

THE COLLECTIVE WORK OF CITIZENSHIP*

Christopher Kutz

*Jurisprudence and Social Policy Program, School of Law,
University of California at Berkeley*

I. INTRODUCTION

Ian McEwan's *Enduring Love* opens with a scene as powerful as any novel has given us in recent years: The pilot of a hot-air balloon, down in a field, is struggling against a sudden gust to get control; the balloon's basket contains a child, perhaps the pilot's son. The novel's narrator, lunching in the countryside, realizes with horror that the pilot cannot gain control, that the balloon will be lifted up by the wind and almost certainly blown into high-tension lines nearby. Fortunately there are some others who have also spotted the problem, and the narrator and they converge on the balloon to help the pilot secure it. They are eager but uncoordinated; as McEwan says: "There may have been a communality of purpose, but we were never a team."

At first this doesn't matter; each grabs a rope and manages to bring the balloon down to earth. But there are more gusts, finally a great one, and they are all lifted above the ground, just dragging and on the wrong edge of control. Still there is hope; if they can act together, all hold on together, they'll land the balloon, saving the boy and saving themselves. Eventually, however, they do break ranks:

But there was no team, there was no plan, no agreement to be broken. . . . Someone said *me*, and then there was nothing left to be gained by saying *us*. A good society is one that makes sense of being good. Suddenly, hanging there below the basket, we were a bad society, we were disintegrating The moment I glimpsed a body falling away—but whose?—and I felt the balloon lurch upward, the matter was settled; altruism had no place.

*I am grateful to audiences at the Townsend Center for the Humanities, University of California at Berkeley; participants in the Conference on Participation in Law and Politics, Yale Law School; the Political Theory Convocation, Texas A&M University; and the Institute for Philosophy and Public Policy, University of Maryland. I am especially grateful for discussion to Carl Caldwell, Jules Coleman, John Gardner, Margaret Gilbert, Peter Levine, Daniel Markovits, Jessica Riskin, Scott Shapiro, and Seana Shiffrin.

The result is inexorable, awful: The would-be rescuers drop off till only one, perhaps a little braver, is left hanging, rising, then falling.¹

McEwan's theme is the theme of this paper: the relation between community and capacity, our ability and obligation to do together what we must do and cannot do alone. This theme rests on a truism: that, fundamentally, we live our lives together in work, in love, in politics. These activities have meaning, indeed are only possible, as the activities of many—as projects of collective agency. What is puzzling is why theories of morality, politics, and law—at least those theories contending for acceptance today, which may generally be called “liberal theories”—rest instead upon a model of individual agency. The central problem in moral theory has been to identify the grounds and limits of an individual's obligations to other individuals; political theory has traced the sources of the state's legitimacy in relation to any given individual; and legal theory has sought the limits upon state coercion. All of these approaches to liberal, egalitarian, social philosophy have a dual aim: to protect a diversity of personal projects, and to justify a shared project of ensuring material well-being for all. Nonetheless, all take as their model an individual agent acting alone in the pursuit of his or her own goals.

Clearly, liberal theory's dependence on an individualistic conception of agency comes at the cost of significant distortion of the actual framework of social life, which is so often essentially collective. Often, that is, we conceive our activity jointly, as doing our individual parts of a shared project. The success of the project is measured not only by whether each of us is successful in making his or her contribution but by whether *we* are successful in reaching our shared end. It is since Marx a familiar criticism—if frequently overstated—that liberal individualism fails to appreciate our embeddedness in social and political formations. The descriptive individualism of liberal theory also entails a normative problem verging on paradox: The self of self-government is a “we,” not an “I.” What we need and lack is a way of incorporating into liberal theory a conception of social and political agency that recognizes the pervasiveness of collective agency but does not lapse into Romantic (or fascist) organicism.

This is a large project, to be sure. But my ambitions in this paper are more modest. Instead I develop here two central examples, respectively moral and political. The moral example considers the problem of rescue obligations, meeting the massive needs of strangers whose needs must be met together to be met at all. The puzzle arising from rescue obligations is why any individual has reason to contribute, since an individual's failure to contribute leaves those in need insignificantly worse off.

The political example treats the traditional so-called voting paradox. The voting paradox has both a descriptive and normative dimension. Descriptively, it seems as though, rationally, citizens should not bother with the

1. Ian McEwan, *ENDURING LOVE* 11–17 (New York, 1997).

franchise, since the expenditure of time and effort likely outweighs the discounted prospect that citizens' single votes will bring their preferred electoral choices to victory.² Nonetheless, citizens do vote, and in large numbers. The normative puzzle is a corollary: Since individuals are highly unlikely to make a difference in their votes, there appears to be little basis for the claim that they have an obligation to vote. And yet voting is ideologically (if not practically) at the heart of liberal democratic life. Indeed, in a tradition beginning with Rousseau, it is through voting that we are said to legitimate the exercise of political authority that would be otherwise subordinating, and so gain social freedom. The paradox I am interested in is not Rousseau's, namely how we become free by subjecting ourselves to law. It is, rather, the paradox that an activity so marginal, so peripheral, should bear conceptually so much of the weight of freedom.

The puzzles surrounding both rescue and voting cases admit of a similar diagnosis and resolution. In particular, I want to argue that we misconceive the nature of certain kinds of individual moral and political obligations unless we understand them as essentially mediated by collective obligations. A standard account of such obligations takes them as sets of individual obligations—that is, obligations obtaining between discrete individuals, though perhaps bundled together for efficiency's sake in political institutions. On the standard account, which I call the *individualistic conception*, the proper analysis of these social obligations is the same as the analysis of other individual obligations.

I want to suggest an alternative picture, which I will call the *participatory conception*. According to this conception, in the circumstances of inequality in which such redistributive obligations exist, the form they take is, on the side of the beneficiary, an individual claim against the group for a share of resources and, on the side of the donor, an individual obligation to play one's part in our together satisfying this claim. I want to argue that this participatory conception can make sense of some otherwise puzzling features of our moral obligations of mutual aid. I will then argue that a structurally similar account of mutual obligation can make sense of democratic action as well.

First, I offer an example of a situation of redistributive obligations and show how a very familiar, intuitive model of moral obligations would try to account for the example. Second, I explore three aspects of the example that are not well accounted for by the familiar, individualistic conception. I'll also look briefly at how more theoretical accounts, namely act-utilitarianism and Kantianism, would account for these aspects. Third, I develop the voting puzzle at greater length, showing how individualistic models of voter behavior either drive the problem or fail to resolve it, including the most philosophically sophisticated model to date, that of Geoffrey Brennan

2. The *locus classicus* is Anthony Downs, *AN ECONOMIC THEORY OF DEMOCRACY* (New York, 1957).

and Loren Lomasky.³ Fourth, I present my own account, the participatory conception, and show how it can accommodate the puzzles of individual obligation in a social world. I conclude by briefly addressing some worries generated by the participatory account.

