

## **Extreme Cosmopolitanisms Defended**

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Abstract: Some theorists hold that there is no serious, significant issue concerning cosmopolitanism. They hold that cosmopolitanism is either the anodyne doctrine that we have some duties to distant strangers merely on the ground of shared humanity or the absurd doctrine that we have no special moral duties based on special ties such as those of friendship, family, and national community. This essay argues against this deflationary position by defending (1) a very extreme cosmopolitan doctrine that denies special tie moral duties altogether and (2) a slightly milder but still extreme form of cosmopolitanism that allows that there might be special tie moral duties to intimate associates such as friends and family members but denies that broader social group associations such as those of subjection to a national state or national or ethnic community memberships ever constitute special ties that ground special moral duties. The defense proceeds by rebutting bad arguments leveled against extreme cosmopolitanisms.

**Keywords:** cosmopolitanism; extreme cosmopolitanism; social justice; national partiality; reciprocity.

Is there a question worth discussing as to whether or not one morally ought to be a cosmopolitan? Many say No. Mathias Risse: "In the domain of distributive justice, the term *cosmopolitan* has become the victim of its own success."<sup>1</sup> Samuel Scheffler distinguishes between the cosmopolitan claims (1) that we are bound by some moral duties to others that obtain just in virtue of their humanity (or personhood) and (2) that we are bound by no moral duties to others except those that obtain just in virtue of their humanity (personhood). Scheffler observes that (1) is obviously correct and (2) is wildly implausible, in that it denies that we have any moral duties to others based on special

ties or associative relations with them.<sup>2</sup> So it is claimed that there is a moderate cosmopolitan doctrine, hardly worth affirming, and an extreme doctrine, for which there is no case. A similar view underlies Risse's remark.

The extreme doctrine just stated is very extreme: it denies all special tie moral duties, including voluntarily incurred ones. A slightly less extreme view allows that special tie duties can be owed to particular persons and groups of persons, but denies any such duties attach to a person unless she either (a) voluntarily agrees or consents to adopt the duty or (b) performs some voluntary act such as childbearing that generates the duty or (c) has wrongfully harmed a person in a way that gives rise to a duty of reparation. A still less extreme view allows that some special-tie duties can simply fall on a person in the absence of any background of voluntary act or commitment along the lines of a, b, or c, but denies that that these special-tie duties include any duties of patriotism or national partiality. The rough idea of cosmopolitanism, interpreted as a substantive and controversial view, would be that national communities and nation states lack fundamental (noninstrumental) moral significance. People do not incur moral duties toward the members of their own national community or nation state simply by virtue of membership in such groups.

This essay defends the extreme cosmopolitanism position just described. First, the rough idea of extreme cosmopolitanism needs to be clarified. This essay then defends the duly clarified extreme cosmopolitan doctrine, mainly by seeking to rebut some recently popular arguments for rejecting it and embracing some alternative. In defending extreme cosmopolitanism, I am attempting uphill sledding.

Most of us believe that it is perfectly acceptable for the government of a particular country to favor its own members. More than that, we believe it is not just permissible, but morally required, for the government to favor its own. There is also an associated individual duty: each person ought to favor her own country. The favoring has two

elements. One is loyalty to an impersonal aim—the national project. One should seek the political autonomy of one's national community, and beyond that, the flourishing of one's own nation and perhaps its competitive advancement over other nations. A second element is favoring the advancement of the interests of one's fellow countrymen. In short, many believe there are moral duties of patriotic partiality.

