

## ***Justifying Extraterritorial Political Obligations***

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### **Introduction**

Selling or possessing marijuana is strictly prohibited in South Korea. If Kim, a Korean citizen took a short trip to California (where recreational marijuana is legal) and smoked weed there, South Korea still claims the legal authority to punish Kim. The Korean constitution claims authority to exercise extraterritorial jurisdiction over certain offenses not limited to drug use, soliciting prostitution, featuring in porn, and gambling. This means that Korean citizens are prohibited from engaging in those acts even outside Korea, notwithstanding the legality of those acts where they are conducted. The central question of this paper concerns whether imposing political obligations that apply to nationals beyond the bounds of its territory, as in the case of Kim, can be justified by liberal accounts of political obligation. I believe there isn't a clear answer to this question. This paper examines some paradigmatic accounts of political obligation and evaluates the reasons they can give for extraterritorial political obligations. Even when we assume their relative success in

accounting for political obligations to particular states in general, the paper argues that none of them are able to adequately account for political obligations that extend beyond its territory. Hence, it concludes that there isn't a satisfactory substantive, liberal justification for extraterritorial political obligations for the time being.

### **Extraterritorial Jurisdiction and Political Obligations**

This paper is interested in justifications of extraterritorial political obligations. Extraterritorial political obligations might simply refer to political obligations that extend beyond the territory of the state. On Anna Stilz's account of political obligations someone who has a political obligation to a state owes the polity 1) obedience to the law, 2) participation in political debates, 3) taxes, and 4) contribution to welfare distribution.<sup>1</sup> Someone with extraterritorial political obligations would owe the state all or some of these things even when outside its borders.

The thesis of this paper holds for extraterritorial political obligations broadly construed. Accordingly, I believe that there is no liberal justification for requiring citizens abroad to obey the laws of their country of origin, pay taxes, vote, or carry out any civic duties that are part of their regular political obligation. However, I would face an extremely big burden of proof to show

that all extraterritorial political obligations are invalid. For example, I would have to respond to arguments made in favor of citizenship taxation (as opposed to territorial taxation) that are unique to the issue of taxation. Hence, I will limit the scope of the extraterritorial political obligations this paper is concerned with. When this paper refers to extraterritorial political obligations, it specifically addresses extraterritorial political obligations that can lead to punishment by criminal law when violated.<sup>2</sup> This excludes most civic duties such as voting, participating in political discourse, keeping an eye on government corruption, etc.

I further illuminate what I mean by extraterritorial political obligations by juxtaposing it with what it is not. Not all claims of extraterritorial jurisdiction are motivated by the need to enforce a political obligation nationals have to a state. We can think of a case analogous to the prosecution of Kim the Korean (insofar as it involves a state exercising extraterritorial jurisdiction), but different in the sense that it is not carried out on the grounds of extraterritorial political obligation. Child prostitution is illegal in the United States. Suppose that Jane, a U.S. Citizen, were to pay children for sex in a country where child prostitution was legal or child prostitution laws went unenforced. Under federal law, the U.S. still wields the legal authority to punish her for soliciting child prostitution outside its borders.<sup>3</sup> It is questionable, however, that Jane would be punished

on the grounds that she violated a political obligation shared by U.S. residents and citizens. It is more likely that the law is meant to punish Jane for violating a universal moral obligation. This subtle difference becomes more apparent when we think about who should punish Jane. If we think that committing sex offense against a child constitutes a grave transgression of such moral obligation, we would rejoice when Jane gets punished for paying children for sex abroad. We may be indifferent about the particular entity that penalizes Jane. It is very possible that we believe that any state, or even private entities, should be authorized to punish whoever commits such despicable crimes than see them go free. This view is best embodied by the phrase, "No safe haven for perpetrators of crimes against humanity."

