



# Fairness Obligations and Non-acceptance of Benefits

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It is widely held that an adequate theory of political obligation must be general; that is, it must establish requirements to obey the law for all or virtually all members of a given population. In regard to the principle of fairness (or fair play), generality poses a challenge, because many people claim not to want or to accept major benefits provided by the state. However, because the most important state benefits are public goods and so received even if they are not accepted, the implications of not accepting these benefits differ from those of not accepting excludable goods. Because of complex psychological aspects of rejecting non-excludable goods, rejecting such benefits frees recipients of obligations they would otherwise have only if they can pass an 'alternative test', and so explain how they would manage if rejection of the benefits actually prevented their receipt.

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It is widely held that an adequate theory of political obligation must establish requirements to obey the law for all or virtually all members of a given population. This condition, commonly referred to as *generality*, is frequently invoked in criticisms of different theories of political obligation.<sup>1</sup> It is directed most familiarly at theories based on consent, but a theory based on the principle of fairness (or fair play) is also criticized on these grounds. The generality problem arises because the principle of fairness establishes obligations through provision of benefits. If, as many theorists hold, benefits must be *accepted* if they are to ground obligations (Dworkin, 1986, pp. 192–3; Nozick, 1974, p. 95; Rawls, 1971, pp. 113–6), if large numbers of people do not want or accept the benefits, political obligations will not be general, and the principle of fairness will not be able to ground a satisfactory theory.

In this article, I explore connections between acceptance or non-acceptance of benefits and establishment of obligations under the principle of fairness. By distinguishing circumstances in which non-acceptance of benefits does and does not free people from political obligations they would otherwise have, I attempt to show that a theory based on the principle is more general than is commonly allowed. Discussion is in four sections. In the first section, I review the problem of acceptance in regard to the principle of fairness. Acceptance and non-acceptance of excludable benefits are discussed in the second section, while the results of this inquiry are extended to non-excludable benefits in the third section. Finally, complex psychological aspects of rejecting non-excludable goods are discussed in the fourth section.

## The Principle of Fairness

The principle of fairness was first clearly formulated by H. L. A. Hart in 1955 (Hart, 1955, p. 185).<sup>2</sup> Its moral basis is mutuality of restrictions. Under specified conditions, the sacrifices

made by members of a cooperative scheme in order to produce benefits also benefit non-cooperators who do not make similar sacrifices. The principle holds that this situation is unfair, and is intended to justify the obligations of non-cooperators. The underlying moral principle at work in such cases is described by David Lyons as 'the just distribution of benefits and burdens' (Lyons, 1965, p. 164). According to John Rawls, 'We are not to gain from the cooperative labors of others without doing our fair share' (Rawls, 1971, p. 112).

The principle of fairness operates clearly in cases concerned with 'excludable goods'. As a rule in such cases, benefits must be sought if obligations are to be incurred, while pursuit of benefits generates obligations. For instance, if three neighbors cooperate to dig a well, a fourth who proceeds to take water although he has refused to share their labors would ordinarily be subject to criticism. Along similar lines, in such cases, determining whether given goods have been accepted is ordinarily straightforward. As a rule, acceptance of some benefit involves steps taken to receive or procure it. Because of the general presumption of liberty in liberal political theory, it should be a person's own choice whether she will incur obligations under the principle of fairness by taking some benefit. If it is possible for the benefit to be denied her, it should be her choice whether to take it along with accompanying burdens. As these considerations indicate, in regard to excludable goods, fairness obligations are closely related to obligations based on consent, while in many cases it makes little difference whether obligations are interpreted as from consent or fairness or both.

Greater complexities are encountered with non-excludable benefits which, because of their nature, cannot be procured or even accepted. The benefits that are of greatest interest in regard to political obligations are public goods, especially those produced by the cooperative efforts of large numbers of people, coordinated by government. The clearest examples are public goods bearing on physical security, most notably national defense, law and order, and environmental protections. Because public goods such as these are non-excludable, and so must be made available to a wider population (or the entire population of some territory) if they are supplied only to certain members, if they are to ground fairness obligations it must be possible to explain how individuals who have not accepted them are bound.

