

Abstract: A CONSERVATIVE THEORY OF POLITICAL OBLIGATION –  
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cycle)

The aim of this thesis is to develop a conservative theory of political obligation.

In the first chapter, I advance a series of preliminary definitions: I specify that political obligation is the *moral* (not merely the *legal*) duty to obey the law *qua* law; I discuss the requirements that a successful theory of political obligation should match; and I criticize philosophical anarchism.

In chapters 2, 3, and 4, I analyse the notion of conservatism. I focus on the concepts of ‘status quo bias’, ‘historical value’, ‘traditionalism’, and on the principles I label as ‘the primacy of order over liberty’ and ‘the primacy of community over the individual’.

The idea is that conservatism is committed to the preservation of existing states of affairs and traditions, as long as they are carriers of historical value (HV), as the means to establish a form of intergenerational connection (what I call the ‘diachronic community’), and for reasons related to the problem of transition costs in reforms, to policy-makers’ ignorance, and to the role of stable conventions in political life. However, I also observe that conservatives recognize that some degree of change is necessary precisely for conservation to be effective. This so-called ‘conservation paradox’ is particularly evident in the case of transmission of traditions.

In chapter 6, I develop a conservative theory of political obligation based on the Oakeshottian notion of membership in the ‘civil association’. This is a mode of relationship that members of nation-States entertain with each other, sharing not a common purpose, but only subscribing to the same general rules of conduct, sanctioned by the legal system. Obeying the law is the *minimal*, but *necessary* and *sufficient* condition for political obligation to hold.

The so-called *practice of civility*, in which membership in the civil association is grounded, connects with each other the members of the polity both *synchronically* and *diachronically*. Therefore, it is the source of an internal good, the bond of community that citizens establish reciprocally and across the generations, and it is a carrier of HV. Moreover, the good of ‘civility’ can also be understood in functionalist terms, as it represents the *conditio sine qua non* for the realization of all other essential goods of societal life, be they *primary* (peace, security, etc.) or *secondary* (the development of arts, science, a market system, etc.). I conclude that, since the *practice of civility* generates HV and the internal good of civility, and it links together the generations of the living, the generations of the dead, and those of the unborn, citizens do have a moral duty to *conserve* it and *transmit* it. Consequently, they do have a political obligation, that is to say, the duty to obey the law.

In chapter 6, I also show how the theory of political obligation developed in this thesis matches the requirements discussed in the first chapter.

Eventually, I add an Appendix in which I analyse the problem of a 'conservative' civil disobedience, by adopting a slightly modified version of the Rawlsian framework. I argue that civil disobedience should have the following characteristics: it has to be directed against the government and its agencies, not against private subjects; it has to be public; it has to be nonviolent; its aim has to be the reinstatement of the transcendental conditions of the civil association, which the targeted law or policy have allegedly damaged; it may be either direct or indirect; its purpose should be either the repeal of the contested law or policy, or the obtainment of exemptions for the exercise of legal conscientious objection; civil disobedients ought to be prompt to accept punishment.