The distinction between the violation of political obligation and the violation of moral obligation explains why this paper will scrutinize the justifications for the prosecution of Kim but not of Jane. This is not to say that political obligations lack a moral component to them. The consensus among political theorists is that "to have a political obligation is to have a moral duty to obey the laws of one's country or state."<sup>4</sup> However, Jane's moral obligation to not pay children for sex is far from a political one because it is owed to all persons simply qua persons, not to a particular state. It exists independently of the state or its laws.<sup>5</sup> She

would be obligated to uphold this duty even if there weren't any U.S. laws against child prostitution. It just happened to be the United States, a state of which she is a citizen, that claimed the jurisdiction to govern her behavior because of mainly practical, logistical reasons. The U.S. was in the best position to make sure that Jane is punished for her crime against humanity and prosecuted her accordingly.

Finally, political obligations should not be conflated with legal obligations. That based on the Korean constitution, Kim was under the legal obligation to refrain from smoking weed wherever he is in this world is a statement of social fact. But the fact that a person has a legal obligation to do X provides him with a moral reason to do X only in the case that he has a moral duty to obey the law.<sup>6</sup> Meanwhile, that a person has a political obligation to do X implies that this condition is satisfied--he had a moral duty to obey the law. This distinction between legal and political obligations makes it possible that a person is subject to a legal obligation even though she has no political obligation to obey the laws of the sovereign.<sup>7</sup> Most theorists will agree that people in a tyrannical, unjust state still have legal obligations to obey the laws of the state even though they owe no political obligation to the state.<sup>8</sup> This paper is not interested in the question of whether Kim was legally obligated to abide by the Korean law that prohibits him from smoking weed abroad. Rath-

er, it is interested in whether he had an extraterritorial political obligation that imposed a moral duty to not smoke weed abroad.

## **Justifications for Extraterritorial Political Obligation**

The history of political theory is riddled with struggles to provide a satisfactory account of political obligation. It is difficult enough to demonstrate that some kind of political obligation to states exists. Defending a political obligation to a particular state is even harder.<sup>10,11</sup> Various scholars have attempted to provide liberal justifications for what is called the particularity challenge.<sup>12</sup> I specifically focus on three theories that attempt to justify political obligation to particular states and assess whether they can extend justifications to extraterritorial political obligations. I charitably review each account, assuming that they are somewhat successful in demonstrating that political obligation to particular states exists in general.

### 1. Consent

One popular justification for political obligation to particular states is that members of the polity have consented to be subject to such an obligation. Most critics don't dispute that political obligations can be grounded on consent, but they find it unlikely that most people subject to political obligations have given express or tacit consent, or at least "the kind of ac-

tual consent that can ground a general obligation," to begin with.<sup>13</sup> They do not think hypothetical consent is good enough to generate political obligation.<sup>14</sup> In response to this criticism, defenders of the consent theory of political obligation have proposed various ways in which consent can be construed more broadly.<sup>15</sup> For example, some have argued that taking part in quotidian activities such as using the public library, voting in elections, and taking advantage of social security benefits can signify consent.<sup>16</sup>

This paper is less interested in how successful the consent theory is than what it says about extraterritorial political obligations if successful. Hence, I will assume that members of a polity have consented to some kind of political obligation to the state. Suppose that Kim the Korean retained his Korean citizenship even given the opportunity to renounce it. Moreover, he has a history of actively participating in the institutions of the state. We may think that such gestures of consent naturally entails an agreement to abide by the rule of law. Kim agreed to obey the laws of Korea, and the Korean law includes a duty to uphold all types of political obligations. It seems reasonable to conclude then that he agreed to uphold both domestic as well as extraterritorial political obligations. There appears little reason to separate the two types of obligations. Notwithstanding the broad interpretation of consent, however, I believe that there is still great difficulty in

claiming that political obligations justified under the consent theory include extraterritorial political obligations. One's consent to undertake political obligations to a state in general cannot be extrapolated to mean a valid consent to undertake extraterritorial obligations. I argue so on the basis that only ongoing consent constitutes valid consent. Extraterritorial political obligations preclude ongoing consent to an even greater degree than political obligations limited to state borders, casting doubt on the validity of the putative act of consent expressed by members of the state.