A response to this line of argument is presented in my previous work (Klosko, 1992, ch. 2), which argues that receipt of public goods can generate obligations if three main conditions are met. Goods supplied must be: (1) worth the recipients' effort in providing them; (2) presumptively beneficial, that is, that they may be assumed to be indispensable for satisfactory lives; and (3) have benefits and burdens that are fairly distributed. Roughly and briefly, if a given benefit is indispensable to Adam's welfare, for example (and most notably) physical security, then we may assume that he benefits from it, even if he has not sought to attain it. Consider receipt of national defense (call this example '*National Defense*'). Because its benefits are public goods, Adam receives them whether or not he pursues them. In fact, because these benefits are unavoidable as well as non-excludable, it is not clear how he could pursue them even if he wished to. However, because the benefits are indispensable to Adam's welfare, we may presume that he *would* pursue them (and bear the associated costs) if this were necessary for their receipt. If we imagine an artificial choice situation analogous to a state of nature or Rawls' original position, it seems clear that under almost all circumstances Adam would choose to receive the benefits at the prescribed cost, if he had

the choice. Because of the indispensability of national defense, it would not be rational for him to choose otherwise. But in the case under consideration, Adam's obligation to the providers of defense does not stem from hypothetical consent – that he would consent to receive the benefits under some circumstances – but from the fact that he receives them. We should note, however, that because the benefits in question are only *presumptively* beneficial, it is possible that, as things turn out, Adam may not in fact need them or actually view them as benefits. But because of the ordinary conditions of human existence, we may presume that he does need them. Accordingly, granted this presumption, if Adam wishes to be free of obligations that these benefits entail, then the burden is on him to explain why he does not need them, and so to establish morally relevant differences between himself and other people, who are not only presumed to need them but actually need them.

However, even if we view this line of argument as intuitively plausible, Adam has a possible response. He may contend that this burden of justification is too strict. The simple fact of declaring that he does not want the benefits and does not accept them should free him from the obligations in question. Of course, because the benefits of national defense are public goods, they are still received, even if they are rejected. But assume that Adam announces that he does not want the benefits and so does not have an obligation to contribute. This is as close as he can come to rejecting them in the usual sense (call this '*National Defense Declined*'). Our question is whether rejection in this sense frees him of obligations he would otherwise have.

Adam's position receives support from an influential discussion by A. John Simmons. In his account of the principle of fairness, Simmons addresses the problem that public goods cannot be accepted in the usual sense. He argues that such goods can still be 'accepted', if they are received 'willingly and knowingly'. Basically, this amounts to recipients knowing the cost of the benefits and how they are produced and still wishing to receive them (Simmons, 1979, p. 132). In *National Defense Declined*, Adam of course claims that the benefits of national defense are not received 'willingly and knowingly', and so according to Simmons' standard, they are not accepted, and obligations are not incurred.

In spite of Simmons' added support, I believe Adam's position can be countered. And so we must look more closely at rejection of non-excludable goods. It appears that Simmons bases his account of the acceptance of non-excludable goods on a general understanding of how excludable goods are accepted. While I believe he is correct in placing psychological qualities at the center of his interpretation, I disagree with his conclusion.<sup>3</sup> Because excludable goods must be pursued in order to be received, recipients may be presumed to take them 'willingly and knowingly'. However, even if similar attitudes may be presumed to exist in regard to *accepting* non-excludable goods, parallels between *non-acceptance* of excludable and non-excludable goods break down. Because non-excludable goods are still received even if they are rejected,<sup>4</sup> determining whether rejecting them frees recipients from obligations they would otherwise have involves complexities not encountered with excludable goods.

### **Non-acceptance of Excludable Goods**

In order to examine these additional complexities, we should begin with rejection of excludable goods. To crystallize the moral issues involved, I will generally discuss acceptance

and non-acceptance of benefits in institutional contexts, in which providers of benefits demand that recipients contribute.<sup>5</sup> In such cases, the existence or non-existence of obligations will be made more tangible as reasons are exchanged between benefit providers and recipients. We start with a straightforward case, the well discussed in the first section (call this 'Well'). Members of the well-digging scheme provide Beth with water and demand that she take part in future well-cleaning rotations. Beth does not accept the water, and because of the presumption of liberty noted above, this obviously frees her from an obligation to participate. Even if members of the scheme deliver pitchers of fresh water to her door or hook up her plumbing to the well system, the fact that she has refused the benefits frees her from obligations. Clearly, if excludable goods are rejected, even if they are still received after they have been rejected, the fact that they have been rejected prevents obligations from being generated by their receipt.

In keeping with the above discussion, it may be short-sighted to draw strong conclusions from this example, because the benefits involved may be of little value. (We may assume that Beth has access to water from other sources.) However, rejection of excludable goods still short-circuits obligations, even if the former are essential for an acceptable life.