II. THE CIRCUMSTANCES OF NEED

Here is an example in the form of another story. It is called "The Desert March" and is adapted from an example by Derek Parfit, who himself took it from Jonathan Glover.⁴

Two groups are traveling across a desert landscape. We are in Red Group, which consists of ten thousand people; Blue Group is a hundredth our size at one hundred people. The two groups are separated by a significant distance. Each member of both parties carries a quart of water, roughly the amount, it is universally acknowledged, anyone needs to survive the rest of the journey. In fact, of course, a few drops less than a quart would also suffice, but not much less.

Overnight, bandits creep into Blue Group's camp and take all of their water. Blue Group radios us to request water from us, enough to sustain them for the trip, or roughly 25 gallons. Fortunately, we have an empty water tank mounted on a cart that is capable of holding that much, and so a call goes out for each member of Red Group to tip into the tank a very small amount of water, less than a third of an ounce. Though it is frightening, to be sure, to give up any water in the middle of the desert, the knowledgeable among us assure us that this small amount of water will not make the difference between our living and dying. Taken together, however, our contributions will make that difference to the members of Blue Group.

I assume that each of us in Red Group has a moral obligation to contribute that fraction of water. For the moment, put aside the theoretical source of that moral obligation; let us say that it is justified simply by the needs of the Blues. Instead, the question to ask is: What is the precise structure of the joint set of redistributive obligations? Is it a network of obligations running from each to each? I suggest not. Rather, the structure is more complicated, reflecting both an individual and a collective aspect of the situation. In particular, I want to argue that each Blue has a claim upon Red Group, taken as a whole, while each Red has an obligation to contribute to the group's collective relief effort.

Look first at a commonsense conception of such obligations, which sees

3. Geoffrey Brennan and Loren Lomasky, *DEMOCRACY AND DECISION: THE PURE THEORY OF ELECTORAL PREFERENCE* (New York, 1993).

4. Derek Parfit, *REASONS AND PERSONS* (New York, 1984); and Jonathan Glover, *It Makes No Difference Whether or Not I Do It*, 49 *PROC. ARISTOTELIAN SOC'Y* 171–90 (1975). I should say that I use this etiolated example partly for expository ease, and partly because today, post-9/11, more realistic examples of rescue ring too close to home.

them as a network of individual claims and duties. On this view, the needs of the members of Blue Group are sufficient to warrant a moral claim on the resources of the members of Red Group. Everybody has an obligation to render aid to those in distress, at least when the aid can be rendered at little cost to oneself. Conversely, anyone in need has a claim on those who can render aid at little cost to themselves; hence each Blue has a claim on the resources of each Red.

The commonsense approach does rely upon a collective institution, here the water cart, as a means to satisfy the individual obligations. But the collective nature of the solution to the problems posed by the Blues' claims does not otherwise enter into the content or structure of the Reds' obligations. To put it another way, the collective aspect of the situation is a matter of technology, not ontology. There is obviously a close parallel to a Lockean theory of punishment, according to which the state possesses no right to punish independent of the rights its citizens have transferred to it. Here, the individualistic conception is an instance of the strategy Thomas Nagel has called the "moral division of labor."⁵ According to this strategy, individuals confronted by the legitimate claims of so many others in need would waste resources by acting individually and, equally important, would be ground down by these demands if they were to try to meet them personally. And so we "externalize" our obligations, packaging them into social and political institutions whose demands on us are focused, perhaps in the form of a tax bill, and so permit us to pursue our own projects. As Nagel says, this "moral division of labor," or better, division of moral labor, characterizes much of the liberal tradition in political philosophy, but its relation to the problem of constructing enduring political institutions is not my subject. Rather, I want to focus on the underlying moral structure of the obligations presupposed by the strategy.

What the Analysis Must Reveal

An account of individual redistributive obligations must explain three aspects of problems like the Desert March, that is, situations involving relatively large numbers of people and relatively small contributions demanded by each. I list these aspects now, and then examine whether the individualistic account adequately captures them.

First, the analysis must capture what I will call the *relational* character of the claims and obligations between and among Reds and Blues; that is, the particular expectations and attitudes both presupposed and entailed by the network of claims between the parties. In the redistributive context, there

5. Thomas Nagel, *EQUALITY AND PARTIALITY* (New York, 1995), ch. 6. John Rawls deploys the similar idea of an "institutional division of labor," in *The Basic Structure as Subject*, reprinted in *POLITICAL LIBERALISM* 268. (New York, 1996); however, for Rawls and unlike Nagel, the principles governing institutions are distinct from those governing individuals, so the institutions cannot be considered simply "repackagings" of individual obligations. For discussion, see Liam Murphy, *Institutions and the Demands of Justice*, 27 *PHIL. & PUB. AFF.* 251–291 (1998).

are two sets of interpersonal relationships we need to explain: a *vertical* set, so to speak, between donors and beneficiaries, and a *horizontal* set, among the donors themselves and among the beneficiaries. I will argue that the distinctive relational feature of the Desert March example is its *two-tiered* aspect. By two-tiered, I mean that the primary question is whether we, the donors, have together satisfied our obligations, and only *derivatively* does the question arise of whether any given donor has satisfied the claims facing him or her.

Second, the analysis must reckon with the problem of *marginal contributions*. In the example, and in many of its real-world analogues, it is the aggregate effort that counts; no individual contribution of a third of an ounce of water, distributed over the many recipients, will make a perceptible difference. And yet, intuitively, the individual obligation to contribute seems to have great force, disproportionate to its actual welfare effects on any given individual.

Third, the analysis must deal with the *problem of coordination*. The Desert March is a case in which what any given individual ought to do depends upon what others will do, in the sense that unless many other persons contribute water (roughly ninety), I have no reason to contribute my own, since that third of an ounce could not sustain life. Alternatively, perhaps each must give a few drops more if a few give less.

Relationality

Let me begin with the relational aspect of the situation. The first relational aspect I called the *vertical* aspect, referring to the relations between claimants and donors. In the case of an ordinary, purely individual obligation such as a promise, claims and obligations are tightly linked, such that the failure to fulfill one's obligation entails failure to satisfy a claim. By this I mean that we cannot conceive of a promisee's claim as being fulfilled without the promisor fulfilling his or her obligation. This tight correlation is reflected phenomenologically in the way that a failure to keep one's promise is regarded as a kind of betrayal, a sense shared by both parties. This is because making a promise not merely offers a sort of claim check on a good or service but makes a personal commitment of one's agency. While obviously the specific sense of betrayal and its corresponding emotions of guilt and resentment depend upon the depth of the prior relationship between the parties, I believe this sense of betrayal is present in all cases where the subject matter of the promise is significant. My failure to meet my obligation has distorted the kind of relationship that you had a right to expect between us. Note also that the sense of betrayal endures even if a Good Samaritan steps into the breach, making good on my promise to you. The Samaritan's efforts in no way release me from a reparative obligation, for example some kind of apology.

