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ARTICLE

The Sense of Obligation

Scott Veitch*

This article is based on the Inaugural Adam Smith Lecture in Jurisprudence given at the University of Glasgow in 2016. It asks this question: is it not an age of obligation that we live in as much as, if not more so than, an age of rights? To answer this it explores a number of different senses of obligation to be found across a range of social practices. After an overview of some of the main concerns of Smith's work, it looks at two types of 'obligation practices' prominent in contemporary society: those that make rights effective, and those that operationalise debt. In paying attention to the often less visible work done by and through obligations, it also highlights certain vulnerabilities citizens are susceptible to when the distinction between obligation and obedience threatens to collapse.

Keywords: obligation; Adam Smith; debt; obedience

1. INTRODUCTION

I first read some of the work of Smith as an undergraduate in an Honours course called 'Scottish legal thought in the eighteenth century'. It was a small class which was a real privilege since we had two teachers, both enthusiasts and experts, Neil MacCormick and John Cairns. Neil MacCormick had of course deep roots in and an enduring fondness for the University of Glasgow. He graduated in Philosophy and English Literature and it was here also that his father had studied and been

* Paul KC Chung Professor in Jurisprudence, Faculty of Law, University of Hong Kong. The article retains something of the style of a lecture, which I hope does not detract from the analysis it makes. I am grateful for the invitation to deliver this lecture and I particularly would like to thank Emilios Christodoulidis, Ruth Dukes, Lindsay Farmer, Lilian Moncrieff and George Pavlakos at Glasgow for their kind hospitality and intellectual engagement. Kyle McGee and Daniel Matthews also provided excellent feedback. The usual disclaimer applies.

elected Lord Rector in the 1950s. By coincidence Neil went on to Oxford on the same scholarship that Adam Smith had himself received, the Snell Exhibition, over 200 years before. By another coincidence—or really: Scotland is just a small place—the External Examiner of the course I took back then was Tom Campbell, Professor of Jurisprudence in Glasgow at the time and himself also a Snell Exhibitioner at Balliol the year before MacCormick.

I mention this in part to acknowledge these inspirational teachers, but also because I think one meaning of our sense of obligation in academia is that which is grounded in the close relations we have experienced and learned from through teachers, classmates and colleagues. The obligations of scholarship, collegiality and education are learned in these settings. Good, memorable, teachers teach more than just content and skills. We learn from them, if we are lucky, the duties and aspirations of intellectual engagement and curiosity. We learn from them the sense of obligation that comes from an awareness that we are collective custodians of traditions of enquiry that have their own standards of excellence and critique, none of which can be explained by externally imposed metrics or quantification. It is a sense of obligation that also endures: that impels us constantly to learn or think or teach better; never one that has an endpoint where we can tick a box and say 'Objective attained'.

One of the things that appealed to me in Smith's ideas when I first encountered them, and this admiration has persisted ever since, is his understanding that the source of our moral and social sensibilities is to be found not in abstract thinking about universal rules (as Immanuel Kant and his followers would have it) nor in detailed calculations about utility (as utilitarians would) but in the real, affective and sympathetic interactions we experience with others in community.[1] What Smith called the 'sense of duty' came to us originally through our sentiments and feelings: pity for others' sorrow, resentment at injustice, the sympathy we feel with others' pleasures or set-backs. Moral and other obligations always for Smith ultimately referred us back to the sensibilities we gain in the shared practices of learning, propriety and mutual adjustment within which we grow up and are educated and within which we continue to learn throughout our lives.

As we will see more fully later, Roman lawyers described obligations as legal ties and this sense of tying or binding is a central component of understanding social and professional obligations, and indeed social and professional life. It reminds us too that obligations are not necessarily irksome; they may be pleasurable, and constitute a core element of who we are or try our best to be. Moreover, obligations bind us not just in personal relations but through and to institutions such as universities; to mentalities, to attitudes and ways of approaching problems; to a critical sense of what is right and wrong. And like learning itself, this binding or tying also operates in a temporal dimension: obligations work through time and with time. They provide a way, for example, of instituting memory and of seeing that

1 Smith's subtitle for his first book, the *Theory of Moral Sentiments* was: 'An Essay Towards an Analysis of the Principles by which Men naturally judge concerning the Conduct and Character first of their Neighbours and afterwards of themselves.'

memories are themselves sometimes sources of obligation. And obligations are crucial in supplying ties not just to what has passed, but with respect to what is yet to come: we talk, sensibly enough, of obligations that present generations have to future ones not to screw up the planet. In all these senses, we live in a world replete with obligations, some pleasurable, some of course less so. Obligations can provide undesired modes of control, discipline or subjection; but they are also the stuff of loyalty, solidarity and love.

It is commonly understood that obligations are correlative to rights: to have a right to something means that someone else has a corresponding obligation, and vice versa: to have an obligation means that someone else has a right. But in the forms and practices I have just mentioned, I don't think it would be possible to describe them equally in terms of rights. To think of many of the obligations we learn about or incur—through family, friends, teachers, institutions or practices such as education—in terms of rights seems somehow not to do justice to their character; it seems not only to misunderstand these practices, their meaning and significance to us, but also somehow to transform them into something other than what they are.

Yet it is also commonly said that ours is an 'age of rights'. As the novelist Milan Kundera put it:

> The world has become man's right and everything in it has become a right: the desire for love the right to love, the desire for rest the right to rest, the desire for friendship the right to friendship, the desire to exceed the speed limit the right to exceed the speed limit, the desire for happiness the right to happiness.[2]

This is not a wildly inaccurate parody—the pursuit of the last one is famously name-checked in the American Declaration of Independence.

But in this lecture I want to explore this question: is it not an age of obligation that we live in as much as, if not more so than, an age of rights? This is not a matter of simply seeing a correlative relationship from the other point of view; as I've just said, that 'correlative' claim doesn't seem persuasive at least for some practices of obligation. Rather my question asks us to consider whether we need to correct an imbalance in the self-description of modern societies as predominantly rights-driven; or, where this description is accurate, what it really means in terms of the more hidden practices of obligation and obedience that accompany a rights-culture. To do this involves grappling with several aspects of obligations, including their positive and negative connotations, and by paying close attention to many large- and small-scale features of contemporary life and law that can only be understood, as Smith taught his pupils at Glasgow so vividly, through an integrated understanding of the social forces at play. And this in turn involves paying attention to the vibrancy, and vulnerability, of those social practices and institutions that we approve of and hold dear.