Assume that Beth will die unless she receives a kidney transplant (call this example 'Kidney'). Also assume that there is a cooperative scheme, members of which have priority in regard to organ transplants, in exchange for willingness to donate organs of their own when other scheme members need them. Clyde, a member of the scheme who is a good match, offers to donate a kidney, but Beth refuses. Clearly, in this case, Beth does not incur an obligation of fairness to the organ consortium, in spite of the great value of the benefit on offer. Although it may be irrational for her to refuse the organ, her refusal clearly bars a fairness obligation to the scheme.

The direct relevance of these examples to *National Defense Declined* may not be clear, because in these cases benefits are not received. Let us then alter the circumstances in *Kidney*. Once again, Beth will die if she does not have a kidney transplant, but she explicitly rejects Clyde's kidney, as noted above. In this case, however, consortium doctors sedate her and perform the kidney transplant, in spite of her objections (call this 'Kidney Received'). Still, under these circumstances there is little doubt that she does not incur an obligation. Her non-acceptance of the kidney takes precedence over both the value of the benefit and the fact that she actually receives it. Once again, because it is possible to withhold excludable goods from potential beneficiaries, it should be their choice whether to receive the goods and incur associated obligations.

Accordingly, it appears that analysis of cases of excludable goods supports Adam's objection. Most important, in *Kidney Received*, Beth does not incur an obligation, in spite of (a) the great value of the benefit, and (b) the fact that she actually receives it. As seen in the first section, (a) and (b) are claimed to be decisive for generation of obligations in *National Defense*. But in discussion of that example Adam's attitude toward the benefits was taken for granted – in the absence of arguments to the contrary. *National Defense Declined* brings his attitude to the forefront, and presents immediate grounds for claiming that an obligation is not incurred. If the presence of (a) and (b) do not establish an obligation in *Kidney Received*, why do they do so in *National Defense Declined*? If rejection of excludable benefits frees the recipient of obligations she would otherwise have, even if the benefits are

of great value and actually received, should not the same hold true for rejection of non-excludable benefits?

### Rejection of Non-excludable Goods

I believe there is a response to these questions, which becomes clear if we further revise the circumstances of *Kidney Received* (call this example '*Insincere Rejection*'). Assume once again that Beth will die unless she has a kidney transplant, but in this case she wishes to have the transplant, although she wishes to avoid an obligation to the organ consortium. Assume that she also has inside information about the workings of the hospital and so knows that, even if she rejects the transplant, the doctors will still sedate her and perform it. In this case, her rejection of the benefit is not only insincere but cost-free. She knows that, in spite of rejecting the organ, she will still receive it. Under these circumstances, it is clear that she incurs an obligation to the organ scheme, in spite of explicitly rejecting the benefits it provides. In spite of her expressed rejection, her *intention* is to receive the organ, and the implications of her intention take precedence over her insincere expressed wish.

As *Insincere Rejection* suggests, rejection of benefits functions differently in schemes that provide excludable and non-excludable goods. Under ordinary circumstances, rejection of excludable benefits short-circuits their receipt. Because such benefits can be denied to a given recipient, rejecting them ordinarily results in their not being received and so is costly. Rejecting excludable benefits may therefore be presumed to be sincere. Ordinarily it may be presumed to track underlying intentions, and strong evidence is necessary to overturn a presumption that a rejected excludable benefit is actually not wanted. Only in unusual circumstances – as in *Insincere Rejection* – are obligations incurred in spite of rejecting excludable benefits. In this particular case, of course, the benefit is not actually rejected, in spite of what Beth says. Her intention is to receive the kidney, which she manages to do, in spite of her verbal behavior.

Accordingly, as a general rule we may say that in ordinary circumstances, if Beth refuses some excludable benefit, she will be free of obligations in regard to it, even if it is (a) of great value and (b) actually received. She will not incur obligations unless there is strong evidence that her actual intentions differ from her expressed wishes. However, if convincing evidence exists that her expressed non-acceptance is insincere and she receives the benefit, then she will incur an obligation, in spite of her expressed rejection.