By contrast, redistributive obligations are characterized by a two-tiered structure, such that individual failures are less significant. The phenomenology of breach again reveals this. Return to the Desert March. Imagine that I alone do not tip my extra water into the tank. The effect of this deficit upon each member of Blue Group is likely to be imperceptible, or perhaps the other members of Red Group each tip in a few extra drops of their own, an insignificant loss to them. Would a member of Blue Group feel resentful, as in the promise case? I don't think so; a member of Blue Group would think: *They* answered my call for help. Here the claim of any member of Blue Group to the water is satisfied even though I have failed to keep my obligation. To put the point another way, the Blues likely regard *us* collectively as under an obligation—an obligation we have met.

I do not mean to suggest that nothing comes of my failure to contribute with respect to my relations to the members of Blue Group, for if they found out about my shirking, they would of course have reason to criticize me for my selfishness. My point is that the Blues would have no *special*, agent-relative reason to object to my conduct, since their claims are satisfied despite my shirking. Because the primary concern of the Blues is that we Reds have jointly met their claims, the Blues can feel that they received from us the respect and the resources they were due. My individual selfishness pales relative to this primary, collective tier of the Blues' assessment.

The second relational feature of the situation is the character of the horizontal relations among the members of Red Group, and in particular the way that the claims of the Blues entail obligations among the Reds and not just between each Red and Blue. This is a function of the fact that the members of Red Group must act together if they are to satisfy their obligations to the Blues. If I do not tip in my water, the other Reds have a gripe against me, even though the claims of the Blues are satisfied. In some cases it might be said that I free-rode on their satisfaction of their obligations, for instance if I held back because I thought others would contribute. But maybe I didn't care whether anyone fulfilled the claims of Blue Group, or maybe no one could or did cover my shortfall. Even here, I suggest, the other Reds may resent my noncooperation. Their complaint stems from what they perceive as an inherently collective aspect to the situation and my failure to make good on a claim against *us*. The commonsense, individualistic conception fails to explain this horizontal aspect of our relations since it treats our obligations as independent. By contrast to the Blues, who had no special claim against me, my fellow Reds do have an agent-relative objection to my noncooperation: I have thwarted the success of their collective plan. But on the individualistic conception, while the level of contribution demanded of me may depend on what you do or fail to do, I do not, as a fellow Red, have any separate claim on you, nor you any obligation to me.

The Problem of Marginal Effects

The second aspect of the situation any analysis must explain is the problem of marginal effects. This might also be called the “no difference” problem, and it is a serious problem for the individualistic account. I stipulated that the marginal effect of any one Red’s contribution would be imperceptible when dispersed across the Blues. Any given Red might therefore wonder: Why should I tip in my third of an ounce when my doing so makes no difference? Generalized across the Reds, of course, this attitude would result in no one’s contributing any water, a classic public-good problem. So long as I conceive my obligation in purely individualistic terms, I have no reason, stable under reflection, to contribute my water.

The trouble with the conclusion that I have no reason to contribute is partly that, left unchecked by institutions, it can obviously generalize into no one cooperating. (This is, so to speak, the problem of pernicious universalization.) But there is a deeper problem with the conclusion as well. For it conflicts with an intuition that it seems important to preserve: that the Blues have a claim on me personally as well as a claim on us. This intuition is another guise of the individualistic tier of relations between donors and beneficiaries. It seems important to preserve it, because the intuition preserves the human significance of the claims of the Blues upon me. When I pay too much attention to marginal effects, I am in effect treating the moral claims upon me as the products of an impersonal institution, a moral revenue service, that I am trying to game or evade. The motivating power of such a moral conception must be very weak. Solving the problem of marginal effects requires not simply an institutional mechanism guaranteeing general compliance but also a psychological solution that preserves the human face of the claim upon me.

The Problem of Coordination

The last feature of the situation is the problem of coordination: What any given member of Red Group ought to do depends upon what the others do. In the example of the Desert March, where everyone needs a quart of water to survive, I have no reason to contribute my water unless many others do. And if some can make up for others’ shortfalls, then there are infinitely many levels of contribution that would be individually appropriate. The problem is in individually selecting among these mutually best choices (or Nash equilibria). While some coordination points may make for a fairer division of contribution—perhaps smaller people should give more, or perhaps all should give exactly the same amount—the chief demand before us is not to find some particular, morally privileged point of contribution. Rather, our task is simply to find some equilibrium within the range of contributions that will keep the Reds alive.

Here again we have an asymmetry between the Blues' obligations and the Reds' claims: The Blues' claims remain the same, namely one quart of water apiece, regardless of what the individual Reds do, while the Reds' obligations can vary. The individualistic conception can make sense of this asymmetry only by treating what the other Reds do as resources available to the Blues, so that the content of my obligation just reflects the deficit remaining after the others have acted. But the tendency of the individualistic conception to reduce other agents to background resources flies in the face of the structure of the Desert March for both Reds and Blues. Potential contributors are regarded not simply as repositories of resources but as potentially cooperative agents who must together work out a scheme of redistribution. In effect, the individualistic conception denies the agency of all by focusing on the agency of each.

A slightly different point is that the individualistic conception begins the process of practical deliberation too late, in a certain sense, by treating the level of others' compliance as a parameter for individual decision-making. This is too late because it doesn't allow for the possibility of prior coordination to a collectively optimal level of contribution. Under the individualistic conception, each Red asks: What should I do, given what others do? But the only effective way to solve the problem is to ask a different question, namely: What should *we* do to meet the claims of the Blues while minimizing the demands on each of us? Only after answering this question does it make sense for me to ask what I should do.

Critique of the Standard Moral Theories

So far I have invoked only an intuitive, untheorized account of obligations. I now turn to examine briefly how standard theoretical accounts of moral obligation, particularly utilitarian and Kantian theories, can account for the collective features of situations like the Desert March. I suggest that the two theoretical approaches display complementary virtues: Utilitarianism takes seriously the collective aspect of the Reds' situation, while Kantianism focuses on the individualized relations between the Reds and Blues. What in fact we need is an approach that combines both these features.

First, utilitarianism: In its direct form, utilitarianism assigns to individuals one fundamental obligation, namely maximizing utility—or, let us say here, maximizing welfare. Since the Blues are in a position such that redistributing water to them will maximize welfare, each Red therefore has an obligation to redistribute a third of an ounce of water to members of Blue Group. It's harder, however to make utilitarian sense of the claims of the Blues, for the familiar reason that utilitarian accounts necessarily treat individual claims, or rights, as functions of the utility structure. That is, no Blue has an even minimally entrenched *claim* on the water of the Reds, in the sense that

a Red ought to give water to the Blues only if *no other* distribution of the water would maximize welfare.