2 Milan Kundera, *Immortality* (Faber & Faber 1991) 153.

I will return to my main question later. To begin with it would seem appropriate in this first Adam Smith lecture in Jurisprudence to say a few introductory words about the man and his work.

2. INTRODUCING SMITH

Smith was a polymath. In the days before disciplines had fully emerged, and hence before interdisciplinarity became desirable or even possible, Smith's life's work was that of a truly Renaissance man engaged in a grand intellectual quest. Born in 1723 and dying in 1790 his life spanned what we now call the Age of Enlightenment, a period in which Scottish thinkers played an influential role. His early education and studies set a pattern, drawing on a vast range of learning that would continue to inform all his future writing. Schooled well in his home town of Kirkaldy in Fife—where the teaching of classical literature included the Stoics whose ideas 'invit[ed] young people to think about the duties they owed themselves, their fellow citizens and the deity'[3]—he came to the University of Glasgow aged 14 where he studied in what Nicholas Phillipson describes as then 'one of the most sophisticated and interesting of the tiny Protestant universities of northern Europe'.[4] His studies here again ranged widely, and he made a good impression on his teachers. That said, he was described as having a 'frequent absence of mind [that] gave him an air of vacancy, and even of stupidity',[5] the former—vacancy—a characteristic that reportedly stayed with him throughout his life. Although he never graduated,[6] he left on a Snell Exhibition which gave him a scholarship to pursue further work at Oxford where, he wrote later in the *Wealth of Nations*, 'the greater part of the publick professors have, for these many years, given up altogether the pretense of teaching'.[7] So we must assume the time he spent there—six years—gave him the opportunity for largely undisturbed study and reflection that was, as it still is, invaluable. Returning to Scotland he lectured in Edinburgh (privately, not at the university) in rhetoric and jurisprudence before being appointed a professor at Glasgow. Throughout his life his work continued to range widely and he wrote on topics as diverse as physics, logic and astronomy, the origin of language, and theatre and verse (including an essay on the 'affinity between music, dance and poetry'). All this was in addition to the much better known books on morality and political economy that would make his name and ensure his enduring legacy.

It was at Glasgow that he published his first book, *The Theory of Moral Sentiments* in 1759. The importance of this work to him, and to his overall intellectual project, is

3 Nicholas Phillipson, *Adam Smith: An Enlightened Life* (Penguin 2011) 19.
4 ibid 24.
5 ibid 56.
6 See IS Ross, *The Life of Adam Smith* (OUP 1995) 68.
7 Smith, *Wealth of Nations* (OUP 1976) V.i.f.8. Adding that the fellows acted in the manner of a 'common cause, to be all very indulgent to one another, and every man to consent that his neighbor may neglect his duty, provided he himself is allowed to neglect his own'.

attested to by the fact that he would return to it in his final years, completing a substantially revised sixth edition in the year he died. Notably for a book in moral philosophy one gets a strong sense, I believe, of the kind of person he was from its general tenor, the content and nature of its examples and its clear-eyed honesty. It gave an account of the nature, condition and development of morality, as well as a critique of different approaches to moral philosophy, and one gets a vivid impression of the writer's strong moral sensibility, though not of a priggish moralism. Rather he had that keenness of observation and wit that good novelists have as he regularly captures the foibles and weaknesses of humanity and the errors we are all capable of. He could also be cutting in his denunciations, describing for example the casuist approach in moral philosophy as employing

> That frivolous accuracy which they attempted to introduce into subjects which do not admit of it … [which] rendered their works dry and disagreeable, abounding in abstruse and metaphysical distinctions, but incapable of exciting in the heart any of those emotions which it is the principal use of books of moral philosophy to excite.[8]

But there is a warmth and generosity that come through, particularly in the many passages on human sociability and on family and friendship, which go some way to explaining his popularity with colleagues and students. The intellectual atmosphere of the Scotland of his time—at the University in Glasgow, achieved in no small part through the efforts and influence of Francis Hutcheson, former Professor of Moral Philosophy, and in Edinburgh of formidable and innovative thinkers chief among whom was his friend, the atheist, sceptic and *bon viveur*, David Hume—saw Smith engaged in a greater, collective project of understanding social relations in the fullness of their historical, political and, as we would say now, sociological contexts. And in this milieu, as Alasdair MacIntyre wrote of seventeenth and eighteenth century Scotland generally, 'philosophy and especially moral philosophy assumed a kind of authority in Scottish culture which it has rarely enjoyed in other times and places.'[9]

Central to Smith's project was a knowledge of the principles of law and government. In *Theory of Moral Sentiments* Smith had stated that 'natural jurisprudence' was 'of all the sciences by far the most important.'[10] A promised book on the subject never materialised, but two series of students' lecture notes were later discovered (the second only in 1958), taken by students attending his lectures in Glasgow in the early 1760s. These lectures are remarkably full and show how astonishingly knowledgeable Smith was in his understanding of legal history, doctrine and theory. With some singular exceptions contemporary jurisprudes rarely have or put to use such breadth of learning and insight.

Being in Glasgow also gave Smith proximity to the burgeoning mercantile developments in the city in the mid eighteenth century, influencing his knowledge of and

8 Smith, *Theory of Moral Sentiments* VII.iv.33. That 'frivolous accuracy' is perfect (and captures still some approaches to be found in moral philosophy, and in jurisprudence).

9 Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Duckworth 1988) 239.

10 Smith, *Theory of Moral Sentiments* VI.ii.intro.1.

approach to economic matters.[11] When he quit his professorship in 1764 to tour Europe as the tutor to the Duke of Bucchleuch, Smith had already gained a great deal of insight that would be put to use in his most influential work published just over a decade later, *An Enquiry into the Nature and Causes of the Wealth of Nations* (1776). This, again remarkably wide-ranging and learned work, offered an argument in favour of liberalising trade, though given its situation in the wider context of Smith's work, within which alone it makes sense, it is not the bible free-marketeers would have us believe.

