

**To the Columbia Legal Workshop participants:**

**The attached paper contains a preliminary treatment of a number of themes that I would like to elaborate in the future. In discussion, I hope to get advice whether to do so, and if so, instruction on how.**

**Looking forward.**

**Meir**

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# LAW, LOYALTY AND CITIZENSHIP

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“to thine own self be true”

William Shakespeare, *Hamlet*

## The Political Question

It is commonly believed that countries, their governments and their laws make at least a *prima facie* normative claim on citizens. For the most part people conduct their lives as though they owed a measure of loyalty to their country, their government had a modicum of authority over them, and the law was at least somewhat binding. 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 ever 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. We can nonetheless engage with these issues in a different spirit. Though existing approaches provide a useful and inescapable foil, the aim 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 focal point for an imaginative reconstruction, partial and simplified, of a certain segment of the human condition. In this process, the question itself and the terms used to pose it get reformulated and transformed. The results are the rudiments of a theory, designed to add to a cumulative stock, which is itself part of the subject matter under investigation; an attempted

contribution to the fund of ideas that inform and so shape that segment of the human condition, even when cast as a commentary on it. The guiding principle of the present inquiry is 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, 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 others, no matter how just these others may be. The fact that any given country, government or law is just does not by itself bind us to it 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 end of the spectrum the question arises, 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 is subject to considerations 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. 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 (Dworkin 1988; Hill 1989; Raz 1988).

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 either by showing 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 raises 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 burnt. 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 needs also 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, as the saying goes, 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 some independent 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 is one's verdict, it would make better sense to reach it on normative 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 not upholding them, 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 normative grounds its supposed realizations.

### 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 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? 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 (Kant 1964/1785, ch. 2).

The most influential recent engagement with the political question, that of John Rawls, does indeed purport 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. In doing so, Rawls explicitly models his procedure on Kant's approach to the moral question. The participants in the original position, a forum Rawls analogizes 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 (Rawls 1971).

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 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 which 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, we 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, we belong to the domain of things-in-themselves, to which ex hypothesi we have no experiential access. We can, however, use our philosophical imagination to project on this blank screen the features of our moral experience which 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 (Kant 1964/1785, ch. 3).

Much of post-Kantian philosophy, however, is averse to this bifurcated metaphysics, and at any rate Rawls abjures it. Cut off from such metaphysical moorings, Rawls's abstraction differs radically 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 in general already independently committed, requires (Rawls 1971: 12, 16, 21, 120). But appealing in this way to a sense of justice is unsatisfactory. If we are puzzled about the source of our alleged obligation toward the state, even a just one, positing a sense of justice is too ad hoc, and has little explanatory power.

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 (Sandel 1998).

But this communitarian critique of Rawls's position, and the alternative it presents to liberalism's abstract strain, raises difficulties of its 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.

### The Question of Prudence

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 kind of 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? Call this *the question of prudence* (Sidgwick 1981/1874: 382, 386, 404; Nagel 1970: 58, 99–100).

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 (Sidgwick 1981/1874: 382, 386, 404; Nagel 1970: 58, 99–100). Juxtaposing the alleviation of one's own occurrent pain to that of someone else's conflates two different issues: the self-regarding as against the other-regarding, and inclination as against 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 which mandate that these cravings be resisted and ignored (compare R. S. Taylor 2011). 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 reminds us that no such individual exists. A temporally perduring and 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, in the form of highly selective attention to facts and their organization in light of some master plan, can be seen as the route to the unity we seek.

Take a trivial example: a decision to go to the movies. While generally endorsing the plan, prudence may recommend that rather than watching the Bergman movie I'm

eager to see I should go to a thriller to better relax, and that instead of choosing a front-row seat from which I enjoy movies best I take a back-row seat to avoid a headache. But prudence also demands that I disregard myriad other details that are inevitably involved in this venture, about myself (e.g., my shoe size) and about external circumstances (such as the usher's name). We commonly exercise such selective attention as a matter of course, in response to what we take to be obvious canons of *relevance*. This, however, does not make such selectivity trivial, but rather attests to how rational, up to a point, we are, and how adept at these kinds of abstraction. And it is only in light of some such overall selective schema, a veil of ignorance if you like, that a unitary subject that goes to the movies and does a host of other related things can be constructed.

We can draw two lessons from these remarks. One is about the crucial role that abstraction plays, even at the level of the individual and indeed in constituting one. The second is that even if abstraction can thus provide an answer to the question of prudence, it will not be *the same* abstraction employed in the case of either morality or law. Prudence may require that we introduce yet another abstract conception of the self, but this conception would now be in competition with the universal abstraction of the noumenal self or the communal abstraction of the situated self.

