SCOTT VEITCH, *Obligations: New Trajectories in Law*. London; New York: Routledge, 2021, pp. 132, ISBN 9780367345983.

*Obligations: New Trajectories in Law* offers us illuminating insights into the role of obligation in contemporary legal and social practices. The book aims to question and correct the predominant image of rights and rights culture in liberal capitalism. Veitch gives prominence to obligations by probing into how the notion of obligation has appeared, disappeared, and formed obligation-obedience hybrids in contemporary legal and social practices. His keen observations draw our attention to not only the operation of obligations but how obligations sustain prevalent patterns of inequalities in contemporary societies. It stimulates thinking and reflection on a range of urgent issues in contemporary legal and social practices, in particular, what the role is played by law in creating obligations in the digital age.

Veitch’s analysis starts with observations on the priority of obligation in a range of social and political practices. He exhibits how obligations, instead of rights, establish trust in a broad range of social life, such as family, friendships, intimate relations, etc. In these relationships, rights do not give true meaning to the social practices, whereas obligations play a key role in sustaining the integrity of the social practices, in particular, in defending it from the corrosive effect of some other logic, such as utility maximization, monetary value, etc (pp. 15–16).

Veitch then devotes two chapters to tracing the profound influence of the priority of obligation upon legal thinking and practice. In Chapter II, he observes that the obligation-obedience hybrids played a dominant role in official and private practices under the influence of the Protestant Reformation. Veitch invites us to pay attention to Viscount Stair, the founding person of the Scots Law. Scots established a Calvinist trio of “Obedience, Freedom and Engagement”; and, “freedom is located between two sets of obligation—‘obediential’ and those created by human engagement” (emphasis in original, p. 32). The priority of obligation finds its place where obediential obligations “formed the grounding for conventional obligations, which together formed the weave of duties, loyalties, and in turn the freedoms and rights that social life demanded and offered” (p. 34). Thus, Veitch observes that what grounded human relations was the priority of obligations, rather than the right to rights as William Galbraith and Hannah Arendt described.

Veitch notes in the third chapter that the discourse of rights gained prominence in modern society. The development of rights relied on the generation of constraints
through obligations, which defined the roles, offices, and procedures to protect rights. The idea that “rights required restraints” was manifested in modern classic works of Hobbes, Lock, Rousseau, and Kant. What follows from these modern classics, as analyzed by Veitch, is that underneath the transcendental freedom and equality lies captivity and inequality for certain segments of the people (children, some classes of workers, foreign races, women, etc. (p. 42). The separation of autonomy for some yet not for all, then, legitimates the endurance of inequalities. The asymmetry between rights and obligations was borne out throughout the nineteenth-century history of colonialism. Such an asymmetry was also encapsulated in HLA Hart’s account in the sense that legal positivism does not require people’s support for the validity of law but only their obedience (p. 46). This structure persisted when the equal rights of certain segments of the society, in particular in cases of gender and race inequalities throughout the twentieth century, were protected, and, the persistence of such structure demonstrated the “split between the contradictory realities of equal citizenship and widespread social and economic inequality continued” (p. 47). As observed by Veitch, “the asymmetry between rights and obligations”—rights for some while obligations for all—unfolds in a more hidden way in today’s “civil society” where men, women, children were all bound to work practices and their lives were essentially defined by practices of obedience to the logic of the market (pp. 49–50).

In Chapter IV, Veitch offers a notion of “ecology of obligations” by which he situates his analysis of the role and functions of legal obligations in contemporary capitalist society broadly. Three key features of legal obligations are identified: first, legal obligations are legal ties between legal ties; second, obligations can be treated as things that can be transferred to others; and, third, legal obligations are enforceable. The “ecology of obligations” can be observed in the functions played by legal obligations in legal institutions and social formations, such as contract, property, and debt relations. In workplaces, for instance, the juridical realm protects the formal freedom of workers and employers to enter into contracts, while the obligations defined by the broad terms of their contracts are specified by the managerial directives rather than the contracts. It is indeed not the legal norms of contract, but the command structure, that dominates workplace relations (pp. 73–74). In the context of large workplaces, various forms of management technique may be taken; the structure of “management by objectives”, in particular, demands workers to internalize attainable goals. The key difference between obedience under the ecological obligation and that of legal obligation is that the former sets out a form of control which in the first place produces “obedient subjects” (p 75). This echoes what Alain Supiot calls “governance by numbers”, according to which “the organization and evaluation of ‘human resources’ (as workers are now commonly referred to) is carried out through techniques of quantification that combine objective-setting with modes of inculcated ‘self-control’ to compel specific kinds of ‘free’ action” (p. 76). Thus, in a liberal-capitalist society, obedience to God as articulated in the Calvinist trio was given way to the forces and rules of the market.