Thus there is a disjunction in utilitarian theory between the fundamental status of individual obligations and the derivative status of individual claims. This disjunction means that utilitarianism can capture the horizontal relations among the Reds of the Desert March, but at the cost of misconceiving the vertical relations between Reds and Blues. Because utilitarianism assigns to each moral agent the same goal, namely maximizing welfare, utilitarian theory requires only a minor adjustment to make it into a cooperative theory. This is the move made by Donald Regan.⁶ Regan noticed that coordination problems dogged conventional utilitarian theory, because under the conventional approach, an agent seeking to maximize welfare will take other agents as circumstantial background before concluding what action of his or hers will in fact be optimal. Regan's revision was to assign to each utilitarian agent a cooperative duty: Each person should first find out who the other utilitarians are and then work out what the best collective course of action would be.

Cooperative utilitarianism therefore captures the way in which reflective moral agents would see the plight of the Blues as a collective problem; each would have an obligation to contribute to the collective solution. Cooperative utilitarianism can also make sense of the horizontal aspects of the Desert March, the relations among the Reds, since any shirking Red becomes a subject for moral criticism by the other agents, whose collective attempt to optimize collectively is thereby thwarted as a result.

However, despite its evident virtues, cooperative utilitarianism is not adequate as an account of the Desert March. The first difficulty stems from the marginal-effects problem. Assume that cooperative utilitarianism assigns to the Reds a collective plan of contribution, such that each Red has a derivative duty to fulfill his or her part of the plan. But if in fact no individual contribution makes a difference, then even under cooperative utilitarianism it remains true that no Red has reason to comply with the plan. This conclusion is dictated by the theory's residual individualism. So long as the effects morally attributable to agents are simply the *differences* they make as individuals, any consequentialist theory, cooperative or not, must entail the conclusion that the marginal contributor has little or no reason to act. The result is an unraveling of the collective pool of contributors. Indeed, the only way for a consequentialist to block this result is to posit something like Derek Parfit's principle that an act may be right, independent of its own effects, if it is one of a set of acts that together have good consequences.⁷ But the trouble with this principle is that it is pure fiat. It leaves unexplained the reason why I as individual ought to contribute if what I do makes no difference.

6. Donald Regan, *UTILITARIANISM AND COOPERATION* (New York, 1980).

7. Parfit, *supra* note 4, at 77–78.

The second difficulty with cooperative utilitarianism also flows from its deep structure, but here its teleological aspect. As I said of the common-sense conception, the deep reason the marginal-effects problem is a problem is because it threatens to undermine the human force of the claims on me by leading me to regard them as simply impersonal demands. The fundamental utilitarian disjunction between obligations and claims generalizes this problem. In effect, we lose the second relational tier of the Desert March, the link between individual claims and individual obligations—or, less abstractly, the link between people in need and people with surfeit.

The virtues and weaknesses of a Kantian approach complement those of utilitarianism. For while utilitarianism makes sense of the collective aspect of the Desert March at the expense of its individual aspect, the Kantian approach takes seriously the individualistic aspect but at the expense of its collective aspect.

The Kantian argument for contribution in circumstances like the Desert March is familiar and goes roughly like this: As free and equal rational beings, we are always to act on objective reasons—that is, reasons that could be the basis of action by all. Specifically this means that we must test the reasons for our actions—our maxims, in Kantian jargon—by universalizing them to see if they could in fact be principles of action for all. If we cannot imagine a world in which all people act on the maxim in question or if we could not reasonably endorse such a world, then our maxim fails the universalization test.⁸

Say I am tempted to keep my extra water but ask myself whether I can universalize a maxim of not sharing. I can, of course, imagine a world in which no one shares their extra water with those in need. But such a world would be so inhospitable to my essentially vulnerable rational agency that I could not endorse it, for it would be a world in which I might find myself unable to act upon my will at all. And so I accept the Blues' claims against my fortunate state.

The Kantian approach essentially asks each of us to walk in the shoes of others, and so it provides a tight link between the claims of the Blues and my obligations as a Red; their claims are my claims from the perspective of universality. But because of Kantianism's focus on the acceptability of individual conduct, it loses sight of the primary, collective tier of the Desert March case. Another way to put the point is to consider the Kantian treatment of the problem of marginal effects. Kantians deliver a straightforward answer: Because of the aggregative nature of the universalization test, the problem of marginal effects drops away entirely. Regardless of the difference my maxim of selfishness would actually make if only I act upon it, it will be an impermissible basis for action as long as its universalization results in a world I cannot reasonably endorse. The problem is that the strict universalization test may seem to make *too much* of individual action in these

8. Immanuel Kant, *GROUNDWORK OF THE METAPHYSIC OF MORALS*, ed. and trans. H.J. Paton (New York, 1964 [1785]), 90–91 [4: 423].

cases. For while an acceptable account of redistributive obligations must preserve their force against no-difference objections, the assessment by the Blues of the situation in which only a few shirk will inevitably grant some force to the claim that they do not suffer from a few shirkers. It is a significant, if not dispositive, fact that no individual Red does in fact make a difference. This is in part, of course, a worry about whether Kantianism's distinctive disregard of real effects captures their significance in our actual conception of these obligations. In the examples Kant himself treats—lying, rescue, suicide—individual act and effect are of commensurate importance, and so the worry about exaggerating the significance of the act does not arise.⁹ But it is precisely this disparity that makes rescue-type cases so tricky. And given Kant's aim to capture the heart of a common conception of morality, the failure of his theory to explain the differing perspectives of the Reds' and Blues' assessments *is* a problem for his account.

A second difficulty Kantianism has in accommodating collective problems stems from the theory's tendency to encourage deliberation regarding the question: What should I do? Given the roots of the universalization test in a conception of individual autonomy, its tendency to focus on the question of individual agency is unsurprising. This is, as I suggested above, to begin the process of moral deliberation already too late in cases where the relevant solutions are inherently collective. But this problem is easily surmounted by a Kantian. A Kantian must simply remember to sever the question of what I owe to others from the question of how I must act. For it may turn out, as in the Desert March example, that what I owe is my cooperation, from which flows immediately the answer of how we, and therefore I, ought to act.

III. THE VOTING PARADOX

Let us now switch gears to consider the related problem of civic obligation, specifically voting. It will, I believe, cast light on the nature of welfare obligations. Overall voter participation rates in national elections in the United States average around 40 percent for congressional elections and around 55 percent in presidential election years.¹⁰ These numbers are usually depicted as a shameful mark of political disengagement, and indeed they compare poorly with participation rates elsewhere, which average, for example, around 90 percent in Italy, 80 percent in Germany, and 70 percent in Canada.¹¹ But what is puzzling about U.S. voter behavior—and *a fortiori*

9. In Kant's treatment of lying, it is true that only when universalized does the lie come back to bite the liar. But the individual lie is fully causally responsible for the deception it creates.

10. National Center for Education Statistics, *Voting Behavior, by Educational Attainment*, available at <http://nces.ed.gov/pubsl/ce/c9637a01.html>.

