

being genuinely contractarian. What is clear, though, is that the hypothesized agreement by contractors in the original position to Rawlsian principles of justice does not lend those principles any additional justificatory force beyond their putative status as the uniquely rational solution to choice under extreme uncertainty. Whatever function contract may serve in Rawls's framework, it does not ground obligation on actual freely tendered consent. Thus, if the question at issue is what citizens are obligated to comply with and why, idealized contract of the Rawlsian sort is irrelevant.

C. How stringent are the obligations established by consent? Even if it is the case that nothing but consent suffices to ground citizens' obligations to obey, it does not follow that those who have given their consent are obligated to anything approaching the extent that classical liberal theory supposes. Without denying that agreement to perform some activity carries normative weight (else the practice of giving and accepting commitments would have no point), we can yet deny that this weight is infinite —or even, in the usual case, especially large. For that which acts any Community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the consent of the majority."

Suppose you and I have agreed to meet at 2:00 to play tennis. At noon I call you and say, "I'm running behind with the paper I've got to submit this week. Would it be okay if I take a rain check?" The proper response is, "Of course." It would be distinctly odd for anyone who is not either under the age of eight or Immanuel Kant to protest instead, "But you promised!" Conventions of promising are useless if they carry no binding force, but they are suffocating if they mandate compliance on all occasions. This is something that we all recognize in ordinary life, but theorists often feign that promises are sacrosanct simply in virtue of being promises. A more reasonable approach is to acknowledge that some promises are enormously committal, to be set aside only in the most extreme situations, if at all, while other promises lack stringency altogether. The central question for social contract theory is: On which end of this spectrum does enlistment in a civil order lie?

I don't believe that the answer is clear-cut. On the one hand, the reliance interests of those seeking to exit the state of nature and its concomitant perils can be literally a matter life and death. The perils of anarchy are not to be underestimated. On the other hand, the extent of the demands that states make on the citizenry are so far-reaching that denial of any option of exit from the state is draconian. What if the state should turn out to tax more and provide less security than one had anticipated? What if rulers at some point in the state's history show themselves to be as predatory as the denizens of the state of nature? Doesn't that experience provide one reason to say, "Look, this relationship really isn't working out; I think we should just be friends"?

Hobbes would have one believe that this is an impossibility, that civil dissolution is equivalent to civil war. This is not very plausible. States may be a technology necessary for the maintenance of peace, but it does not follow that all juggling of their components is a mortal threat to security. Whether borders expand or contract does not speak to the issue of whether law is satisfactorily upheld within those borders. Indeed, the existence of lively exit options for citizens is apt to have a salutary influence on the behavior of their governors. Emigration is not an adequate check insofar as it deprives the state only of continued control of one's person but not of one's property. No doubt these are complicated issues, and absent a well-worked-out theory of optimal secession it is impossible to speak confidently on the issue. But that is no less true for those who espouse the