Smith's first-hand knowledge of the tobacco and other merchants in Glasgow's growing imperial trade enterprises, along with his ability for honest appraisal of those who wielded power—including 'the skill of that insidious and crafty animal, vulgarly called a statesman or politician'[12]—gave him an unsparing insight into economic and political life. In his political economy Smith was a realist and knew what, and *who*, he was talking about. For example, discussing the regulation of colonial trade, it was the *merchants*' 'interest [that] has been more considered than either that of the colonies or that of the mother country',[13] and likewise, on the relation between bosses and workers: 'Whenever the legislature attempts to regulate the differences between masters and their workmen, its counselors are always the masters.'[14] But he was quite unambiguous about what this meant: the masters' counsel should be treated with the greatest suspicion precisely because

> It comes from an order of men, whose interest is never exactly the same with that of the publick, who have generally an *interest to deceive and oppress* the publick, and who accordingly have, upon many occasions, both deceived and oppressed it.[15]

How true this still rings, especially in the wake of the recent Panama Papers revelations which exposed the magnitude—trillions of dollars—and machinations of offshore business practices being used 'to deceive and oppress the publick' by keeping otherwise taxable income beyond government accountability, albeit often with the collusion of some contemporary 'insidious and crafty animals'.[16]

These are not cherry-picked anomalous examples but are indicative of Smith's practical concerns which he analysed by theorising the relations between law and government, power and wealth. Of course, Smith was no socialist, but he did display what RH Tawney said of someone else, 'a realist's indiscretion' when he summarised the original relation of all these in the *Wealth of Nations*:

> Civil government, so far as it is instituted for the security of property, is in reality instituted for the defence of the rich against the poor, or of those who have some property against those who have none at all.[17]

11 Phillipson's (n 3) excellent biography of Smith is highly insightful on the Glasgow of Smith's day, as it is on Smith's life and times generally.
12 Smith (n 7), IV, 2, 39.
13 Smith (n 7) IV, vii, b, 49.
14 Smith (n 7) I, x, c, 61.
15 Smith (n 7) I, xi, p 10 (emphasis added).
16 Bastian Obermayer and Frederik Obermaier, *The Panama Papers* (One World 2016).
17 WN, 715.

So the *Wealth of Nations* needs to be seen in light of the overall sense and purpose of Smith's life's work and in particular the challenges that were becoming apparent to him in observing closely the workings of an increasingly commercial society.

For what Smith, like other key thinkers of the Scottish Enlightenment—or Age of Improvement as it would then have been understood—was seeing at first hand was this: that 'The values of the market and of growing wealth were to prevail increasingly, and those of kinship and of local community were correspondingly eroded'. And this led them, as MacIntyre puts it, to ask this key (and enduring) question: 'What is the effect of an expanding economy upon the moral and intellectual life?'[18]

Smith's answer to this was to provide a determined case that we were *not* (to invoke MacIntyre) 'after virtue'; quite the opposite. Instead, he described the seminal virtues of human behaviour in this way: 'The man who acts according to the rules of perfect prudence, of strict justice, and of proper benevolence, may be said to be perfectly virtuous.' Yet even someone who has 'perfect knowledge of those rules' must face up to the reality of those temptations that would pull us away from practising them properly. In such a condition another virtue was therefore called for: 'The most perfect knowledge, if it is not supported by the most perfect *self-command*, will not always enable him to do his duty.'[19] And so 'Self command is not only a great virtue, but from it all the other virtues seem to derive their principal lustre.'[20] Such was the enduring Stoic influence that marked the continuity of Smith's endeavours in moral philosophy, jurisprudence and political economy.

It is of course one of the ironies of (not only intellectual) history that Smith's liberalising economics would be taken up in such a way that would see the endemic application of a market motive systematically put at risk the worth and exercise of such virtues. Like the tragedy that befell King Midas, all that was valuable about communal relations in their own terms would become vulnerable when there was a transformation that turned them to gold. Hence the twentieth-century economic historian Karl Polanyi, despite his criticisms, describes well how Smith's approach was radically different from that which would later be done in his name. For Smith, he wrote, 'The dignity of man is that of a moral being, who is, as such, a member of the civic order of family, state, and the "great Society of mankind" … '. In this greater, humanist, context, wealth was merely

> an aspect of the life of the community, to the purposes of which it remained subordinate … there is no intimation in his work that the economic interests of the capitalists laid down the law to society; no intimation that they were the secular spokesmen of the divine providence which governed the economic world as a separate entity. The economic sphere, for him, is not yet subject to laws of its own that provide us with a standard

18 MacIntyre (n 9) 258–9.
19 Smith, *Theory of Moral Sentiments*, 237.
20 ibid 241.

> of good and evil … In [Smith's] view nothing indicates the presence of an economic sphere that might become the source of moral law and political obligation.[21]

This is a good way of seeing the connections and priorities of Smith's work, and indeed his life. If he was in person a modest man, then his intellectual ambitions were towering. 'Scarcely any philosopher has imagined a vaster dream', wrote Walter Bagehot who went on to summarise his whole project, unjustly (clearly) but more wittily as an 'immense design of showing the origin and development of cultivation and law; or, as we may perhaps put it, not inappropriately, of saying how, from being a savage, man rose to be a Scotchman'![22]

Let us now return to our general theme, and to the question I raised earlier: do we not live in an age of obligations as much as, or even more so than, an age of rights? I would like to explore two senses in which this might be true.

3. WAVES OF OBLIGATION

First, let me return to that correlative point, that each right has a corresponding obligation and therefore that there should be a constant and equal relation between rights and obligations. I suggested at the start that this might not correspond to our understanding of certain social practices. But it is specifically with respect to the self-understanding of our era as one that has witnessed the unprecedented prioritisation of human or legal rights[23] that deserves our attention, because when we turn to legal rights and obligations we find another kind of reason why a correlative account might be problematic.

Jeremy Waldron argues that when we consider rights, even basic 'negative' rights, we encounter what he calls 'waves of duties', a phenomenon that puts to question a straightforward notion of correlativity. He gives the example of the right not to be tortured. On one reading this would correlate simply to a single duty on another person not to inflict torture. Yet one person's right correlates to the duty on countless others not to torture and in that sense there are far more duties than rights. But that obvious point is not what Waldron is getting at. Rather, he argues, we cannot fully understand the operation of this right in practice unless we see that the same right generates not just one duty of this sort, but of multiple *kinds* of duties (hence the 'waves' image). So the duty not to torture is, he writes,

21 Karl Polanyi, *The Great Transformation* (Beacon Press 1957) 111–12.

22 Walter Bagehot, 'Adam Smith as a Person' in *The Life and Works of Walter Bagehot* Vol VII <http://oll.libertyfund.org/titles/2165> (accessed 21 August 2017).