### The Abstract Self

It is time to take stock. 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 perspectives are themselves under a similar shadow of doubt. At the start of inquiry, prudence, law and morality are all up in the air. We cannot confidently answer any one of the three practical questions in terms of the others, but must try to answer them all in one fell swoop. An answer to the political question must be part of a more general account that encompasses morality and prudence as well. In seeking such an answer we need not commit ourselves in advance to the state's legitimacy or to the validity of law's normative claims. We do, however, want to explore the (ideal) conditions for this legitimacy and validity to obtain, whether or not these conditions are in fact ever satisfied. One difficulty that such a unified account faces, however, is the seeming exclusivity each of these normative systems appears to claim. Morality, law and prudence are all *comprehensive*, in the sense that they claim authority over human life as a whole, at least in the sense of being in charge of defining over which issues they each have a final say. This suggests an inescapable conflict that a unified account would be hard put to resolve.

We have so far focused on attempts to meet these practical challenges in terms of variously abstract conceptions of self. But two difficulties arise. The first concerns the competition 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 systems as a conflict among conceptions of self. The second difficulty concerns the relationship between abstraction and the self. A conception of an object is a representation. And only representations 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 the 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 actual, concrete individuals that are supposed to occupy it.

Removing these obstacles requires a more capacious conception of self than any of the contending candidates, and one that relates abstraction to self differently than in the elephant's case. To meet these ends, instead of a competition among variously abstract conceptions of self, let me introduce a single conception of self as *abstract*. On this conception, abstraction pertains to the actual self, rather than being a property of its representations, and different levels of abstraction are all internal to the self, rather than being alternative representations of it.

### *Meaning and Self*

Many thinkers have alternately spoken of the self in dramaturgical, literary, hermeneutical or more broadly semiotic terms (see, for example, Goffman 1961; Schechtman 1989; and Wiley 1994, respectively). What conception of self lurks amidst these metaphors and imageries and makes them seem appropriate? A related and partially overlapping body of thought considers the self to be socially constructed (e.g., Mead 1934). What kind of thing is the self assumed to be if construction by society is to be a significant option?

We can answer these questions by recognizing in these various approaches to the self a common thread, regarding the self's intelligibility: like plays and novels, human beings are constituted by meaning and are subject to interpretation; in neither case is there a fixed or canonical level of detail independent of these interpretive articulations. To view the self as a concatenation of meanings that are embodied, or enacted, or conveyed by a particular organism is to insist on an ontological gulf that separates human beings from animals (e.g., Baker 2000). Occurrences at the level of the organism are attributable to a self, or give rise to one, only insofar as they assume a semantic dimension so that a syntax/semantics distinction becomes applicable. This is easiest to see in regard to phenomena that are distinctly human, most notably speech. Physiological and acoustic productions that involve such organs as the tongue, the mouth and the larynges assume their human significance by virtue of possessing semantic content associated with language and speaking.

The same point can be extended to human actions more generally. Ignoring many qualifications and refinements, think of actions as intentional bodily movements. As such they can be conceived as determinate physical events, describable at indefinite levels of detail concerning the physiological, neurological, biochemical and other physical processes involved. But this is not how we ordinarily refer to actions at all. Rather, in describing an action we commonly articulate the intention that prompts the action and makes it the action it is. However, in articulating an intention, unlike describing a physical object or process, we are not faced with a fixed bit of reality. Rather, through interrogation and reflection we (and that includes the agent herself) can arrive at ever more expansive, detailed and far-reaching articulations of the relevant intention. Such articulations are at once expansions of the intention and expansions of our understanding of it. Similar remarks apply to emotions. An emotion is what it is by virtue of the content or meaning that attaches to what otherwise would be an inchoate and inscrutable sensation or feeling. This content or meaning can be expanded through elaboration or contracted through synopsis without there being any independently available stable benchmark relative to which these variations can be assessed (C. Taylor 1985).

Finally, not just actions and emotions, but even more rudimentary phenomena that may appear exhausted by their biological properties, and that humans and animals seem to share, are also constituted by meaning. There is a state of the cat's organism which corresponds to the state of my organism when both of us are hungry. Only in my case, however, but not the cat's, is the hunger attributable to a self. Why? It is inherent to my hunger that it appears as *my* sensation; it shows up as an awareness that can be articulated as "I am hungry" or "I feel like having some food." Hunger serves as a determinant in decisions and behavior because of this synonymy between the sensation and such verbal cognates. This is not to say that in order for hunger to influence one's practical reasoning it must be first verbalized; to the contrary, the sensation itself is ordinarily acted upon or resisted. But the mode in which this influence is exerted is not just causal or mechanical; hunger participates in the domain of reasons, and in order to do that, it must participate in its capacity as a carrier of meaning, a capacity it has in common with the equivalent verbal expressions.

The self is not just a random aggregate of meanings, however. To form a self these meanings must be organized in some fashion; the literary and dramaturgical imageries suggest recognizable templates in light of which the organization of discrete meanings into a unified self can be understood. On a literary conception, "a life story" is not a story *about* a person's life; rather, this expression is meant to depict life itself as an unfolding narrative. Similarly, the dramaturgical imagery presents social roles as constituents of human identity. To be a physician, a teacher, a carpenter or a nurse, a son or a daughter, a wife or a husband is to follow a script, and that in turn amounts to the enactment or expression of a bit of meaning or content in which this script consists.