In the final chapter, Veitch turns to the other side of obligations—that is, obligations concern not only compulsion but love, loyalty, and solidarity. Different from rights, obligations are not only owed to people, but “to the standards and values internal to practices and institutions” (p. 91). This is why the notion of right is not as fundamental to
understanding collective practices as is the notion of obligation. Veitch highlights an important aspect of obligation. Where rights take seriously the perspective of claimants, consumers, and passive citizens, obligations focus on their counterparts—contributors, producers, and active citizens (p. 97). To shift the perspective from rights to obligations, Veitch suggests that obligations may be seen as correlatives not to rights but to needs, which means that while rights may provide “an institutional trigger for someone or some body to act”, it is “needs, and corresponding obligations, form the primary social relation and rights are best understood as intermediate mechanisms that work to deliver in a more or less satisfactory way on the priority of needs and the obligation to respond to them” (p. 100). Obligations and needs can find their place in solidarity in the sense that joint liability indicates a bond. Solidarities in this sense involve the recognition of “our own fates and our own well-being are interwoven” and “an extended sense of how a collective is bound together” (ibid.). Veitch thus emphatically notes this: building solidarity requires “constructing forms of community bound together through collective engagement and activity that produced a shared sense of responsibility, a recognition of the common dependency that lies at the core of the social bond” (p. 103).

Veitch’s work provides a thought-provoking “obligations critique” of the persistent patterns of modern legal normativity. The priority of obligation does not disappear in a secular society—although it does not find its place in religion, it continues to persist primarily in the economy. This is inspiring for observing and thinking about the changes in legal normativity in modern society with a digital economy. But there is something more deplorable than Veitch’s observations (indeed this is a problem with the age when neoliberalism is re-producing itself with new technologies). Digital technologies not only produce new forms of obligations, or compulsion as observed by Veitch but create and sustain some types of power relations that deprive of the potential for collective action. This point is made clear in Daniel Schiller’s Digital Capitalism (1999) in which he claims that digital technologies offer subtle ways in which to actively cultivate and sustain consumerism on the global scale. The new technological services have expanded into every aspect of human life. Their application not only produces digital-savvy consumers but also relies on the work of a flow of cheap labor—such as food delivery drivers on the platform economy—who are working under the imperative of algorithms that pursues efficiency yet encourages dangerous driving. When we understand the growth of platform workers in relation to the scarce working opportunities in the conventional labor market, we may realize that what happens in the platform economy is not only a shift of meaning from “programs” to “commands” (Supiot, 2017: 247) but a transformation of individuals from “obedience-subjects” to “achievement-subjects” (Han, 2015: 8), who are working under the imperative to achieve the objectives that are defined by the algorithmic rules, workplace regulations, market logic, etc. From this standpoint, the transformation from the passivity of obedience to the positivity of achievement seems to cast doubt on what Veitch views as “the potential that obligations have in sustaining communal well-being” (p. 7). When new technologies define the neo-liberal regime in a way that individuals not only have no autonomous control but find resistance to the whole system hopeless and pointless, the isolated, self-exploited individuals may be unable to show solidarity and collaborate with the Other who is also over-exploiting oneself (p. 5). If Han’s observation is right, it may not easily open up resources for new
institutional arrangements or collective actions in such an age. In this sense, it is not only the shift of perspective from right to obligation per se that is crucial to understanding today’s legal and social practices but how to transform the power relations that we have found ourselves deeply and constitutively involved in is the key to realizing Veitch’s aspiration for the shift of the perspective.

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MELANIE COLLARD, Torture as State Crime: A Criminological Analysis of the Transnational Institutional Torturer. London/New York: Routledge, 2019, pp. 228, ISBN 978-1-138-21005-9, $160 USD Hardcover, ISBN 978-0-367-48322-7, $49.95USD Paperback.

Collard provides an impressive analysis that demonstrates the systemic and institutionalized use of torture by drawing on the Algerian War and France’s La Doctrine de Guerre Révolutionnaire—the doctrine of revolutionary war. Drawing from criminological and Foucauldian historiography lenses, Collard skillfully demonstrates the collaboration between France and Argentina and the institutionalization of torture. Collard argues that the systematic use and spread of torture techniques were not the result of decisions by a few officials but a transnational agreement between the two states.

In chapter one, Collard lays out the overall premise of the volume including a brief overview of the history of the use of torture dating back thousands of years by various regimes to the era of colonialism and its impact on modern democratic states’ practice of torture (6). As Collard states, “The endurance—not the resurgence—of torture in the 20th century is directly related to the nature of the modern State” (7). The brutality of the “Dirty War” was immense and over the course of seven years rough estimates between 15,000 to 30,000 citizens were tortured, kidnaped, disappeared, or murdered, using the same methods of torture the French army had used during the Algerian War (1954–1962). Yet, such techniques of torture were used by France far earlier in time including the invasion of Algeria in 1830, though it had not been institutionalized as had happened after 1954. It was in this era that the Doctrine de Guerre Révolutionnaire was developed—legitimating torture indirectly as means or tactic of its revolutionary war doctrine as it was believed the doctrine could not be achieved