23 See e.g. two books of the same title, *The Age of Rights*, both published in 1990, respectively by Norberto Bobbio (English Translation, Polity 1996) and Louis Henkin (Columbia UP 1990). A chapter by the same name in Martin Loughlin's *Sword and Scales* (Hart 2000) gives a succinct overview, containing a helpful sociological dimension. Depending on how one traces lineages, the age of rights may refer to the resurgence of the primacy of rights discourse in the second half of the twentieth century either in terms of the spread of international human rights or in domestic constitutional jurisprudence (for which the work of Ronald Dworkin is exemplary). Those taking a longer view will necessarily go back through the Enlightenment to Grotius, Locke and so on.

> backed up by other duties: a duty to instruct people about the wrongness of torture; a duty to be vigilant about the danger of, and temptation to, torture; a duty to ameliorate situations in which torture might be thought likely to occur; and so on.[24]

And then, should torture in fact be alleged, there are duties to investigate, duties to hold perpetrators to account, to provide remedies, to change practices and/or personnel to avoid likely repetition, etc etc. Following from the right not to be tortured, in other words, there are successive waves of duty that signal not just that there are many more (and different) duties arising than rights but also that this *has* to be the case if *rights* themselves are to be taken seriously.

Onora O'Neill[25] develops this point further in the context of socio-economic rights arguing that a focus on rights obscures the essential but hard work required to actually make rights effective. To do this again requires paying attention to the operationalisation of many more obligations than rights. For example it requires a detailed specification of obligations across a range of actors, and in particular across various levels of *institutional* actors whose coordinated actions are necessary to make rights and their protection a reality. Both negative rights, such as the right not to be tortured, and socioeconomic rights, such as the right to education or health care, thus entail not only the identification of obligated actors but also obligations of distributive justice in the resource allocation necessary to provide institutional support. Otherwise the protection of rights of *any* kind will remain problematic. As she notes:

> Rights to goods and services are easy to proclaim, but until there are effective institutions their proclamation may seem bitter mockery to those who most need them … By contrast, when we discuss obligations, of whatever sort, we immediately have to consider *whose* obligations we have in mind and so will define *against whom* rights-holders may lodge their claims.[26]

This point reminds us (for it is in part an old critique) that the politics of rights tend to favour, or be grounded in, a particular image of society. As O'Neill puts it: 'It takes the perspective of the claimant rather than of the contributor, of the consumer rather than of the producer, of the passive rather than the active citizen.'[27] Emphasising the second of each of these pairs—contributor, producer, active citizen—requires a sustained commitment to harnessing multiple (waves of) duties and responsibilities in a complex set of engagements that is too-easily underplayed in the commonplace proclamation of a 'rights culture'. Addressing a moral or civic sense of obligation—the obligation to respond, for example, to others' needs in education or health as a matter of equal concern amongst fellow citizens—thus requires the concrete proliferation of obligations in and through resource-intensive institutional contexts such as schools and hospitals

24 Jeremy Waldron, 'Rights in Conflict' (1989) 99 Ethics 503, 510.

25 See Onora O'Neill, 'Women's Rights: Whose Obligations?' in *Bounds of Justice* (CUP 2000) ch 6.

26 ibid 105 (original emphasis).

27 ibid 101. See also Agnes Heller, 'Are There Obligations Without Rights?' (2010) no 52 Revista de Faculdade de Direito – UFPR, Curtiba 11.

that are necessary to meet them. Such processes were well described by William McIllvanney as taking place in those institutions which made up the 'hard-won machineries of compassion'[28] (as fine a description of the welfare state as I have come across) in which the priority of obligations rather than rights is key to their constitution and operation.

There is also a temporal—or dynamic—aspect that is significant here. Hence the same right can result not only in numerous and different obligations on multiple actors, but these obligations and actors may change over time with respect to the same right.[29] The idea that we can fix rights and obligations 'once and for all' in a categorical manner neglects the basic experience and understanding of how we learn over time in and through practices and how experience develops and changes the character and expectations of actors and institutions and their relations with others in ways that require alterations in obligations. A static model of rights tends to miss much of this dynamic activity, something that again becomes clear in the context of socioeconomic rights. Fernando Atria writes insightfully about this, giving the example of the National Health Service where, he argues, *over time* it 'creates its own support [in which] individuals learn about themselves' through transforming themselves and others guided not by abstract thought but by the experience of *practising* in a needs-based process. To fail to account for this experience—the experience of what he calls, drawing on Charles Taylor, 'slow pedagogy'—is to downplay the value of learning, in common, in shared practices over time. It is also to risk negating the developing benefits this brings, including the benefits to rights protection itself. Atria tellingly quotes Ed Milliband, the former Labour leader of the UK Opposition: 'If the NHS was proposed today, we would be told it could not be done.'[30] That it *is* possible signals that we have been able to (learn to) act in ways that we are now told would be impossible.

So even if a list of rights as entitlements stays relatively stable, 'waves of obligations' continue to be required to do justice to them in a way that is not captured by a straightforward and abstract 'correlative' account of the relation between rights and obligations. To the extent that there has been an augmentation in rights-talk and rights-practice, this has unleashed an even greater proliferation of obligations of many kinds and at many levels. This cannot therefore be merely a matter of seeing the same relation from a different perspective. A sociologically grounded sensibility to the conceptual and institutional conditions in which rights are protected strongly suggests that it is the observation of obligations, more so than rights, that more adequately explains the workings of a wide range of contemporary social practices.

28 William McIllvanney, *Surviving the Shipwreck* (Mainstream 1991) xx.

29 Waldron makes this point drawing on Raz's work: Jeremy Waldron, 'Duty-bearers for Positive Rights' <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2510506> accessed 21 August 2017; Jospeh Raz, 'On the Nature of Rights' (1984) 93 Mind 194, 199–200.

