assessed. But the proposed account also presents an ideal in a more substantive sense, as something attractive and appealing. It does so in two related ways. One is by showing that some conflicts and tradeoffs we experience among various normative claims made on us are not necessary; in an ideal world, we might eat some cakes and have them too. The other is by holding out a vision of a harmony within the self in the form of a

narrative unity among various levels of abstraction that merges the demands of humanity, community, and individuality into a coherent whole.

Such ruminations, however, are too utopian to guide our aspirations, and are better seen as reminders of how far we fall short. Clarifying an ideal, and so increasing awareness of how remote it is, may rather serve as a caveat against delusion and as a bulwark against wishful thinking. Given the human propensity to mix reality with fantasy, we should remain ever vigilant in drawing the line between the two. One way of doing so is to retain a robust grasp on reality, but another is to spell out the fantasy. In either way we improve our capacity to tell which is which. In this concluding section I accordingly indicate some of the idealizations the previous account indulges, and the ways they affect where we stand relative to this account.

To begin with, in posing the political question I have followed a common usage by associating it with talk of a political community. But such talk is not innocuous. As indicated in Chapter 1, the term *community*, no matter how broadly and loosely used, does not designate the entire array of social formations, and contrasts with other collective terms such as *bureaucracy* and *organization*.[9] Formulating the political question in the idiom of community accordingly loads the dice from the start in favor of certain values and ideas—concerning bonds of culture, tradition, history, and language among citizens—that do not apply in the case of many states. It is in light of such "thick" bonds that citizenship can plausibly designate a *comprehensive* identity. When such factors are missing or fractured, citizenship is no longer a sufficiently significant source of meaning to unify the citizens and secure their solidarity. But even relatively homogenous countries do not entirely fit the image of community. We often encounter the state as a vast bureaucracy or, perhaps more accurately, as a conglomerate of bureaucracies—formal, impersonal, and instrumental. Such social formations exhibit a mechanical, functional unity that is a far cry from the enactment of shared communal meanings. Even when governmental organizations are harnessed in the service of communal goals, they have well-documented tendencies to depart from those goals, develop their own interests, and become self-aggrandizing and self-perpetuating. They

create a very different environment, and call for a different set of attitudes, than those suggested by the idiom of community.

These aspects of states bear directly on another cardinal idealization in the account I have proposed. It concerns our supposed identification with our role as citizens. Identification labels the integration of the role within the self, and so is crucial to the location of the norms governing the role as internal to us and so as constituents of our autonomy. But as we have noted earlier (in Chapter 1), not all social roles are integrated in this way. Some are enacted in a detached, impersonal, and strategic manner; we engage in them only due to some external inducement, a threat or a reward, but otherwise maintain them outside the scope of our identifications and on the periphery of the self. When citizenship is conceived in the context of the state's bureaucratic persona, it becomes such a detached role; we enact it in interaction with alien, impersonal forces, and we respond in kind.

This finally brings us to the most radical idealization in my account. I have formulated the political question as an inquiry into the state's normativity, leaving coercion aside. The state's normativity consists in part in an appeal to its citizens that they obey its laws. Some believe that this appeal must always be resisted; autonomy requires no less.[10] I have tried to show that under some conditions, allegiance to the state and a disposition to obey its laws may be an expression of political autonomy, on a par with one's personal and moral autonomy. But the state is a quintessentially coercive agency. Its normative appeal is backed by sanctions. This fact too militates against identification with the citizen role, and introduces a rift between obedience and autonomy. The real enemy of autonomy is not the state's demand for loyalty, nor the law's demand for obedience, but the enforcement of these demands by coercive means.[11]

Two aspects of coercive enforcement are of critical importance here, its logic and its scope. The logic of coercion is somewhat disguised by the fact that enforcement is never fully effective, and so leaves room for people's discretionary behavior. But this state of affairs counts as an imperfection and a failure, or else the product of various exogenous constraints on the exercise of coercion, such as the retributive considerations that ordinarily

limit the permissible severity of criminal sanctions. The logic of coercion does not by itself allow for such leeway. By using coercive threats, government does not merely seek to provide its subjects with an additional reason for compliance. To be coercive, the avowed purpose of the threat must be to bring about the commanded behavior independently of the agent's own values and desires. The scope of coercion may also mislead, by appearing more limited than it is: after all, are not only those who violate the law actually put in jail? But this impression also misses the point. The main strategy of legal enforcement is deterrence, that is, coercive threats. And these are not selective; they address everyone, the good and the bad, with the same invidious message: obey, or else.