11. The International Institute for Democracy and Electoral Assistance, *Voter Turnout: A Global Survey*, available at http://www.idea.int/voter_turnout/voter_turnout2.html.

about voter behavior in these other lands—is not how low it is, but why it is so *high*. For according to the most familiar model of rational behavior, it is very hard to understand why voters vote at all. The argument, first laid out by Anthony Downs, is simple: Voting imposes a significant cost both in opportunity and in actual resource expenditure. Meanwhile, the gains from a single act of voting appear to be exceedingly slender, for even if the voter is altruistically seeking welfare benefits for the entire population, his or her act of voting will only contribute to the realization of those gains if it is decisive—that is, if it is tie-breaking.¹² Even in our wiser, post-Florida age, it remains extremely improbable that any given voter could be decisive. Hence it is irrational for people to vote.¹³ And yet people do—more paradoxically yet, they vote at higher rates the more educated they are, despite presumably greater awareness of the improbability of casting decisive votes and higher opportunity costs for trying to do so.¹⁴

The diagnosis of irrationality of course masks a controversial background conception of rationality, which includes what might be called a Principle of Individual, Purely Instrumental Reason, or, more simply, what I have elsewhere called the Individual Difference Principle.¹⁵ According to this principle, the rationality of an individual's choice of action depends on whether acting so makes a difference—is instrumental in bringing about some state of affairs. Voting, like tipping one's water bottle over the water cart, violates the Individual Difference Principle and so seems to violate a plausible conception of rationality or at least to limit its scope significantly. One possibility, of course, is that voting simply is irrational, the benefits outweighed by the costs, and to be explained by the inculcation of democratic myths. Alternatively, voter behavior might be rationalized by reference to social sanctions against nonvoting, and indeed this is perhaps part of the explanation of the higher rates in countries other than the United States, where such social sanctions do not seem very strong.¹⁶

More ambitiously, a number of solutions have been proposed which attempt to salvage the rationality of voting by reference to noninstrumental gains of an expressive or symbolic sort. The crudest form was proposed by Downs: that voters simply have a taste for voting, the satisfaction of which

12. Formally, if R (value of voting) = $pB + B - C$, where p = the probability of casting a decisive ballot, B is the benefit from the election going in the direction preferred by the voter, and C is the cost to the voter, it is only rational to cast a ballot when $R > 0$.

13. This remains true realistically even on the utilitarian assumption, explored by Parfit in *REASONS AND PERSONS*, that the benefit at issue is aggregated across the population. Given the relative closeness of the policy choices presented in elections, the discounted relative difference, even aggregated, is likely to be very small, and almost certainly smaller than the welfare gains the utilitarian could achieve through more direct personal action. The irrationality only increases when the possibility of voting cycles, hence agenda manipulation, is considered (though these are not problems for the elections under discussion).

14. National Center for Education Statistics, *supra* note 10.

15. Not to be confused with Rawls's Difference Principle. See my *COMPLICITY: ETHICS AND LAW FOR A COLLECTIVE AGE* (New York, 2001), 116.

16. The rationality of engaging in sanctioning behavior would still need to be explained; indeed, the model I propose below can explain that.

adds enough utility to rationalize the behavior. A more sophisticated form of that solution is offered by Brennan and Lomasky, who argue that rational behavior diverges in electoral and market contexts. According to them, voters generally seek to maximize a package of both instrumental and noninstrumental expressive gains. In market contexts, where choosers are decisive over the results of their choices (a choice to buy Rice Crispies over Wheaties results in a Rice Crispies purchase), the instrumental and noninstrumental gains can be amalgamated in one revealed preference. But in nondecisive contexts, they argue, the two come apart, and the expressive gains that can be realized through voting behavior can rationalize both the basic decision to vote as well as the content of the vote, for example for a platform whose redistributive effects leave the voter worse off than the alternative would have.

Brennan and Lomasky's solution, explaining voting behavior by reference to expressive gains, solves the descriptive aspect of the voting paradox (as indeed any taste solution does). But it fails to make sense of what I called the normative paradox: that voting has the normative significance it does despite the causal meaninglessness of individual choices to vote. Brennan and Lomasky refer, somewhat hand-wavingly, to the need to develop a "normative theory of expression" to account for voting—presumably a theory that both generates a basic obligation to vote then constrains performance of that obligation through norms of sincerity, nonmanipulation, and so forth.¹⁷ And to be sure, self-expression has a significant normative dimension (including a norm of privacy about choices likely to be controversial, such as political choices). But self-expression seems the wrong model for civic behavior, or at least only a small part of the correct model. Perhaps a taste for indulging cheaply in one's ideals in the privacy of the voting booth does help to draw voters to the polls. However, a norm encouraging such expression coheres badly with the general normative framework in which not just voting is embedded but also the constellation of related political activities and perceived obligations, which range from general obligations of compliance with just institutions to norms surrounding civic celebration and patriotic display, to duties of military conscription and public service.

Both phenomenologically and conceptually, voting obligations are part of the package of obligations constitutive of membership in a political community; they are solidaristic obligations to that community, and that community is their proper claimant. By contrast, expressive obligations (if they exist) are part of what might be called a Polonian ethic of authenticity ("To thine own self be true"), whose claimant is a self trying to become what it is. To put the point slightly differently, political self-expression constitutes identity, while political obligation recognizes it and moreover recognizes an identity defined in part by one's relations to others. The other-directed aspect is indeed precisely what permits the kind of social criticism, if not sanction, that results in such descriptions as "voter apathy." (No one, after all, complains about

17. Brennan and Lomasky, *supra* note 3, at 186–89.

“green hair apathy” just because only a small minority can be bothered to color their hair in interesting, individualized hues.) The Brennan-Lomasky proposal wholly misses the other-directedness of voting behavior and so explains it only extensionally. An adequate account must accommodate the relevance of the group and so make clear the meaning of the obligation as well.

To stress the collective aspect of voting behavior is to stress the obvious, for voting is paradigmatically an activity that only has a point when it is done together as part of a group. The existence of my having an obligation to vote depends not just on others having a similar obligation but on their actually fulfilling their obligations (or at least many of them). In this sense, voting obligations track rescue obligations of the Desert March sort very closely. But they do not fully track rescue obligations, for there is also a powerful individual dimension to voting. Consider the mythological importance in democratic theory of the lone dissenter, the loyal opposition, and (conversely) the tyranny of the majority. Political conflict is a central part of healthy politics—political difference expressed in the voting booth as well as in the arguments outside it. Unless individual voters engage independently with the issues before they vote, unless they vote their consciences in the booth, and unless they take care to respect the losers afterwards, voting counts more as a charade of autonomy than as collective freedom itself. Thus individual participation in the voting process must be conceived as dialectically related to the collective act of voting: Each has significance only in relation to the other, and that significance comes in part through a kind of tense engagement. And there is also the more prosaic individualistic dimension to account for, the one that generates the puzzle in the first place. For the costs of voting are apparent to voters; the difference between individual projects and collective life is never more salient than when standing in a long voter verification line. The explanation of voter behavior and of its normativity must make clear the way the collectively derived obligation stands in tension with individual aims, a tension that also is poorly characterized by the expressive model, where voting is explained as fundamentally no less individualistic an activity than going to market, differing only in the possibility of decisive intervention.