The cases we have examined indicate clear differences between non-acceptance of excludable and non-excludable goods. Although Simmons appears to base his account of 'acceptance' of non-excludable goods on cases with excludable goods, non-acceptance has added complexities we should recognize. While non-acceptance of excludable benefits (1) ordinarily stops their receipt and so (2) is ordinarily costly, non-excludable benefits are (1) still received regardless of what potential recipients say about wanting or not wanting them, and so (2) in their case, rejection is cost-free. Because rejection of non-excludable benefits is cost-free, potential recipients have strong incentives to reject them, especially if rejecting them frees recipients of obligations to contribute to their production. Thus I believe we should hesitate before assuming that rejection of non-excludable goods is sincere, as it may be presumed to be with excludable goods. Because of the advantages of insincerely rejecting non-excludable goods that are necessary for acceptable lives (presumptive public goods), the

beliefs and motives of people who reject them should be examined. Simply saying that they do not accept benefits they are still going to receive should free them of obligations only if their rejection meets standards of two kinds. Their desire to reject the goods in question must be sincere, and their position must be supported by strong reasonable arguments.

Many complex problems raised by these standards cannot be discussed in this article. For present purposes it should be enough to sort out some of the main issues involved and to provide basic guidelines. In regard to the sincerity standard, if Adam wishes to be free of obligations he would otherwise have from receipt of some presumptive public good, he must genuinely not want it, most likely because he does not believe it is actually a benefit for him or that it is not worth its cost. But he could have other reasons as well. As a rule, he must support the sincerity of his rejection with reasons that meet a certain standard of plausibility – and so the sincerity and reasonableness tests often run in tandem. Because the benefit may be presumed to be necessary for an acceptable life and so also generally worth its cost, the burden falls on him to demonstrate that he could lead an acceptable life without it. And so a first indication of whether he is able to meet this burden is what we may call an *alternative test*. Since Adam claims not to want a particular presumptive public good, he must be able to explain how he would cope without it. The alternative here is what he would do if rejection actually prevented receipt. Because presumptive public goods are by definition necessary for acceptable lives, we may assume that, if individuals could not make do without them or at least did not know how they would do so, their rejections would not stand up under alternative circumstances. In other words, the fact that Adam cannot explain how he would manage without the benefit in question is a strong indication that his rejection is not sincere. This account is overly simple, as what I mean by ‘sincere’ rejection requires further discussion. I should also note that I do not claim that passing the alternative test is enough to guarantee that rejection is sincere. But once again, it seems likely that not passing it strongly indicates insincerity.

To return to *National Defense Declined*, an argument that could well pass the alternative test is that, because of his strongly pacifist religious beliefs, Adam objects to his security being provided through the violence associated with police and national defense forces. If his beliefs were sufficiently sincere, he would be willing to face the consequences of not having national defense, however dire these might be. Whether or not an argument along these lines should be accepted will depend on circumstances. (We will return to some complexities associated with beliefs such as this below.) The point here is that arguments of similar force are generally necessary to free recipients of presumptive public goods of obligations they would otherwise have.

### Adapted Beliefs

As noted above, there are two different perspectives from which questions of political obligation can be viewed: whether a subject has a given obligation, and in some institutional context in which authorities attempt to determine this. The epistemic problems entailed by the latter perspective provide an additional reason to require a given subject to defend his claim. Along with the obvious advantages of rejecting non-excludable benefits are difficulties in determining whether his rejection is sincere.<sup>6</sup> Because of these considerations, someone who rejects presumptive public goods should be required to make a strong case

for his sincerity and so to provide convincing arguments. We will keep this consideration in mind, but focus mainly on the subject's beliefs themselves, from a perspective that sets these epistemic problems aside.

Once again, determining whether a given subject is able to satisfy the sincerity and reasonableness tests confronts enormous complexities. There is no single rule or formula to which we can appeal, and discussion of numerous problems we encounter is not possible in this article. But beginning with sincerity, we must consider a complicating factor.

Consider once again *National Defense Declined*. Assume that Adam genuinely believes he does not want national defense even though he lacks arguments for his position. Why should this not be enough to free him from obligations? If this is his sincere belief, why are supporting arguments necessary?

The response here is that the peculiar dynamics of public goods make the alternative test and other tests necessary. Because of the desirability of rejecting such goods when they are still going to be received, recipients have obvious incentives to misstate their actual preferences, to say they do not want given benefits, even if they actually want them. This response returns us to the epistemic question just noted. But it appears to miss the point at issue. If Adam is expressing his actual preferences, how can one question his sincerity?

A proper response to this objection requires a more detailed account of what constitutes 'actual preferences'. In the case under consideration, the rejecter, Adam, *believes* that he does not want the goods in question. Because his belief is sincere, he also believes that he should not be subjected to the alternative test, although he lacks strong reasonable grounds for his position. In cases along these lines, we must address the possibility that the subject's beliefs have been shaped by the advantages of holding them. Stated in stark terms, if Adam realizes that simply believing that he does not need the benefits of national defense and so rejecting them would free him of obligations he would otherwise have, then under many circumstances, he may tailor his beliefs to support his interests and, especially relevant here, he may do so without being aware that he is doing so.