Putative acts of consent do not always generate obligations. Most theorists would believe that if the sovereign's authority or the nature of the obligation were unjust to begin with, the act of consent is void.<sup>17</sup> For example, a consent to be a sovereign's slave generates no obligation even if it genuinely expresses the subject's will.<sup>18</sup> Another instance in which an act of consent generates no obligation is when a person consents to an non-negotiable, permanent obligation. Even if the person wills to undertake such an obligation and never objects to its terms throughout the years, I believe it lacks liberal justification. Citizens are unable to exercise self-determination if they cannot assess the set of laws and obligations as a whole and decide to get out of it. The threat to self-determination posed by immutable terms of agreement is exacerbated by the fact that a state's laws and the precise con-

tent of the political obligation are subject to change all the time. It is true that democratic states allow citizens to take part in the formation of their laws; however, an individual has no choice but to put their fate on the hands of the majority. I think even defenders of consent theory would have to accept that putative acts of consent to irreversible terms comes short of being a valid consent.

An obvious objection to the argument so far is that most states allow members to renounce their citizenship at any point, and that given this opportunity to opt-out, retaining one's citizenship might suggest ongoing consent. However, the option to leave is really no option at all since it comes with the cost of becoming a stateless person who is stripped of any state-provided protection. It cannot be said that Kim is given a real choice to revoke his decision at any point beyond that. The choice is binding for life. At the very least, the purported ability to renounce one's citizenship at any point in time is not enough to guarantee ongoing consent.

One way in which states can make up for the difficulty of receiving ongoing consent from their members is by granting citizens the freedom of movement in and out of the state. The fact that a citizen remains within the state territory (when the option to travel abroad is readily available) can serve as additional affirmation of

their consent to obey the laws of the state. An additional layer of consent is established only if leaving the country means actual hiatus from being subject to the regular political obligations one owes the state. Extraterritorial obligations precludes this possibility and further undercuts the means of receiving ongoing consent from citizens because they follow the person regardless of where they are. It is problematic that when people are subject to extraterritorial political obligations, a one-time putative act of consent (if there ever was one) generates permanent obligations that can neither be revoked or temporarily suspended.

## 2. Fair Play

Another prominent account of political obligation is what Rawls once referred to as the "duty of fair play."<sup>19</sup> The principle of fair play holds that everyone who participates in a reasonably just, mutually beneficial practice have an obligation to cooperate.<sup>20</sup> Free riders are considered to be doing wrong to the other participants of the shared enterprise even if its survival does not depend on their shirking. According to the fair play principle, they are obligated to share a fair burden in the enterprise because cooperation is what makes it possible for any individual to enjoy the benefits of the practice.<sup>21</sup> Hence, those who are part of the joint enterprise have rights against as well as obligations to one another: "a right to require others to bear their share of the burdens and an obligation to bear one's

share in turn.”<sup>22</sup> The obedience to the laws of the state is deemed seminal to, perhaps even constitutive of, the maintenance of this cooperative enterprise. The members of the polity are thus obligated to uphold the rule of law under the fair play principle. In this manner, the principle of fair play provides grounds for a general obligation to obey the law.

Critics and advocates of the fair play theory alike have stipulated a few conditions that must be met in order for it to adequately provide grounds for political obligations. While some of the conditions are contentious, most political theorists agree that the principle of fair play applies to a political society only if its members can reasonably regard it as a cooperative enterprise.<sup>23</sup> It would be unreasonable to declare that a person has an obligation to take part in project a select group of people arbitrarily decided to take upon themselves. Second, the benefits of the cooperative practice must be of relatively substantive value to the participants.<sup>24</sup> If the products of the enterprise are of negligible value, then it is harder to defend an obligation (on the part of the members) to share the burdens of the enterprise. Third, even if the enterprise produces benefits, merely receiving benefits may not require someone to partake in the enterprise. Scholars who support this condition contend that receiving and accepting benefits are two different things.<sup>25</sup> To generate obligations, members must be aware that “the benefits are provid-