In short, an adequate theory of voting, like an adequate theory of rescue, must capture both individual and collective dimensions of the activity. It must reveal voting not as a piece of individual self-realization but as a piece of collective self-realization through individual participation. I turn now to developing the model that will permit us to do so.

IV. INDIVIDUAL PARTICIPATORY OBLIGATIONS

I have argued that an adequate account of both the Desert March and the voting paradox must make sense of both the collective and the individual

aspects of the situation. In the moral case, I have suggested that a common-sense account, as well as its utilitarian and Kantian counterparts, has difficulty preserving the force of individual claims and obligations while simultaneously making room for coordinated solutions. And in the political case, I have suggested that conceiving the inclination to vote in terms of individual expressive interests fails to reckon with the real force of civic obligation, transforming collective duties into exercises of individual narcissism.

I have also already implicitly suggested an alternative conception of the situation. In the rescue case, the Blues each make a claim on us jointly; and each of us has an obligation to participate in our joint satisfaction of their claims. This participatory obligation, as I want to call it, can explain in a unified way the relational, incremental, and coordinative aspects of the situations. Finally, the idea of a participatory obligation is also consistent with both utilitarian and Kantian explanations of the source of our obligations. In the voting case, my obligation to vote derives from our collective project of realizing our civic freedom through collective self-determination. Because my political participation contributes constitutively and not just instrumentally to our collective project, my obligation survives the marginalist objection. But before showing these things, I need to explain the idea of individual participatory action more generally as a form of rational agency deeply embedded in our everyday thought and language.

So let me describe the general basis for ascribing actions to individuals. According to a standard picture in the philosophy of action, we ascribe an action to an individual when that action can be explained in causal and teleological terms by citing some goal or intention of the individual. Letting out the cat can be ascribed to me, for example, because my intention to let the cat out caused me to open the door; and the cat's actually going out satisfied my goal.¹⁸

Now for collective action: Collective action can be explained in same way as a product of individual intentions. Take a basic example: A couple of us have the idea of taking up a collection in order to buy flowers for a sick colleague. I put out a coffee can with a sign, the rest of the office chips in, and you take the money to the florist. Here my action is explained by what I am calling a participatory intention: I intend to do my part of our sending the flowers by putting out the can. You have a similar intention with respect to the trip to the florist, and so do those who simply chipped in. An essential part of the explanation of my action is my conception of myself as promoting a shared endeavor to which others will also contribute. Indeed, part of

18. The following discussion roughly summarizes the theory of collective action I offer in *Acting Together*, 61 PHIL. & PHENOMENOLOGICAL RES. 1–31 (2000). The general view that action is to be explained both causally and teleologically is, famously, Donald Davidson's; see his *Actions, Reasons and Causes*, in *ESSAYS ON ACTIONS AND EVENTS* (New York, 1980), 3–20. Related accounts of collective action are Michael Bratman's, for which see his *FACES OF INTENTION* (New York, 1999), esp. *Shared Cooperative Activity*; and Margaret Gilbert, *ON SOCIAL FACTS* (Princeton, 1992).

the significance of the flowers is that they are a joint gift. If I did not hope that you would do your part towards our sending the flowers, I would not set out the can—I'd just send them myself. When we act upon our joint intentions and they overlap sufficiently with respect to our shared goal, then we act collectively. Our participatory intentions cause and rationalize our individual actions: setting out the can, contributing money, and going down to the florist.

The next point is that our participatory intentions allow the ascription of our individual acts to the group. When we act collectively, we can say—or it can be said of us—that we do each and all of the things that each group member does. These acts can be ascribed to us in virtue of our intentions to participate in the shared act of which they are constitutive. We can say that we took up a collection, though I was the only one to do this, and that we bought the flowers, though only you did that.

Notice, however, that this group consists of nothing more than its members, those of us in the flower pool. No act can be ascribed to the group that cannot be ascribed to its members. If each of our actions can be ascribed to us, then each of our actions can also be ascribed to each of us considered as members of the group.

The ascription of actions to individuals acting *qua* group member raises familiar and intriguing issues of intentionality. Compare two sentences: Russell and Whitehead wrote the *Principia*; Russell and Whitehead taught at Cambridge. In the first case, when we separate the conjuncts we get two falsehoods; in the second case, we get two truths. The reason, pretty clearly, is that the first, but not necessarily the second, describes a collective act, although by way of a suppressed collective modal operator.

This puzzle indicates the importance of treating action ascriptions among participants in joint acts differently from action ascription generally. Action ascription among participants in joint acts relies upon a distinction between what I will call *inclusive* and *exclusive* authorship. In the context of a Red Group action, I am an inclusive author because I am included in the group that can say: We did it. By contrast, I am the exclusive author of my own acts because only I can say: I did it. I am an inclusive author of our buying the flowers, since you bought them, and an inclusive and exclusive author of our setting out a can, because I did that.

I suggest that this familiar logic of collective action ascription, which is deeply embedded in our language and in our practical deliberation, also captures the logic of our general, individual obligations to satisfy the obligations of community. The two-tiered structure of these obligations, which reflects both their individual and collective aspects, also explains the structure of the participatory intentions of the individual actors. My participatory intention in tipping in my share of water refers to both tiers: I intend to do *my part* of *our getting* water to the Blues. Similarly with voting: I intend to cast my vote as *my part* of *our* election. As with the flower pool, here I would not act at all if I had to act alone.

So we have explained collective action by reference to participatory intentions. Now we still need to explain why individuals have the participatory intentions they have. As I have described them, participatory intentions are just a species of instrumental intentions: I regard my participation as a means of realizing a joint goal, the realization of which I accept as a reason to act. In the case of the Desert March, however, what explains my participation in our getting the water is perhaps not so well put as my intention of realizing a joint goal. Rather, we employ the vocabulary of obligation: I seek to satisfy our collective obligation to help the Blues. From this collective obligation an individual participatory obligation falls out as an element of practical reasoning: If we are to satisfy our collective obligation, then I ought to do my part and tip in my water. I therefore come to accept a participatory obligation.¹⁹

Now, such talk of collective obligations may raise fears of Bradleyan metaphysical ghosts, concrete universals seeking their self-realization through satisfaction of the claims of their constituents. But collective obligations are not the obligations of collectives in any metaphysically troubling sense. They are, rather, shared obligations of individuals who regard themselves as bound to collaborate in meeting the claims against them. Return to the nonmoral case of the flower pool. Our collective goal of sending flowers is *our* goal in no metaphysically controversial sense. It is simply a goal that each of us shares and a goal we each realize is necessarily accomplished together, insofar as the point of our gift is to express how we as an office feel about our colleague.