Psychological phenomena along these lines are familiarly encountered in contexts involving 'adaptive preferences', 'cognitive dissonance' and similar mechanisms. In a well-known account of adaptive preferences, Jon Elster uses this term to designate preferences that are shaped by possibilities in regard to attaining or not attaining their objects, as in the fable of 'sour grapes'. In this tale, the fox somehow tricks herself into believing that she does not want the grapes that are out of her reach, because they are really sour (Elster, 1983, esp. pp. 109–40).

For our purposes in this article, it is not necessary to provide a detailed account of adaptive preferences or to distinguish carefully this phenomenon from other related psychological processes. A few basic points should be adequate here. First, our concerns in this article differ from Elster's. His focus on adaptive *preferences* is bound up with his desire to criticize utilitarianism. We are more concerned with cognitive aspects of this overall phenomenon: how beliefs or opinions are altered to fit certain kinds of situations. For instance, in the fable, after the fox realizes that she cannot get to the grapes, her initial (non-adapted) belief that the grapes are sweet changes, and only then does her desire to eat them alter. Our main concern is the second step in this sequence, the change in belief. Obviously, alterations of preferences and of beliefs are closely related aspects of overall

processes; ordinarily there appears to be a reciprocal interaction between them. As a rule, in the cases that interest us – as in the fable – alterations of beliefs and preferences are caused by a desire to relieve psychological tension. In the fable, the causal factor is evidently the fox's frustration at being unable to eat the grapes, which is relieved by the relevant adaptation of beliefs and preferences. Similar or related alterations of beliefs occur in different circumstances. For instance, as Martha Nussbaum notes, adapted preferences may be helpful: for instance, the fact that I no longer desire to be a major league baseball player (Nussbaum, 2001, pp. 78–9). However, in this case, in a central respect there has been no cognitive change. I still believe the life of a professional baseball player is desirable, although my preferences have changed in accordance with my recognition that I do not have the relevant talents. The cases that are of interest in this article involve beliefs that should be viewed as lacking reasonable support, as in the fable of the fox. Such beliefs are factually incorrect or based on understandings of how the world works that are strongly at variance with what (almost all) reputable experts believe. Some examples are presented below.

Because changes of belief in the cases that interest us are caused by desires to avoid or reduce psychological tension, as a rule in such cases the relevant processes are not centrally based on voluntary or conscious choice. Little or no psychological tension would be reduced by the fox saying to herself: 'I know the grapes are sweet, but in order to feel better about not being able to have them, I choose to believe they are not'. Consciously chosen unreasonable beliefs also raise moral problems. For instance, assume that Debby wishes to be free of her obligations to national defense, and so seeks out opinions – for example, libertarian anarchism – according to which defense is not necessary. She then decides to adopt such views (call this '*National Defense Avoided*'). Clearly, beliefs acquired in this way would not free their holders of obligations. The cases with which we are concerned are more difficult, because the subjects may be viewed as holding the relevant beliefs with a certain measure of sincerity, not as having chosen to hold them for ulterior motives.

In sum, then, although adapted preferences or adapted beliefs may cover a wide variety of cases, the core of the phenomenon as it interests us is change of beliefs in order to relieve psychological tension. We may assume that a variety of mechanisms may be at work and not insist on a precise account of their psychological dynamics. But as with the fox and the grapes, the cases that interest us have three main elements:

- (1) The subject has a particular desire which would be thwarted or frustrated if he acted in accordance with what are generally recognized as the facts of the situation;
- (2) and so the subject somehow alters his understanding of facts, with the result that his understanding is now without reasonable support;
- (3) but his new understanding reduces the tension noted in (1).

Phenomena that may be interpreted in accordance with these three elements are distressingly familiar in contemporary politics, for example frequently involving large percentages, even majorities, of the American population. I present a few items – additional cases could be added with little difficulty. In these cases, holding incorrect beliefs could not only reduce psychological tension, but could be viewed as freeing subjects of political obligations they would otherwise have.



Consider climate change deniers. Many people reject the overwhelming weight of scientific opinion and deny that climate change is caused by human action. They contend that government can do nothing to stop it – if they recognize the phenomenon at all. Positions along these lines are held by supporters of strictly limited government, and also by people with obvious ulterior motives, such as supporters of energy companies and the like, including, in the US, people who come from states that depend on energy production. It seems that few deniers of climate change are not from these or related camps.