These features of coercion bear directly on the nature of citizenship. Inviting someone's voluntary obedience, as the normative face of law purportedly does, only to back up this invitation with coercive threats designed to secure compliance irrespective, renders the initial appeal disingenuous. Relatedly, the state's pretense to respect its citizens' autonomy is to this extent a sham. By supplying a wholesale, decisive, external motivation for carrying out citizenship's obligations, a motivation that bypasses or overrides the agent's own will (informed as her will may be by this very same role's script), coercion acts as an alienating factor, disrupts identification, and casts the citizen's role as pro tanto distant and detached. The result is to sunder full identification with the citizen role, and render a certain ideal of citizenship and its location within the self practically unattainable.

This is for the most part a negative conclusion; but we can also glimpse its more positive, if somewhat paradoxical, complement. When state coercion crosses a certain threshold and registers as oppression, it may provoke the subversive display of a community spirit, a common enactment of a suitably abstract self, guided by what is sometimes referred to as "higher law." Such public reaction is designed to drain the existing government's pronouncements of their putative authority, and instead expose or perhaps rather constitute them as mere "positive law" exclusively sustained by brute force. Counterpoised to the detached citizenship of ordinary times, we find at such moments the realization of a kind of citizenship that comes closer to unifying loyalty to the political community with loyalty to oneself, and gives fuller expression to an ideal of political autonomy than is otherwise the case. This is possibly one reason why despite great individual hardships, such times of upheaval can present their protagonists with some of their finer moments.

Two further conclusions follow. One is to somewhat chill enthusiasm toward an idea, favored by some, of world citizenship supposedly tied to a global government. Since such a government is bound to be both bureaucratic and coercive, the previous considerations alert us to the danger that it would tend to fracture our humanity and alienate us from it, and so from morality. A similar conclusion applies to the other end of the spectrum of abstraction where individuality is at stake. At issue are paternalistic laws, such as those seeking to regiment people's dietary or sexual practices for, say, health-related reasons. These laws amount to the enforcement of prudence, and so pose the corresponding danger of fracturing our individuality and distancing or alienating us from segments of it as well.

CHAPTER 5

1. See Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge, UK: Cambridge University Press, 1988); Thomas Hill, "The Kantian Conception of Autonomy," in *The Inner Citadel: Essays on Individual Autonomy*, John Christman, ed. (New York: Oxford University Press, 1989), 91–105; and Joseph Raz, *The Morality of Freedom* (Oxford, UK: Oxford University Press, 1988), Chapter 14.

2. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, Herbert James Paton, trans. (New York: Harper & Row, 1964), Chapter 2.

3. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 251–257. Cf.: Robert Taylor, *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness* (University Park: The Pennsylvania State University Press, 2011), esp. Chapter 2.

4. Kant, *Groundwork*, Chapter 3.

5. Rawls, *A Theory of Justice*, at 12, 16, 21, 120.

6. See Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK: Cambridge University Press, 2nd ed., 1998).

7. See Henry Sidgwick, *The Methods of Ethics* (Indianapolis: Hackett, 1981 [1907]), 382, 386, 404; and Thomas Nagel, *The Possibility of Altruism* (Oxford: Oxford University Press, 1970), 58, 99–100.

8. Cf.: Pamela Johnston Conover, "Citizen Identities and Conceptions of the Self," *J. Pol. Phil.* 3 (1991): 133–165.

9. See also Chapters 8–10 below, and more generally, Meir Dan-Cohen, *Rights, Persons, and Organizations: A Legal Theory for Bureaucratic Society* (Berkeley: University of California Press, 1986).

10. See Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper and Row, 1970).

11. See my "In Defense of Defiance," *Phil. & Public Affairs* 23 (1994): 24, reprinted in Meir Dan-Cohen, *Harmful Thoughts: Essays on Law, Self, and Morality* (Princeton, NJ: Princeton University Press, 2002), 94–121.