The same is true of collective obligations. As an individual, I recognize the legitimacy of the claims of the Blues: I see that I have more water than I need, and that they have less. I also realize that each of us Reds must recognize the force of their claims and that we can help only them if we act together. You realize these things too. We thereby recognize a collective obligation, a shared claim on the agency of each of us whose satisfaction depends upon our collaboration. So each of us recognizes an obligation to do our parts of together helping the Blues by tipping in our water.

Treating redistributive obligations as participatory obligations can satisfy the three demands I made on the individualistic conception. First the two-tiered relational structure: My participatory obligation is grounded in an individual recognition that I and the other Reds have resources to which the Blues have a claim. Indeed, both Reds and Blues alike recognize the common nature of the claims upon our resources. This mutual recognition

19. The scope or content of participatory obligations might be a function of further constraints, such as general principles of fair burden-sharing, or of specific deontological obligations (such higher-ranking intergroup obligations). Liam Murphy argues in *MORAL DEMANDS IN NONIDEAL THEORY* (New York, 2000), 5, for such a constrained "collective principle of beneficence": Roughly, moral agents should do "as much good as possible," though they need not do more than they would if everyone were each doing as much good as possible. Thus compliers need not take up the slack of shirkers but do need to do at least as much as they would do if everyone did comply.

forms the basis for regarding ourselves and our being regarded as a group. Because each of us Reds plans his or her actions relative to our shared, collective goal, each of us focuses first on what *we* aim to do together—in other words, we conceive of our individual agency first in inclusive terms and then derivatively in terms of the exclusive responsibilities each of us has as a function of our joint plan. And, as I have emphasized, the Blues have obvious reason to focus on our collective success in our endeavors. That is, they concern themselves first with our exclusive, collective agency.

Treating our obligations as participatory also explains the horizontal relations among us Reds. If I regard you as obliged, like me, to do your part of our getting them the water, then I see myself as having a claim on you; my participation is undermined unless you also do your part. This is why I do not merely think you immoral for not helping the Blues but resent your noncooperation.

Second, participatory intentions explain the puzzle of marginal effects. I regard myself, and you, not as acting alone but as acting together; this self-description of my agency gives me a reason to collaborate that is independent of the effects I alone produce. In other words, the question of whether marginal effects matter does not arise for individuals who accept a participatory understanding of what they do. Such persons conceive of their action as constitutive of the collective effort; they regard their agency primarily in inclusive terms. Of course, the exclusive aspect of our individual agency does not wholly disappear; it remains a fact that what any individual does makes no perceptible difference. And recognition of this fact by the Blues explains their comparative disregard of individual shirking Reds.

Third, the participatory conception obviously places solution of the coordination problem front and center. Once I recognize the shared and collaborative nature of the claims facing me, the natural question for me to ask is: What are we to do? This question has its origins, as I said, in my recognition of an individual claim facing me, a claim whose force can be expressed in utilitarian or Kantian terms. But the participatory conception treats my desire to fulfill my individual obligation as only the trigger for practical deliberation, not the whole subject matter of that deliberation. Thus, when I recognize the shared nature of my obligation, I do not treat what others do as background against which I must decide but as a potential part of the resolution of the moral problem facing me and them together. I figure out, perhaps through cooperation itself, what we must do, from which the specific content of my obligation follows.

The solution of the voter paradox follows straightforwardly. Individual voting has a point so long as collective voting has a point. If we assume the latter (about which more below), then we can derive the obligation for the former. Individual voting is simply participation in the collective project of self-determination. Individual voting is rational, indeed instrumentally rational, because voting is a constitutive element of a collective

project that voters can conceive as their project, what “we are doing,” and for which each is inclusively responsible. Hence we have an account of the other-directed aspect of voting; to vote is, fundamentally, to *orient* oneself around the agency of others, to accept the dependence of the efficacy of one’s own agency on that of others, and vice versa. Our project can come off only if you (and you and you and you . . .) and I all do our parts; since it is a project I endorse, I have reason to do my part and so I have reason to vote. Voting is reasonable individually because it is rational collectively, supported by the logic of participation. We together make a difference in voting as opposed to not voting, and my own voting derives its significance from the difference we make. I am not claiming, as Parfit has, the bare existence of an individual duty to do my part in whatever we together have an obligation to do. Rather, I am claiming the reasonableness of accepting my role in what we together regard as, if not our collective duty, as in the rescue case, then at least a collective project sufficiently valuable to commend our individual allegiance. As I understand it, the obligation to vote is therefore best treated in terms of allegiance, as part of the general set of commitments constitutive of valuable social membership, and not as an independent moral obligation grounded in another’s needs.²⁰

At the same time, as you have surely noticed, the participatory conception does not eliminate the attractiveness of free-riding. For it remains true that my not voting makes no causally significant difference to our collective project. Constitutive it may be, but the populace’s voting minus my participation cannot plausibly be considered much less normatively attractive than with my participation. None of us is that important to the process, and indeed it is a part of democratic ideology that that be so. The purely individual perspective, expressed through the Individual Difference Principle, is a rational perspective, and my account would be weaker rather than stronger if I claimed to undermine its rationality. Moreover that perspective constantly looms, all the more conspicuously as the costs of our participation rise. What the participatory conception shows is why it is reasonable not to regard the individual perspective as exhaustive—to realize that a significant part of our agency is fundamentally expressed in collective terms. Without the participatory perspective, the groups in which we find our identities would not exist, and so neither would the goods of love and belonging which such groups make possible. Nor, for that matter, would the evils of nationalism and intergroup conflict. I do not mean to assess the net value of a life lived through participation. But if it is reasonable to live the lives we lead, then it is reasonable to adopt the participatory perspective, to allow at least sometimes that perspective to dominate the free-riding blandishments of the individual perspective.

20. It is, in other words, a species of special obligation, defensible in part by reference to the relational goods it brings about. For discussion, see Samuel Scheffler, *Relationships and Responsibilities*, in *BOUNDARIES AND ALLEGIANCES* 97–110 (New York, 2001).

I mentioned above that individual voting has a point only if collective voting has a point. But of course it is a vexed question whether collective voting is coherent enough to have a point. As is now well known even in philosophical circles, any population heterogeneous enough to provide a semblance of realism will be composed of individuals whose preferences may give rise under any plausible voting procedure to the possibility of intransitive cycles and hence to the threat that outcomes will be a function of agenda-controlling individuals, not democratically revealed preferences.²¹ What follows from this is that not all conceptions of voting will have a point, and so individual participation will be reasonable only given a construal of voting richer than the mere display of individual preferences. To put the point positively, individual voting will be reasonable when collective voting is conceived as a genuinely joint exercise of self-determination—when it is, for example, conceived “epistemically,” in Jules Coleman’s and John Ferejohn’s phrase, as an attempt to work out a collective judgment of what we together ought to do.²²

Indeed, the attractiveness of something like an epistemic account is overdetermined, for not only does such an account (if true—a contested proposition) render the collective project worthwhile, but also only such a collective conception makes the individual role as significant as it is, not merely as the bearer of a particular preference schedule but as someone engaged in a cognitive project whose success lies in the kind of dialectical engagement central to democratic ideology. Rousseau, I take it, had such a conception of democratic participation in mind. According to Rousseau, individual freedom in a social world can be found only in accepting the authority of a collective law, which Rousseau famously calls the “general will.”²³

There is a weak interpretation of Rousseau, according to which we find our freedom in following the general will just because the general will represents our common interests, central among which is our interest in remaining as free as we were before we subordinated ourselves to a collective political authority. This weak interpretation takes the sting out of Rousseau’s famous dictum that someone who “refuses to obey the general will shall be constrained to by the entire body; which means nothing other than that he shall be forced to be free.”²⁴ The paradox is more apparent than real. If political authority must be generally accepted in order to be effective, and if effective political authority—that is, the effective protection of person and property—is a precondition of individual freedom, then the use of coercion to render generally effective that authority really does

21. For an accessible account of the problems of social choice, see Dennis C. Mueller, *PUBLIC CHOICE II* (New York, 1989).