### *Levels of Abstraction*

Such literary and dramaturgical analogies also suggest a different model of the way abstraction relates to human beings. We saw that in the case of physical objects there is a clear distinction between the object and its representation, e.g., 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," transitive and intransitive. 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.

The telling of the story, its transcription, 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 narrative 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, e.g., 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.

If we think of the self in such literary terms as a cluster of meanings, we are thinking of it *as abstract*; abstraction is internal to it rather than a property of its representation. Moreover, the content or meaning constitutive of the self can 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.

The point can also be made in terms of the dramaturgical imagery. Many of the roles constitutive of our identities are nested: *dermatologist* and *cardiologist* are both subcategories of *physician*. If I am a cardiologist and you a dermatologist, we are both physicians. In what sense do we occupy different roles, and in what sense one and the same? As in the case of the versions of a story, roles too can differ at lower levels of abstraction and converge at a higher level.

Now if we think of selves along such narrative or dramaturgical lines, and 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. To be an individual is on this view to enact and thus realize at high levels 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 or 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 a physician's life and identity but not to others. In addition to terms referring to partial roles, however, there is logical room for a comprehensive term that applies to a human being as a whole at an intermediate level of abstraction. *Citizen* can serve as such a term (compare Conover 1955). To be French in this sense 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; *French* to meanings she shares with the other French people; whereas *person* alludes to the abstract content that every human being shares.

### *Answering the Questions*

As this picture suggests, the three subdivisions of ethics we have distinguished—prudence, law and morality—apply to us in the same *kind* of way, by engaging with and constituting aspects of our identity. Morality defines in important part what a person is, thereby helping constitute the common identity of all human beings; law defines in important part what a citizen is, thereby helping constitute the common identity of, say, the Brazilians or the French; and prudence defines in important part what each individual is, thereby helping constitute each individual's unique identity. Since the three branches of ethics correspond to the distinction within the self between different levels of abstraction, they represent points on a continuum rather than standing for a

disjunction or an opposition. Even so, they can be each 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 as such. 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 capacity 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.

To see morality, law and prudence as operating at various levels of abstraction explains how each of them can be comprehensive in the sense mentioned earlier, that is 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, they can each claim exclusive dominion over the self's corresponding level of abstraction, consistent with recognizing the others' exclusivity at other levels.

Within this picture, the pressure is relieved 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.

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 and 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.

### Ideal and Reality

The preceding account of citizenship, and relatedly of law and the state, is highly idealized, in two senses. First, in the Weberian sense of an ideal type. By highlighting certain salient features of a segment of our experience, we get a simplified, but for this reason potentially illuminating, schematic representation, a model, 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 this account also presents an ideal in a more substantive sense, as something attractive and appealing. It does so in two related ways. One is to show that some conflicts and trade-offs we experience among various normative claims made on us are not necessary. We might, in an ideal world, have certain cakes and eat them too. The other is a promise, held out in such a world, 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 utopian ruminations are not, however, best treated as goals to guide our aspirations, but rather as reminders of how far we fall short. Clarifying an ideal, and so increasing awareness of how remote it is, may 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 way 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. 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* (Dan-Cohen 1994). 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 and partially understood tendencies to depart from those goals, develop their own interests, and become self-aggrandizing and self-perpetuating. We tend to experience our interactions with them as external and remote. They create a very different environment, and call for a different set of attitudes, than those suggested by the idiom of community.

These differences 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 consistent with our autonomy. But 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 be always resisted; autonomy requires no less (Wolff 1970). 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 and compatible 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 (Dan-Cohen 2002).

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 delimit the permissible severity of criminal sanctions. The logic of coercion in terms of which its performance is assessed 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, e.g., only those who violate the law are actually put in jail. But this impression too misses the point. The main strategy of legal enforcement is deterrence, i.e., coercive threats. And these are neither discriminatory nor 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.

Coercion is here to stay. At least in the world as we know or think we know it, law must be backed by sanctions. Political and legal philosophy commonly begin, soundly enough, by marking the state's coerciveness as a potential evil, and then struggle to redeem it through one or another justification. The tacit belief is that a satisfactory justification will solve the problem of coercion, so that at least within the parameters defined by the favored account the exercise of coercion ought no longer trouble the collective conscience or disturb the good citizen's sleep. Focusing instead on the question of law's normativity, the approach I have sketched takes us in a different direction. The violence perpetrated in the name of the law is never fully rectified by the practical imperatives that may necessitate it. A lesser evil is still an evil. 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 evoke 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" backed by brute force. Counterpoised to the detached or alienated 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.

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### Further Reading

For further reading, see: R. Dworkin (2011) *Justice for Hedgehogs*, Cambridge, Mass.: Harvard University Press; G. Fletcher (1993) *Loyalty*, New York: Oxford University Press; C. Korsgaard (1996) *The Sources of Normativity*, Cambridge: Cambridge University Press; D. Miller (2000) *Citizenship and National Identity*, Cambridge: Polity Press; and M. Nussbaum (1996) *For Love of Country?*, Boston: Beacon Press.