In a case such as this, the beliefs involved are complex. Some people deny that global warming is happening at all; some deny that human actions are at fault; while others deny that human beings can do anything to stop the process.<sup>7</sup> Reasons why people come to hold these different views undoubtedly differ from person to person. Some may be misled by incorrect facts, others because they defer to the authority of supposed experts. But regardless of the details, in most or all cases it is likely that people who come to hold their beliefs do so because at least in part this makes them more comfortable. To accept consensus views on climate change would cause problems with their intellectual coherence and/or have public policy implications that they wish to avoid.

Our central concern is that, in spite of lacking reasonable support, the relevant beliefs could be viewed as freeing their holders of obligations to help ameliorate climate change. In a relevant case, the adapted belief in question is either that climate change is not occurring at all or that it is not caused at least to a significant extent by human beings. Such beliefs could free Ernie of the relevant obligations because he does not view the intended results of the policies as benefits and so does not want them. It is important to note that, while his beliefs in regard to the nature of the benefits may be viewed as simply without foundation, these views should be distinguished from policy disagreements about what to do about global warming, in regard to which there is room for considerable legitimate disagreement. But once again, because the beliefs in question should be regarded as simply unreasonable, the fact that Ernie and many other people continue to hold them requires explanation.

To take another example, consider the views of diehard opponents of raising taxes. An interesting case in point is the position that the elder George Bush called ‘voodoo economics’, the idea that cutting taxes actually increases tax revenues and so will not increase the federal deficit. Once again, it is unusual to find people with factual beliefs along these lines who do not strongly wish to reduce their own taxes, are strong proponents of shrinking the federal government or ideologically associated with the conservative wing of the Republican Party.

As with the climate change case, for Ernie to believe that raising taxes would not in fact reduce the budget deficit would cause him to doubt the benefit in question and so could free him from obligations he could otherwise have. Once again, because of what I assume is overwhelming evidence that his beliefs lack reasonable support, his holding them requires explanation. And once again, his belief that the benefit in question is not actually a benefit should be distinguished from disagreements about how to achieve the desired end, about which people are likely to disagree.

I recognize difficulties with blanket characterizations of beliefs along these lines as adapted. It is difficult to generalize about large numbers of people in widely different

circumstances, although it is not necessary to insist on a particular account of exactly how the incorrect beliefs come about. If we may generalize from these cases, we must consider that adapted beliefs play a significant role in influencing people who reject presumptive public goods. For these people, too, because holding beliefs that are generally accepted would contribute to both psychological tension and unwelcome political obligations, the advantages of adapted beliefs are apparent. Our concern is whether adapted beliefs are able to free people of obligations they would otherwise have.

Clearly, in an institutional context, if Adam declares to the relevant authorities that he does not want particular presumptive public goods that he is going to receive anyway, this alone would not ordinarily relieve him of obligations to contribute. As indicated, his declaration must be sincere; he must honestly believe he does not need them. Because this raises the epistemic problems noted above, it is likely that he would be required to make a convincing case for his position. While in a purely moral context it may be more difficult to determine whether his beliefs are sincere, once again I believe a strong indication of both their sincerity and that they are not merely adapted is his ability to defend them, especially to have a plausible explanation of how he would cope without the benefits in question. While this alone does not guarantee sincerity, at the very least it indicates that the subject has thought carefully about the matter in question. While it is possible for this to be true of a person with beliefs that are adapted, if she is able to defend her stance with reasonable arguments, she must have adapted those as well.

To satisfy the second test, the relevant beliefs must also meet a standard of reasonableness. As the examples of climate change and opposition to tax increases suggest, simply possessing strange or indefensible beliefs in regard to presumptive goods that he receives should not free Adam of obligations. As Richard Arneson writes of a subject's claim that he should not have to contribute to defense, which he does not recognize as a benefit, because he believes defense falls like manna from heaven, 'If [a given subject] has a deeply entrenched belief, grossly at variance with the facts, and this counts as negligent or culpable ignorance, his obligation stands' (Arneson, 1982, p. 32).