22. See their *Democracy and Social Choice*, in Coleman’s *MARKETS, MORALS, AND THE LAW*; see also Joshua Cohen, *An Epistemic Conception of Democracy*, 97 *ETHICS* 26–38 (1986).

23. Jean Jacques Rousseau, *THE SOCIAL CONTRACT*, (Victor Gourevitch, ed. and trans., 1997), Bk. I.

24. *Id.* at ch. 7, par. 8.

confer freedom upon the coerced. What paradox remains is yet another instance of part-whole problems; no single, marginal individual operating outside the boundaries of the law is likely to undermine the governing authority so much that his own freedom is threatened. Thus, coercing the free-rider takes his freedom without any compensation in the same coin.

Resolving this paradox means showing that the relevant sense of freedom must be understood collectively as not simply a sum of individual liberties to act. Call this “social freedom.” And here is the stronger interpretation of Rousseau (consistent with the weaker, to be sure), according to which it is through mutual engagement, bringing about a social order defined in terms of its reciprocal satisfaction of each other’s interests, that individuals realize their social freedom. On this latter interpretation, social freedom is not a state but collective activity in accord with justice.²⁵ This conception of voting in particular and democratic participation in general has value because the conception of community which they support has value. And only with some such conception of a collective project of realizing individual freedom can we account for the meaning of an otherwise individually irrelevant activity.

V. SOME CONCLUDING WORRIES

It should be clear how a participatory conception can provide a coherent account of shared obligations in a demanding world. Some worries may intrude, however. In the Desert March example, I have relied upon two ready-made distinctions: between us well-watered Reds and the thirsty Blues, and also a broader distinction between us Reds and Blues as a community of mutual aid, and the rest of the world. But the membership of social groups cannot simply be assumed by a moral theory; it is, rather, part of a moral problem. In the voting case, while there is no problem in assuming fixed political membership, I have also assumed the meaningfulness of political membership and the legitimacy of engagement in the society’s political institutions—assumptions that would be problematic if the regime were wicked or if political change were impossible. But the meaningfulness of political engagement is also, of course, wholly contingent: a matter of shared ethos and aims, institutional possibilities, and a mutual sense of belonging.

This point, that collective groupings are frequently constructed facts, not natural ones, thus motivates a number of worries about my approach. A preliminary one is that my account of redistributive duties may rely upon

25. The reading is derived from stressing the “will” element as much as the interest element in the constituents of the “*moi commun*” created by the social contract; *id.* at I.6.10. This is, clearly, to read Rousseau through the lens of Kant (and both through the lens of Rawls). I do not have occasion here to defend the plausibility of attributing this reading to Rousseau but plan to do so in other work.

an invidious distinction between wealthy donors and impoverished beneficiaries, a distinction that would undermine this conception's usefulness as a general account of individual duties of social justice. For individual duties of social justice are usually conceived as a piece of "ideal theory," as duties among members of a society who see each other as moral equals engaged in social cooperation, living amid institutions that realize this ideal. Under ideal theory, state institutions are already adequate to the needs of individuals, rendering redundant any further account of individual rescue obligations.

To this worry there are several replies. First, and sadly, we live in a society and a world in which people are not treated with the equal respect and equal endowments they deserve under a general theory of justice—the Desert March does apply to our world. Second, the participatory conception *is* consistent also with an ideal conception of justice—if we think of one's participatory role in a community as entailing sometimes claims and sometimes obligations. It is notable that in *A Theory of Justice* Rawls establishes individual duties and obligations after settling the design of the basic institutions of justice. Rawls' method is, in effect, to treat the participatory conception as the fundamental account of individuals' relations both to the state and to each other.

The second worry occasioned by the ready-made groups of the Desert March is that it begs the question about the borders of justice—about the identity of the *we* who share obligations, moral and political. We live in many overlapping and occasionally competitive communities formed by our shared practices of work, worship, aspiration, and consumption. At the same time, obligations press on us from all over a troubled world, obligations that could be met by any number of other groups. Which of the many groups that I count myself a member of is the proper respondent to which call for help? The utilitarian answer—that I ought to deem myself a member of whichever group can best promote general welfare—is doubly flawed, first, for the marginalist and coordinative reasons argued extensively above; and second, because even if membership in the universal party of humanity (or sentience) is morally privileged in rescue cases, the utilitarian account treats all other forms of membership as merely instrumental.²⁶ But membership in particular groups is meaningful, constitutively as well as instrumentally, and an adequate account of our moral responsibilities to others needs to treat that fact as central. So any account like mine that does treat as central one's membership in particular groups will have to reckon with the problem of determining the priorities of participation.

There is a related problem for the voting case. My assumption of point and motivation to political engagement accurately captures the orientation of some people in some well-functioning political communities. If the

26. For the argument that membership in the party of humanity is the only relevant participatory role, see Peter Unger, *LIVING HIGH AND LETTING DIE* (New York, 1996).

question is how and why individuals in those communities turn out for their municipal elections and why others in other places do not, then the most illuminating answer will be a product of a state's particular history and political psychology, not part of the general analysis of action I have provided. The structural account I have proposed leaves open the question of motivation and so again courts charges of indeterminacy.

These are indeed serious questions not just for my argument here but for any general philosophical analysis of the normative significance of participation. Here, however, I think I have merely deferred these questions, not begged them. It may well be that the best account of our redistributive obligations is global in scale, even if the possibilities of collaboration are not yet global. If that is so, then a project of moral and political reconstruction on a grand scale beckons: We need to create the global institutions—and the social ties that bind them—that will enable us to fulfill our obligations to one another. The rescue and voting problems converge here; we must find a way of making salient a sense of global community, thus providing the determinate motivational basis upon which the possibilities for both morally decent life and social freedom can be realized.

If the participatory conception leaves us with more problems to solve, I take that as a virtue. Living together in a socially diverse, massively unequal world *should be* difficult. If philosophy cannot help us actually to solve the problems presented by our world, it can at least help us understand the nature a solution must take in a world in which we can act well only if we act together.