ed by a cooperative scheme" and that they could forgo those benefits in exchange of bearing no obligation to the enterprise.<sup>26</sup> In other words, there must be some indication that members consider those benefits worth undertaking a burden for. Fourth, the obligation of fair play applies to members of a polity only when their failure to obey the rules could affect the enterprise. This last condition is perhaps the most contentious out of all four.<sup>27</sup> Critics of the fair play theory have pointed out that "the obligation of fair play governs a man's actions only when some benefit or harm turns on whether he obeys."<sup>28</sup> Accordingly, they argue that the fair play theory cannot be applied to most polities because modern day states are simply too big to be affected by an individual member's actions. Advocates of the fair play theory have in response claimed that "fairness is not a consideration only when harm or benefit to some person or practice is involved."<sup>29</sup> They believe that to fail to do one's part in a cooperative enterprise is unfair and thus wrong to those who cooperate regardless of how this failure impacts the enterprise.<sup>30</sup>

It is difficult to assess whether the fair play theory can cover extraterritorial obligations among the political obligations it justifies. As with other theories, the theory can potentially show that members have political obligations to obey the law in general, but it says little about what specific laws can be included or excluded

on the grounds of fair play since they are altogether lumped into the rule of law. Perhaps whether fair play theory can justify extraterritorial obligation comes down to whether an enterprise that subjects members to extraterritorial political obligations meets a set of empirical conditions. I specifically tailor the four conditions described above such that they delineate the conditions on which fair play theory can ground extraterritorial political obligations.

1. Do the subjects of the extraterritorial political obligation regard themselves as being part of a cooperative enterprise?
2. Does the enterprise generate something valuable for its participants by requiring compliance to extraterritorial political obligations?
3. Do people consider upholding extraterritorial political obligations as part of their fair share in the cooperative enterprise? In other words, do people accept the tradeoff of being subject to extraterritorial obligations in return for what they believe are the benefits associated with them?
4. Does a person's disobedience to extraterritorial political obligations affect the common enterprise?

Some of the defenders of the fair play theory may protest that some of these conditions shouldn't even be considered.<sup>31</sup> It must be admitted that these conditions have been put forth by mostly critics of the theory.<sup>32</sup> However, I operate under the presumption that

some polities do meet these conditions and thereby are able to justify political obligations in general. I believe this sets up a favorable starting point for the case for extraterritorial political obligations.

The first and third conditions do not appear to pose significant problems for the defenders of extraterritorial political obligations on the grounds of the fair play theory. The first condition is the easiest to satisfy. Surely we can think of a polity (that happens to impose extraterritorial obligations on its members) whose members consider themselves involved in a joint enterprise. Korea, for example, would most likely pass this test. In addition, it is quite possible, if not likely, that most Koreans are content with the state imposing extraterritorial obligations on them. They accept extraterritorial obligations that say, bar them from smoking weed because they believe it contributes to keeping Korea drug-free, which they value. So the third condition is satisfied as well.

There is greater difficulty in showing that polities satisfy the second and fourth conditions, however. That individuals feel that being collectively subjected to extraterritorial obligations brings benefits, does not necessarily mean that it really does. But the objective fact of whether benefits are produced from the joint enterprise matters. Imagine a town that levies additional money from residents to support a water filtra-

tion system. It claims that the water filtration system is responsible for the town's clean tap water, something the residents value. Most of the residents happily contribute, convinced that the clean water filtration system helps maintain water quality. But unbeknownst to most villagers, the reality is that the city's factory waste laws are strict enough to keep tap water clean without the need for a water filtration system. It is hard to see how there is a real obligation to pay taxes when the project produces no benefits for its members. Moreover, the consideration of fairness (which, granted, has the ability to make the fourth condition void), cannot salvage the obligation in this case (i.e. when it comes short of meeting the second condition). Even if other villagers were to protest an individual's non-compliance to pay the additional tax on the basis of fairness, it seems wrong to demand an obligation from the individual when the obligation generates no benefits.