30 Fernando Atria, 'Social Rights, Social Contract, Socialism' (2015) 24 (4) Social & Legal Studies 598, 611.

4. MUCH OBLIGED

A second way to think about ours as an age obligation requires a rather different take. As I have already mentioned, in Roman Law obligation was thought of as a legal tie, a *vinculum juris*. Here is how Peter Birks explained this: 'A vinculum is anything with which binding is done. Hence a fetter, bond, chain or rope.'[31] The same presence of *binding* is one we find also directly, he reminds us, in the word 'obligation' itself, in the *lig* that appears also in ligament and ligature, as well as in re*lig*ion. The mental image of the material *bond* is also portrayed vividly in Birks's account:

> An obligation is a rope … by which we are tied … Dwell on that image. Here I am with a rope around my neck. We must allow for the other end of the rope. You are holding that. I am under an obligation to you: the picture is of this rope between us, and you in control; the rope is around my neck but in your hand.[32]

It is good advice to dwell on that ancient image; for it is, among other things, a powerful representation of being in debt. And this is no coincidence. For the *vinculum juris*, the legal tie—this bond of law—had an original material instantiation in these fetters that bound the body of a debtor. According to Reinhard Zimmerman the

> very word 'obligatio' always reminded the Roman lawyer of the fact that, in former times, the person who was to be liable, that is over whose body the creditor acquired the pledge-like power of seizure, was physically laid in bonds.[33]

That the debtor 'ought to', or as we still say 'was bound to' do whatever was legally required of him therefore had its antecedents in the fact that he was literally 'bound to' do it. So another reading of the 'sense of obligation' is one that recalls that a part of obligation's deep legal history came from its bearing directly on the *senses*, of bounded beings.[34]

But it is specifically to the issue of debt and the practices of obedience that accompany it that I want to come to now. For it is in the conditions that underwrite debt, so to speak, that we will get a sense of how the identification of legal obligations alone will only tell us part of the story of ours as an age of obligation. Instead, non-legal aspects of obedience need to be brought into the frame and in doing so this

31 Peter Birks, *The Roman Law of Obligations* (OUP 2014) 3.

32 ibid. See also AH Campbell's 1954 lecture in Glasgow on 'The Structure of Stair's *Institutions*' which HLA Hart refers to when discussing the 'figure of a bond binding the person obligated … that haunts much of legal thought': HLA Hart, *The Concept of Law* (Clarendon Press 1961) 85.

33 Reinhard Zimmerman, *The Law of Obligations* (OUP) 5. Physical accounting for debt was of course to continue for centuries, particularly in the form of imprisonment for debt, only abolished in England by the Debtors Act of 1869.

34 Friedrich Nietzsche traces the origin of morality and indeed of *normativity* in the history of the debtor-creditor relationship, which for him find their ultimate source in physical pain: Friedrich Nietzsche, *On The Genealogy of Morals* (OUP 1996) 'Second Essay'.

will potentially challenge conventional accounts of legal obligation. But that is to jump ahead; first, a few words about debt.

Interestingly, over exactly the same period as the discourse of human rights has come to ever greater prominence (Samuel Moyn suggests this period begins only in the 1970s),[35] so too has financial indebtedness. I do not know whether there is any direct correlation—no doubt other things have increased enormously during this time—but it is certainly the case that personal, corporate and government debt as a percentage of GDP have soared over the last 40 years. If the ancient wisdom said 'Call no man happy until he is dead', the modern version seems to be 'Call no-one living until they're in debt'. The growth in levels of student debt is but one symptom of a far larger phenomenon that Wolfgang Streeck describes as the shift from a tax state to a debt state.[36] There are, as one can readily imagine, stacks of statistics available but here are just a couple: according to MGI, *since* the financial crisis, global debt has increased by 57 trillion dollars; and, worryingly in terms of political instability for its government as well as potential knock-on effect globally, Chinese debt has quadrupled in just the last seven years, largely a result of the housing boom.[37] Having increased by a third in the last 10 years alone, global debt now stands at more than three times global GDP.[38] To this saturation of indebtedness one should add the number globally of those people in debt bondage and forced labour—identified as modern forms of slavery, and outlawed, though this does not stop it continuing—a figure which reaches into the tens of millions and includes many million children often bound to labour as a result of intergenerational debt transmission.[39]

I do not want to go further into such statistics. They are readily available, their account of debt growth is incontrovertible and people, economists especially, will no doubt have their own more or less sophisticated explanations for all this.[40] Rather I would like to take a longer view. To do so I will introduce an old schema to be found in the writings of the founding figure of Scots Law, James Dalrymple, Viscount Stair, Lord President of the Court of Session and former tutor in philosophy at Glasgow.

For Stair, 'the formal and proper object of [positive] law are the rights of men'.[41] But their position in the overall framework he constructed was clearly circumscribed. While the French in 1789 came up with the winning slogan of 'Liberte, Egalite, Fraternite', the Scots had a century earlier, in Stair's terms, established a

35 See Samuel Moyn, *The Last Utopia: Human Rights in History* (Harvard UP 2012).

36 See Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism* (Verso 2014).

37 Richard Dobbs et al., 'Debt and (not much) deleveraging' (February 2015) <http://www.mckinsey.com/global-themes/employment-and-growth/debt-and-not-much-deleveraging> (accessed 21 August 2017).

38 Dion Rabouin, 'Total global debt tops 325 pct of GDP as government debt jumps' <http://www.reuters.com/article/us-global-debt-iif-idUSKBN14O1PQ> (accessed 21 August 2017).

39 See e.g. UN Special Rapporteur report, September 2016 <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/46> (accessed 21 August 2017).

40 Smith's account of debt is summarised briefly and set in his and our own contexts by Mark Blyth in his *Austerity: The History of a Dangerous Idea* (OUP 2013). The literature on contemporary indebtedness is vast, but for a very long view see D Graeber, *Debt: The First 5,000 Years* (Melville House 2012).