Although I believe Arneson is correct, it could be objected that this standard is too strict – that it is unfair to recipients of non-excludable goods.<sup>8</sup> As we saw above with *Kidney*, simply rejecting the good in question frees Beth of an obligation to the organ consortium. Under ordinary circumstances, not only do we not question the sincerity of her rejection but the plausibility of her reasoning is not a consideration. The fact that she claims not to want the kidney is enough. But of course for recipients of non-excludable goods, bare rejection works differently. In regard to excludable goods, whatever the subject's reasons, rejection ordinarily precludes receipt. Only in unusual cases in which goods are received in spite of being rejected are questions raised concerning recipients' beliefs. Of course circumstances differ with non-excludable goods, rejection of which does not prevent receipt. In such cases, the advantages of rejection require additional measures. Because the benefits are still received in spite of being rejected, they carry with them a burden of justification.

Granting the need for convincing arguments does not of course clear up all difficulties. We require an account of plausible arguments. As noted above, I believe the alternative test can play an important role, although it is not likely by itself to be sufficient. In addition,

beliefs that qualify should not be grossly ignorant, should reflect the way the world actually works, etc., although of course it is difficult to draw precise lines in such cases.

One particular kind of argument that is commonly encountered in contemporary society causes problems that are especially notable. This is the claim that some benefit is unnecessary, because recipients could provide it themselves. Clearly, if successful, an argument along these lines would free recipients from obligations they would otherwise have. Although it is difficult in the abstract to lay out criteria for plausible arguments, in many cases assessment should be relatively clear. For instance, it is not enough for Adam to say that he does not need the American military establishment because he is able to defend himself with his own Glock pistol. In spite of the complexities in assessing such arguments, we should note an important assumption underlying the argument here – and likely all other possibly successful arguments for political obligations. This is the assumption that the state is necessary, that the public goods inhabitants of society need for acceptable lives cannot be supplied without it (for discussion, see Klosko, 2005, ch. 2). Simply *believing* that the state is not necessary is not enough, unless this belief can be defended with strong reasonable arguments. If Debby argues that she does not need various presumptively beneficial public goods because she believes she could provide them herself without the state, and her position could not be supported by strong reasonable arguments, there is a good chance that her relevant beliefs are merely adapted.<sup>9</sup> While it is difficult to draw a blanket distinction between indefensible and defensible beliefs, once again there is little doubt that many cases can be placed on either side of such a line. To be acceptable, plans for alternative supply of central public goods must fall on the plausible side of this line.

One final complexity that should be discussed concerns a particular category of beliefs that may free subjects of obligations but which may lack what are ordinarily viewed as strong reasonable grounds. Included here are religious or other similar beliefs which could lead people to reject certain public goods. A possible example is noted above. What if Adam is a sincere pacifist and so rejects national defense for this reason? In such a case, it is not necessary that the reasons in question be religious. Rejection of defense for strong moral reasons would seem to be analogous. In considering these cases, I wish to avoid questions as to whether a given subject's religious or moral views are or could be supported by strong arguments. An important difference between these beliefs and those concerning climate change or opposition to tax increases discussed above is that religious beliefs are ordinarily not assessed in terms of their reasonableness. While denial of climate change is an empirical claim capable of being confuted by empirical evidence, religious beliefs are ordinarily immune from refutation by opposing facts. However, a standard of reasonableness clearly holds in regard to connections between the belief in question and reasons why complying with whatever requirement the state imposes would be in violation of it. Such a connection is clear in regard to Adam's rejection of national defense if he is a devout pacifist. In other cases of religious objection, connections must be similarly clear.

It is obvious that the points under discussion here in regard to religious or other central moral beliefs are enormously complex and cannot be pursued in this context. But one point that bears mention is the great importance people accord their religious or other core moral convictions. Such beliefs are frequently so central to people's identities, to their senses of themselves, that they have strong interests in adhering to them. It is oftentimes not in their

interests to go against them, even for the sake of what are frequently viewed as great benefits. Because of the distinctive nature of these beliefs in regard to questions of political obligation, an important consideration is the degree of commitment with which they are held. Whether the beliefs in question are religious or moral, it seems that an applicable standard is that used by the United States Supreme Court in regard to questions of conscientious objection. According to the Court, the relevant category of beliefs includes those that ‘occupy a place in the life of its possessor parallel to that filled by the orthodox belief in God’.<sup>10</sup> A standard the Court discusses is the idea of religion as involving matters of ‘ultimate concern’ to the adherent (*United States v. Seeger*, 380 US 163 [1965], p. 187). Accordingly, if Adam’s rejection of defense is rooted in beliefs that meet these criteria, then questions concerning what might otherwise be viewed as the plausibility of his grounds may be set aside. We should note that this is an exacting standard while, once again, state authorities who wish to determine whether his views actually satisfy it confront significant epistemic hurdles.