What this means is that justifications for extraterritorial political obligations must demonstrate the presence of real benefits, not simply the majority's perception of benefits. The link between extraterritorial political obligations and their claimed benefits are tenuous at best, however, given the extraterritorial nature of these obligations. They cannot be enforced properly because the state lacks the means to oversee their nationals while abroad. Hence this casts doubt on

their effectiveness as deterrence. In the case of Korea, for example, Korea would have to show that prohibiting Koreans from smoking weed abroad serves its goal of maintaining a drug-free state if that hasn't been achieved already by its draconian domestic drug laws.

Finally, it is also unlikely that the fourth condition is satisfied. The fourth condition is closely connected to the second, but places additional burden on the state looking to justify extraterritorial political obligations. The cooperative enterprise must not only generate real benefits as required by the second condition, but also be affected by the disobedience of an individual. We can imagine a case in which the second condition is satisfied but not the fourth. Even if Korea can successfully argue that prohibiting Koreans from using drugs abroad generally improves Korea's chances of remaining drug-free, it may be unable to show that a single individual's noncompliance endangers the cooperative enterprise. For one, it will have to adopt the premise that the individual will return to their homeland. Additionally, it will have to demonstrate that a person's disobedience triggers a chain of events substantial enough to leave an impact on the enterprise.

Perhaps overcoming these burdens of proof is not impossible. I do not completely rule out the fair play justification of extraterritorial political obligations as a whole. Not to mention, it is possible that extraterri-

torial taxation carries a greater potential to pass the same test than the extraterritorial duty to not smoke weed depending on the extent to its impact on the cooperative enterprise.<sup>33</sup> Nonetheless, the success of justifying extraterritorial obligations will be heavily contingent on a myriad of empirical assumptions, many of which are uncorroborated as of now.

### 3. Equal Freedom

This paper finally examines a liberal justification of special obligations to states put forth by Anna Stilz. Inspired by Kant's and Rousseau's theories, Stilz makes the case that the value of equal freedom can only be realized through the mediation of the state.<sup>34</sup> Absent the state, "the value of equal freedom is indeterminate" because there is no authority to set up a common legal order that people can reference.<sup>35</sup> And unless there is a public definition everyone can reference, people cannot be guaranteed a private sphere of liberty.<sup>36</sup> This is because when agents are left to act on their private judgments of justice, it becomes possible to unilaterally impose their private conceptions of justice on others.

As such, Stilz believes that an obligation to a particular state can be derived from natural duties. Equal freedom requires us to accept political authorities that define the rule of law. Is there an additional reason to owe obligations to a particular state? Stilz believes

that the simple fact that fellow compatriots engage in a collective cooperation can justify special obligations to them.<sup>37</sup> She believes that it doesn't require reference to shared history, culture, or language to ground special obligations, an approach that runs the risk of contradicting liberal ideas.<sup>38</sup>

I find Stilz's account of political obligations the most promising out of the three. But it doesn't appear to give sufficient grounds for extraterritorial political obligations. Stilz heavily relies on the presence of shared institutions among people to explain political obligations. Only through shared institutions can the value of equal freedom be realized. While the condition of shared institutions is not the same thing as a shared territory, they pretty much go together: "the duty to obey the law, if there is one, is an obligation that binds only those persons who stand in some special institutional relationship--those who fall within the territorial domain of a given state."<sup>39</sup> Hence, Stilz argues that a political duty to obey the law extends to foreigners who reside and work in the state. Even if they carry a foreign passport, they also ought to positively contribute to the state of residence, for it protects their equal freedom by issuing a common rule of law for all those within the territory. Conversely, states also have the duty to realize equal freedom for foreigners in their territory: "States themselves are justified institutions only because, and insofar as, they are necessary to realize

the equal freedom of individuals, and that means all individuals, not just their own members."<sup>40</sup>