41 Viscount Stair, *Institutions of Scots Law* (Edinburgh and Glasgow University Presses 1981) I.1.xxii.

more cautious Calvinist trio: 'Obedience, Freedom and Engagement.' In this schema primacy was given to those laws and duties 'written on men's hearts' by God which Stair called 'obediential obligations' (differentiating them from conventional ones, i.e. those made up by human convention). Such obligations are for Stair pre-contractual, pre-institutional, pre-experiential. They do not gain their force from positive laws, nor from human agreements—they are, these obligations, what rights would poignantly be called in a later context: inalienable.[42]

For Stair, rights were indeed the 'object of positive law' but they were not originary in the way that 'obediential obligations' were. And this was consistent with his general approach to obligations, including in the domain of property law. As Stair put it, obligations were 'in nature and time for the most part anterior to, and inductive of, rights real of dominion and property'[43] something that signifies an important limitation on property ownership: as MacIntyre notes writing of Stair, 'the treatment and the status of obligations [is] prior to the treatment and the status of property. So obligations are imposed upon and constrain the property owner.'[44]

In Stair's schema freedom is thus located *between* two sets of obligation—obediential and those created by human engagement. Working within a reasonably conventional Christian framework, his ideas owed a good deal to a tradition going back through the Reformation to Aquinas and beyond as well as to the more recent protestant natural law thinking that had been developed especially by Grotius earlier in the seventeenth century. The primacy Stair gives to religion and its duties in his account of practical law is not a mere frontispiece offering embellishment. As Dot Reid nicely puts it, 'Stair was intent not only in creating a rational system of law, but one which was godly in character and would, in turn, yield godly Scottish citizens'.[45] Such an expectation thus found its concrete expression in social reality. For as well as a thorough theological legitimation—which would have been consonant with ordinary people's religious beliefs—the practise of state law and government was at the time deeply entwined with religious law and its jurisdiction. As Chloe Kennedy observes: 'Despite their disparate remits there was a high degree of co-operation between the two court systems, mainly because in Calvinist Scotland moral discipline and the maintenance of law and order were regarded as complementary aims.'[46]

Now both organised religion and moral discipline in the public realm have experienced decline since then. So too have the tightly-woven bonds and layers of feudal ties that held much of Scottish society together even in Stair's day and with respect to which Scotland was little different from other European societies.

42 Think what difference it would make if the most famous line in Thomas Jefferson's Declaration of Independence had stated: 'We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable obligations, that among these are … '; history, one imagines, might have been a bit different.

43 Stair (n 41) III.1.

44 MacIntyre (n 9) 230.

45 Dot Reid, 'Thomas Aquinas and Viscount Stair' (2008) 29 (2) Journal of Legal History 189, 190.

46 Chloe Kennedy, 'Criminal Law and Religion in Post-Reformation Scotland' (2012) 16 (2) Edinburgh Law Review 178, 188.

Liberation from such manifold religious and feudal obligations was no doubt in good part due to the efforts of Enlightenment thinkers and their later followers, and provided an engine for improvement for many. But if we were to imagine lopping off religion and its obediential engagements from Stair's three-fold schema, are we left with the primacy of freedom? Arguably not. Or at least, things are more complex than a straightforward story of 'Enlightenment and improvement' may appear.[47]

Another way of looking at our age of indebtedness is that it registers a *substitution* of one set of obediential obligations for another. And this set may be far more constricting in its multiple manifestations than we would want to believe.

On the one hand structures of indebtedness proliferate in ways that bind citizens tightly through insertion in an economic mode of life that requires practising livelihoods that increasingly demand loyalty not to feudal lords but to corporate superiors and, just as importantly, the corporate mentalities they have spread to so many other institutions (including, increasingly, universities).[48] Alain Supiot[49] and others have written extensively about the 're-feudalisation' of contemporary societies in which new loyalties are demanded, particularly in the area of employment; in the UK the 'zero hours contract' is an outstanding example of this. In an age of precarious labour, the combination of juridical rules with ties of employee fealty and managerial imperatives fasten ever more tightly the weave of obediential practices in workplace relations. So much so that this can even apply when someone *has no* employment, as when the state, through 'workfare' schemes, puts conditions on the receipt of social security requiring the unemployed to work for private companies for no remuneration.[50]

If this is true of the workplace, it is on the other hand also the case for consumption practices which provide perhaps the key contemporary route into indebtedness. Here again the combination of legal rights and the insertion into economic practices of obligation as debt are to be found. There are myriad instances of this, among the most commonplace being the growth in personal credit card debt and pay-day loans. But consumption practices are not limited to luxuries; they include meeting such basic needs as housing. And here too, patterns of indebtedness are clearly visible. Consider, for example, the UK's 'Right to Buy' what was once publicly owned council housing. A 'liberating' individual right to private property ownership was supposed to increase individual autonomy in a 'property owning democracy'. Yet in reality it simultaneously produced the direct susceptibility of people and their homes to market forces—over which they, as individuals, have *no* autonomous control—and where on default, as was widely seen in the wake of

47 The devastating effects of the subjugation of indigenous populations throughout the British Empire from the Enlightenment onwards clearly invalidates any 'liberation' narrative. But I will leave that aside for now.

48 See e.g. S Collini, *Speaking of Universities* (Verso 2017).

49 Alain Supiot, 'The Public-Private Relation in the Context of Today's Refeudalization' (2013) 11 (1) International Journal of Constitutional Law 129.

50 See K Veitch, 'Unemployment and the Obligatory Dimension of Social Rights' in T Kotkas and K Veitch (eds) *Social Rights in the Welfare State: Origins and Transformations* (Routledge 2017) 58–75.

the financial crisis, the rope of law—the *vinculum juris*—could be firmly pulled on by the banks to remove families from their homes. Moreover, since the scheme was introduced, rather than universal home ownership emerging, the 'free market' in housing resulted in concentrations of wealth such that, in England for example, there has been a vast increase in people having to rent from 'buy-to-let' private landlords, in relation to whom tenants have again little or no autonomy. (The government expects the figure to rise to one in three over the next decade).[51] In a sense this is not surprising: as Mark Blyth points out, debt 'is someone's asset and income stream, not just someone else's liability'.[52] Growth in debt dependency is therefore a business opportunity and in a free market it is irrelevant whether the commodity is a luxury car or a family home. The fact that even domestic dependencies are created in the name of secular freedoms given juridical form is an irony that materialises for many as enforced vulnerability and a decline in autonomy.