In conclusion, we should recognize that even if Adam’s objection to defense should be viewed as convincing, this need not free him of all political obligations. Receipt of other public goods – for example, law and order, environmental protection, public health – could well provide him with reasons to obey the laws in regard to their provision, while considerations other than receipt of benefits could justify obligation on other grounds – for example, from natural duties of justice or considerations of membership.<sup>11</sup> Still, the considerations presented in this article should tell against his ability to be free of obligations he would otherwise have simply because he rejects particular public goods, even in many cases if he actually believes that he does not want them.

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## Notes

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- 1 For the conditions a satisfactory theory of political obligation should satisfy, see Klosko, 1992, ch. 1; Simmons, 1979, chs 1–2. For purposes of this article, I focus on generality alone.
- 2 Some exposition in this section draws on Klosko (1992).
- 3 Simmons’ account rests heavily on his claim that ‘acceptance’ of public goods requires ‘an understanding of the status of those benefits relative to the party providing them’. I disagree with this condition, which Simmons has never adequately defended; for discussion, see Klosko, 1992, pp. 49–52; Simmons, 1979, p. 132.
- 4 Throughout, I assume that ‘non-acceptance’ and ‘rejection’ of benefits are sufficiently similar to be used interchangeably.
- 5 In non-institutional contexts, the relevant requirement is that benefit recipients have good reasons, although they are not required to present them to other people. Some added complexities of the institutional perspective are touched on below.
- 6 For discussion of this point, I am grateful to my anonymous readers.
- 7 For discussion here, I am indebted to one of my anonymous reviewers.

- 8 For discussion of this point, I am grateful to one of my anonymous referees.
- 9 Interestingly, in *National Defense Avoided*, Debby, who consciously chooses to adopt a doctrine in order to free herself of obligations she would otherwise have, may be able to deal with the alternative test. This article is not the proper venue for detailed discussion of libertarian anarchism, but given the fact that this position has been worked out by numerous sophisticated theorists, a strong case could be made that it would pass muster. However, while Debby's insincerity may be difficult to detect, the fact that she does not sincerely hold the beliefs in question obviously disqualifies her from not having the obligation in question on the basis of these beliefs. More difficult circumstances would exist if Debby were somehow to convince herself that she actually holds the doctrine in question, but in order to keep discussion manageable, I set aside this possibility here. In any case, although a number of people may have characteristics along these lines, in all likelihood the number is not large enough to affect the generality standard.
- 10 *United States v. Seeger*, 380 US 163 [1965], p. 184. For discussion of this point and references, I am indebted to Micah Schwartzman.
- 11 For a natural duty view, see Cristiano, 2009; Stilz, 2009. For association, see Horton, 1992; 2006; 2007.

## References

- Arneson, R. (1982) 'The Principle of Fairness and Free-Rider Problems', *Ethics*, 92 (4), 616–33.
- Cristiano, T. (2009) *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Dworkin, R. (1986) *Law's Empire*. Cambridge MA: Harvard University Press.
- Elster, J. S. (1983) *Grapes*. Cambridge: Cambridge University Press.
- Hart, H. L. A. (1955) 'Are there any Natural Rights?', *Philosophical Review*, 64 (2), 175–91.
- Horton, J. (1992) *Political Obligation*. London: Macmillan.
- Horton, J. (2006) 'In Defense of Associative Political Obligations: Part One', *Political Studies*, 54 (3), 427–43.
- Horton, J. (2007) 'In Defense of Associative Political Obligations: Part Two', *Political Studies*, 55 (1), 1–19.
- Klosko, G. (1992) *The Principle of Fairness and Political Obligation*. Savage MD: Rowman & Littlefield.
- Klosko, G. (2005) *Political Obligations*. Oxford: Oxford University Press.
- Lyons, D. (1965) *Forms and Limits of Utilitarianism*. Oxford: Oxford University Press.
- Nozick, R. (1974) *Anarchy, State, and Utopia*. New York: Basic Books.
- Nussbaum, M. (2001) 'Adaptive Preferences and Women's Options', *Economics and Philosophy*, 17 (1), 67–88.
- Rawls, J. (1971) *A Theory of Justice*. Cambridge MA: Harvard University Press.
- Simmons, A. J. (1979) *Moral Principles and Political Obligations*. Princeton NJ: Princeton University Press.
- Stilz, A. (2009) *Liberal Loyalty: Freedom, Obligation, and the State*. Princeton NJ: Princeton University Press.