In fact, because the proximity to institutions is a morally significant consideration for Stiltz, it is hard to locate in her account how states can justify imposing political obligations on nationals abroad. If indeed "equal freedom can only be defined and guaranteed within the [territories of the] state," it is doubtful that states at all contribute to the equal freedom of its nationals abroad.<sup>41</sup> It follows then that they cannot demand political obligations from national abroad on the basis of guaranteeing their equal freedom. Yet she seems to accept that foreigners residing abroad still have political obligations to their country of origin aside from obeying its laws (i.e. voting and fulfilling other civic duties). It is expected that these obligations are fulfilled remotely. It is questionable how she accounts for such political obligations that follow people no matter where they go.

One answer Stiltz can give is that citizens and foreign residents have different levels of shared intentions with the members of the state (in which they both reside). Hence, requiring citizens to perform more demanding obligations is not a form of arbitrary discrimination. This response runs into the problem of relying on an individual's subjective sense of their relation to a collective. It cannot account for cases in which a

foreign resident still considers herself deeply involved in the collective cooperation with those around her. Additionally, it may be argued that a citizen abroad still receives benefits from her country of origin even if the benefits are not enough to guarantee equal freedom. For example, the U.S. government will try to extricate its citizens if they were held hostage abroad. However, this argument cannot justify taxing nonresident Americans similarly to resident Americans who receive far more benefits.<sup>42</sup>

The more convincing answer seems to be that Stilz does not intend to establish further moral differences between citizens and foreign residents nor justify extraterritorial political obligations. She doesn't say so explicitly, but it is quite likely that her theory supports a territory-based taxation over a citizenship-based taxation unless there are some prudential reasons for enforcing the latter. In short, there is a caveat to her case for liberal loyalty. It only applies when a person's state of origin matches the state of her actual residence. Granted, the fate of extraterritorial tax under Stilz's theory may be less certain, but it surely fails to defend extraterritorial obligation to obey the laws of the country of origin.

### **Conclusion**

Simply because the three theories above cannot account for extraterritorial political obligations does

not mean they can ever be justified. For one, there may be theories this paper did not cover that can do the job. But also, there are plentiful illiberal grounds for extraterritorial political obligations. For example, nationalists argue that a reference to a shared national culture--common language, practices, myths, and territory, etc.--is integral to providing citizens with a special reason to support a particular state.<sup>43</sup> But contrary to the assertions of the self-proclaimed liberal-nationalists, the nationalist argument is not truly liberal.<sup>44</sup> This is because the argument only requires a self-claimed association with a group to generate special obligations to that group. This minimal requirement leads to problematic implications such as justifying special obligations to the Mafia simply because one is born into it or identifies with the group.<sup>45</sup> It is worrisome then that so-called liberal democracies borrow heavily from the nationalist justification of special political obligations to defend extraterritorial political obligations in the real world.

What the paper does show is that prominent liberal theories of political obligation cannot give good liberal reasons for extending political obligations to citizens abroad unless they employ flimsy empirical assumptions. For the time being, therefore, liberal states should find imposing extraterritorial political obligations inconsistent with their values. Moreover, the paper highlights a vacuum in political obligation

literature. Each account of political obligation is unclear about where they stand on this question of how much political obligation depends on territory. A common view seems to be that a successful defense of political obligation, even that to a particular state, does not hinge on the answer to that question. That may be true. The priority of political theorists has been on establishing some kind of political obligation in the first place. Thinking about its exact bounds is considered secondary to this more crucial task. Nonetheless, it is useful to think about what a particular account of political obligation, if successful, really justifies. This is rarely illuminated by the accounts and deserves further exploration.

## **Notes**

1. Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton: Princeton University Press, 2011), 209.

2. The evasion of extraterritorial taxation or citizenship taxation can lead to penal action. Hence, I don't exclude taxation from the scope of this paper, but there may be unique arguments in favor of citizenship taxation that cannot be extended to support other extraterritorial obligations. This possibility is further discussed in this paper's section on fair play theory.