With respect to the indebted populace, we can therefore observe an augmentation and intensification of ties of obligation across areas of labour, consumption and domestic life that cannot be properly captured in the popular imagery of the 'age of rights'. For what appears as the primacy of freedom is still in fact secondary. In a substitution of 'obediential obligations' the combination of economic and legal structuring of debt replaces religion, but the chief quality of the obligations remains the same as before: they cannot be bargained about by the parties themselves. Why not? Because despite their appearance at one level as the result of 'freedom and engagement' what appears as choice is so in appearance only.[53] As a consumer, employee or tenant, one is not in a position to bargain *about* the ground rules. Indeed we can observe this even with respect to *states*. As Alan Greenspan, the former chairman of the United States Federal Reserve put it:

> thanks to globalization, policy decisions in the US have largely been replaced by global market forces. National security aside, it hardly makes any difference who will be the next president. The world is governed by market forces.[54]

If even democratically elected states have such limitations, what chance do individual consumers or tenants have? One cannot consume one's way to liberty or autonomy in the face of such circumstances precisely since 'market forces' are *forces* not just metaphorically; as Greenspan emphasises, they *govern*. This is why, in Stair's terms, citizens' freedom and engagement still rely upon pre-given non-negotiable obediential norms; the difference is that they are given not now by God, but by the laws of the market. If in one period citizens could not step out of the realm of religion, now it seems impossible to step out of the marketplace. The situation

51 See e.g. Richard Dyson, '1996: The Birth of Buy-To-Let Britain – In Numbers' *The Telegraph* (London, 21 October 2014) <http://www.telegraph.co.uk/finance/personalfinance/investing/buy-to-let/11176988/1996-the-birth-of-buy-to-let-Britain-in-numbers.html> (accessed 21 August 2017).

52 Blyth (n 40) 8.

53 Robert Hale's work remains an enduring reference point in this field: see e.g. Robert L Hale, 'Coercion and Distribution in a Supposedly Non-Coercive State' (1923) 38 Political Science Quarterly 470.

54 Alan Greenspan in 2007, quoted in Streeck (n 36) 85.

could be different, as has historically become the case with religion. But as things stand, the current combination of legal and economic ties secures these 'obediential obligations' with an omniscient force.

Let me make one final observation in this context. It concerns the nature of normativity in the practices we have just identified and requires now setting them in a wider cultural and technological context. Isaiah Berlin, writing in the mid-twentieth century already identified a tendency that has, if anything, become more insistent since he described it. In considering whether his times marked an age of 'crumbling values and the dissolution of … Western civilization', he replied:

> So far from showing the loose texture of a collapsing order the world today is stiff with rigid rules and codes … it treats heterodoxy as the supreme danger. Whether in East or West … conformities are called for much more eagerly today than yesterday; loyalties are tested far more severely … [55]

Writing in a tradition of liberalism that drew inspiration from JS Mill, who was already railing against the inanities of public opinion and its conformity-inducing power over individuals, it is not implausible to reflect that these liberals would be dismayed by the intensive organisation and extensive domination of so much of an individual's life by public and private power today.

However, we might profitably compare some aspects of the working of 'conformities' and 'loyalties' today with conventional accounts of legal obligations. For the latter, at their most straightforward, an agent is confronted by a norm which they may obey or not. On this view, obedience and disobedience are cognitive possibilities to be weighed up by reasoning. Thomas Hobbes put the minimalist version of this with typical verve: the sovereign creates

> Artificiall Chains, called Civill Lawes, which [men] themselves, by mutual covenants, have fastened at one end to the lips of that Man, or Assembly, to whom they have given the Soveraigne Power; and at the other end to their own Ears. These Bonds in their own nature but weak, may nevertheless be made to hold, by the danger, though not by the difficulty of breaking them.[56]

We might note in passing the wonderfully graphic invocation of the legal bond here: the *vincula juris* as chains tying together sovereign and subject. But we should also note the significance of the final observation: these laws of state can be easily broken. The 'difficulty' of breaking them is not at issue; rather it is the danger consequent on breach that subjects need to take into account in considering whether to obey the law or not, and that danger—of the sanction, 'the sword'—is a powerful one to be reckoned with. But even in Hobbes's strong state account of legal obligation, the subject has the freedom to apply his reason and act on it.

By contrast, one of the features of the account of indebtedness I have just outlined is precisely that these legal and economic norms are incredibly *difficult* to

55 Isiah Berlin, 'Political Ideas in the Twentieth Century' in Berlin, *Four Essays on Liberty* (OUP 1969) 37–38.

56 Thomas Hobbes, *Leviathan* (CUP 1996) 147.

break. In a world 'stiff with rigid rules and codes', it has become increasingly hard to apply a critical assessment of whether to obey rules and act on that reasoning. This is due in large part because the nexus of legal and disciplinary 'rules and codes' has become *constitutive* of both who we now are and how we are able to act. Thus it is virtually impossible, for example, to exist in the modern world without an identity profile, a bank account or a digital presence whose various trails leave the spoor of our existence to be picked up by whichever institution is authorised to do so (and many that are not). Whether it be in shopping, banking, insurance or work practices, in the 'choice architecture' and 'nudge' environments designed by government and business,[57] or in the very things we carry around in our pockets and bags—smart phones, credit cards, laptops—our normative saturation is defined by terms and techniques over which we have little or no autonomous control. That these features of modern life have become so commonplace does not make them any the less significant in their far-reaching effects.[58] But it does make it implausible to think of the vast sets of legal and other norms that constitute our quotidian existence as amenable to an analysis that sees such norms as straightforwardly cognisable, far less easy to break. Autonomous reasoning over whether or not to obey norms simply does not fit vast amounts of citizens' experience as it is currently constituted.

Nowhere has this become more true, and the traditional account of legal normativity becoming more redundant, than in the constitutive effects modern technologies have on citizens' lives.[59] We may no longer be dealing with obligations of natural law 'written in men's hearts' by God, but we do live with codes written into the surveillance devices that facilitate, monitor and measure much of our public and private activities, and where the collection of bio-metric data draws on non-metaphorical capabilities 'written in the genes' of the subject. The thoroughness of these individualised techniques is compounded by the aggregative creation of identities through data collection, categorisations and algorithms which direct citizens' choices and loyalties in ways far more profound than any of the older forms of achieving allegiance. For the effects of such processes of 'normalisation' are all the more significant for going largely unnoticed and unchallenged. The 'hybrids of nature and culture',[60] and the hybrids of legalities they engender, are transforming the nature of normativity in ways that make the distinction between 'having an obligation' and 'being obliged' (to use Hart's famous distinction),

57 See e.g. RH Thaler and CR Sunstein, *Nudge: Improving Decisions about Health, Wealth and Happiness* (Yale UP 2008).

58 As John Trudell memorably expressed it, writing of the experience of Native Americans in the United States and the possibilities for resistance to their ongoing mistreatment: 'You have to pay to be born, and you have to pay to be buried. That tells you a lot about our freedom. And if they've gotten it into our consciousness to accept *that*, then we've got a lot of work to do': 'We are power', speech given in 1980 (emphasis in original) <http://www.historyisaweapon.com/defcon1/trudellwearepower.html> (accessed 21 August 2017).

59 See e.g. K McGee, 'On Legal Replicants' [2016] *Jurimetrics* 305, reviewing M Hildebrandt, *Smart Technologies and the End(s) of Law* (Edward Elgar 2015). There is of course a great deal more to be said about the radical impacts of technological developments.

60 McGee (n 59) 316–17.

increasingly problematic.[61] What counts today as optional or non-optional behaviour is a challenging question especially where non-human agents (and not just traditional legal persons such as corporations or rating agencies, but computer programmes and coding) more and more define the parameters of citizens' autonomy. Indeed it is arguably new and radically unforeseen 'habits of obedience' that ought to demand more of our jurisprudential attention. Due to the mutation in the modes and manifestations of norms, in the changed co-ordinates and technologies of normativity itself, new *hybridities* of obligation and obedience are appearing that challenge conventional understandings. If amongst all this, heterodoxy is indeed still a 'supreme danger'—perhaps this is precisely why heterodoxy is being technologically *designed out* of much of citizens' reasoning—we would be well advised to sit up and pay attention. Otherwise, to paraphrase Jonathan Schell, 'We try to make do with a Newtonian jurisprudence in an Einsteinian world'.[62] With respect to our technological culture, a culture of normative saturation within which 'indebted man'[63] sits, this seems to be the wager of our times: whether and how it is possible to develop a critical sense of obligation—one that draws inspiration from a morality, and a jurisprudence—not beholden to a new normativity brought on by economic and technological determinations that dispense with autonomy through the collapse of obligation into obedience. For without such an engagement, citizens will tend more thoroughly, as Michel Foucault famously expressed it, to be governed through their freedoms.

5. CONCLUSION

I have given some sense of why we might want to re-think the self-image of our time as an 'age of rights'. This includes what I referred to at the start as both positive and negative aspects of what we might call 'obligation practices'. There are many more that could be used by way of illustration, but the point remains that by focusing predominantly on rights we miss much of the activity of obligations that makes modern institutions work, and citizens' lives meaningful, whilst, at the same time, as the final example showed, potentially making them vulnerable to modes of normative organisation over which they have no control. Such considerations have taken us some way from the eighteenth century, but in doing so they are, I hope, consistent with a spirit of enquiry that Smith urged on his readers.

In closing I would like to come back to Smith and, especially given the examples we have just considered, to think about what Polanyi referred to as the importance to Smith of the 'dignity of man … in the great society of mankind'. To do this, I would like to link him across the centuries with another eminent Glasgow University alumnus and author, the late William McIllvanney. In their different ways, both were

61 Hart (n 32) 80.

62 Jonathan Schell, *The Fate of the Earth* (Cape 1982) 188. Schell is writing not about jurisprudence, but about politics in the nuclear age.

63 See R Esposito, *The Making of Indebted Man* (Semiotext(e) 2012).

deeply engaged in the communities of learning and civil society of their day. A discussion between them would have been instructive, not to say entertaining, to listen to. I think they would have disagreed a fair bit on some things. But on others they would, I imagine, have found some common ground.

One of these would have been the role of selfish motivations in modern commercial societies. In the opening line of his *Theory of Moral Sentiments*, Smith stated:

> How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it.[64]

Acknowledging self-interest as a motivation for economic behaviour was for Smith a matter of being realistic about commercial activities, but this realism was contained within, as his work on morals was intended to demonstrate, these other 'principles in his nature' that grounded the sense of obligation that followed from being first and last a *social* animal. As Neil MacCormick described the relative prioritisation of these aspects of Smith's work,

> That each may pursue his own, and that governments ought to pursue the general utility, is not a single simple and overriding principle with Smith, but one which comes into operation *only within the area of indifference of the basic moral code*.[65]

Writing in the later part of the twentieth century McIllvanney had seen first hand the damage that had been done to communities in Scotland and elsewhere in the name of the opposite view; that is, in the name of someone—Prime Minister Margaret Thatcher—for whom 'there is no such thing as society'. He would not dignify this approach by even calling it a political philosophy. Instead, he said, 'Everybody can understand selfishness and greed, and Thatcherism has constructed what passes for its political philosophy out of these two brute instincts'. What he called the 'new reactionarism' would, he said, 'give us dreams that would disgrace an ant in anthill. It would teach us to keep our horizons in a wallet.'[66] McIlvanney wrote perceptively in his fiction and non-fiction about the ideas, attitudes and work required to build up and maintain a decent society that countered such reactionarism. Articulating the inspiration of an earlier socialist tradition, he described how people had responded to the tough economic and social challenges of what we now call austerity: 'hard times had taught them not selfishness but compassion.' It taught them, in a description consonant with Smith's overall project, that

> people should be measured not just by success or material possessions but by the humanity of their aspirations. The more humane the vision, the bigger the person. They knew that the economy should be there to serve the people, not the people to serve the economy.[67]

64 Smith, *Theory of Moral Sentiments* I.i.1.
65 Neil MacCormick, *Legal Right and Social Democracy* (OUP 1982) 118 (emphasis added).
66 William McIllvanney, *Surviving the Shipwreck* (Mainstream 1991) 125, 128.
67 ibid 133.

As I said earlier, Adam Smith was no socialist. Indeed he had great scepticism for what he called at the end of the *Theory of Moral Sentiments* that 'man of system' who refused to acknowledge the independence of human beings who would not, who should not, be pushed around on the 'great chessboard of human society'. But that is not the only way of thinking of systems and human momentum. In fact I think Smith would have had much sympathy with McIllvanney's idea that rather than people, communities and institutions all being measured by their economic return, and rather than individuals' potential being reduced to 'human resources' in a world of competitive encounters, there was something else, something more fundamental, something more humane to be aspired to: 'You will measure them by the extent of their understanding, by the width of their compassion, by the depth of their concern and by the size of their humanity. There's a real system for you.'[68] Despite their differences, this is an idea, I think, that Smith would have agreed with unreservedly. For it was precisely that humanity, that 'dignity of man', which formed the key unifying theme of Smith's life's work. And it was a sense of obligation appropriate to *that*, that would be the enduring requirement for its flourishing.

68 ibid 248–9.