3. Under 18 U.S.C. § 2423 (c) the U.S. claims "extraterritorial jurisdiction" over certain sex offenses against children, prohibiting not only citizens but also permanent residents from raping, sexually molesting, or soliciting sex from children while abroad.

4. Richard Dagger and David Lefkowitz, "Political Obligation" *The Stanford Encyclopedia of Philosophy*. Published Fall, 2014, accessed Dec 15, 2018, <https://plato.stanford.edu/entries/politi->

cal-obligation/#FaiPla.

5. In the case of Kim, by contrast, we can be more confident that Korea's exercise of extraterritorial jurisdiction is grounded on the putative violation of a political obligation Kim owed to Korea, specifically. Korea, no matter how poorly it thinks of those who smoke weed, does not find it a universally recognized moral wrong. For a stronger support for this empirical claim, consider an analogous ban on gambling for Koreans that apply both within and outside its borders. Koreans are forbidden from gambling in Korea and abroad in all but one Casino in rural part of Korea. Interestingly, every single other Casino in Korea allows, or even encourages, gambling for foreigners. From this we can infer that clearly, Korea does not bar Koreans from gambling on the grounds that it is a universal moral wrong, but rather because it sees it as part of a political obligation all Koreans owe. In this sense, the distinction I draw between the case of Kim and that of Jane does not necessarily stem from the degree of immorality or criminality of their actions. It is different in a more fundamental way.

6. Ibid.

7. Ibid.

8. Ibid.

9. Ibid.

10, Michael Huemer, *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey* (Basingstoke: Palgrave Macmillan, 2013).

11. Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*, 6.

12. Ibid.

13. Richard Dagger and David Lefkowitz, "Political Obligation."

14. A. John Simmons, "Liberal Impartiality and Political Legitimacy," *Philosophical Books* 34, No. 4, (1993): 220-21.

15. Peter Steinberger, *The Idea of the State* (Cambridge: Cambridge University Press, 2004), 218.

16. Richard Dagger and David Lefkowitz, "Political Obligation."

17. David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, NJ: Princeton University Press., 2008), 119-137.
18. Richard Dagger and David Lefkowitz, "Political Obligation."
19. John Rawls, "Legal Obligation and the Duty of Fair Play," in *Law and Philosophy*, ed. S. Hook (New York: New York University Press, 1964).
20. Richard Dagger and David Lefkowitz, "Political Obligation."
21. Ibid.
22. Ibid.
23. Ibid.
24. George Klosko, *The Principle of Fairness and Political Obligation* (Lanham, MD: Rowman & Littlefield, 2004) 38-9.
25. A. John Simmons, *Moral Principles and Political Obligations* (Princeton, NJ: Princeton University Press, 1979), 129.
26. Ibid., 132.
27. William Edmundson, *The Duty to Obey the Law: Selected Philosophical Readings* (Lanham, Md: Rowman & Littlefield, 1999).
28. Ibid., 81.
29. Richard Dagger and David Lefkowitz, "Political Obligation."
30. Ibid.
31. Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (New York: Oxford University Press, 1997), 69-78.
32. See Nozick (1974) and Simmons (1979).
33. Some scholars like Mason (2016) have argued in favor of citizenship taxation on the grounds that "the failure to tax overseas Americans' total income, no matter where earned, would result in their systematic underpayment of taxes compared to resident Americans" (4). On this view, citizenship taxation ensures the equal treatment of resident and nonresident citizens.
34. Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*.
35. Ibid., 21.
36. Ibid.
37. Ibid., 8-9.
38. Ibid., 15-20.

39. Ibid., 4.
40. Ibid., 108.
41. Ibid., 96.
42. Ruth Mason, "Citizenship Taxation" *Southern California Law Review* 89, (2016): 4.
43. Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*, 139
44. For a longer critique of the liberal-nationalist account of special obligations, see Stilz 140-8.
45. Ibid., 146.

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