The denial of extreme cosmopolitanism sweeps more broadly than the denial that there are moral duties of patriotic partiality. Consider also the view that among our moral duties, duties of justice loom large, and the duties of justice we have toward others are greater toward fellow countrymen than toward outsiders. A common view of this type maintains that we have some minimal justice duties towards everyone, to do our part in bringing it about that all people everywhere enjoy adequate conditions of life, but more than minimal duties of justice towards those who are members of our nation state, duties to help sustain a government that brings about equality of condition or some other broadly egalitarian state of affairs across long-term residents of our own nation. John Rawls, Michael Blake, Mathias Risse, Andrea Sangiovanni, and others have defended views of this type.<sup>3</sup> These views conflict with extreme cosmopolitanism. If extreme cosmopolitanism is controversial, but defensible, and opposed so far as we can discern only by views that are vulnerable to damaging objections, then it is false that cosmopolitanism versus noncosmopolitanism is a nonissue.

Extreme and very extreme cosmopolitanism have common opponents. This essay concentrates on attacking these opponents. It also defends very extreme cosmopolitanism against some bad objections. But this latter doctrine's blanket rejection of special tie duties will be a bitter pill for many to swallow. So we are left with a conditional defense of extreme cosmopolitanism: If the rejection of all special tie duties is mistaken, and if views that reject cosmopolitanism look to be subject to objections, then extreme cosmopolitanism emerges as plausible.

In passing, I note that I do not intend to wage battle over the proper usage of a term that clearly has many meanings. The questions are, what do we owe one another, and on what basis.

### **The extreme cosmopolitan idea**

Any cosmopolitan holds that we are fundamentally citizens of the world. This involves the claims (1) that individuals not groups are the ultimate units of moral concern, (2) the status of being an ultimate unit of moral concern extends to all persons equally, and (3) all persons ought to be treated as units of ultimate concern by everybody.<sup>4</sup> These generic cosmopolitan claims can be contested, but it is surely accurate to observe that they are not very controversial.

Beyond these basics, cosmopolitanisms vary along both a negative and a positive dimension. Along the negative dimension, these views deny that membership in social groups such as nations, national communities, nation states, empires, tribes, ethnic groups, and clans by itself plays a fundamental or noninstrumental role in determining what we morally owe to one another. This denial goes beyond the generic claim that individuals not groups are the ultimate units of moral concern. One might accept the latter denial while claiming, for example, that the most important right that any individual possesses is the right to be a member of some self-governing national community united by special-tie moral duties. Along this negative dimension, the very extreme cosmopolitanism denies that membership in any social group has fundamental significance in determining what we owe to one another. The extreme cosmopolitan allows that membership in small-scale intimate groups such as families and friendships and romantic couples or communes can be a source of moral claims and moral requirements, but denies that membership in other types of groups can play this role. The very extreme cosmopolitan denies that social group memberships of any sort have other than instrumental moral significance.

There is a plausible moral ground for drawing the lines around possible sources of moral duty where the extreme cosmopolitan draws it. Friendship and love and close family ties involve intimate acquaintance and shared experiences on the basis on particular knowledge of one's partners in these arrangements. Friends (1) have affection for one another and (2) are disposed especially to advance each other's interests and (3) are disposed in this way because they have this mutual affection on the basis of personal acquaintance. Having friendships is an important good and sustaining a friendship over time is a significant achievement that contributes to one's well-being. Being loved by close family members (or members of groups that are functionally similar to families even if they do not involve individuals related by blood ties) gives one a secure home in the world. In contrast, anonymous ties among members of large groups lack these special features. This is part of the reason that sentimental evocations of patriotism tend to register as horribly false and weird even if the sentiment is perfectly sincere. If we learn that an individual throughout life lacked any friendships or close family ties, we immediately feel sorry for the individual. Perhaps an abundance of other goods can compensate for these lacks, but an individual lacking friendship and functional family relations is missing out on important human goods. In contrast, if all we know about an individual is that he or she lacks any national or clan attachments or anything similar, this thought does not conjure up an image of misfortune, and we have no difficulty imagining this person having a perfectly fulfilling life. If the goods of friendship and family necessarily are accompanied by special tie moral duties, then these duties are hard to deny. (The very extreme cosmopolitan denies the antecedent of his conditional. This essay does not argue against very extreme cosmopolitanism. The issue between the advocate of the extreme and the very extreme doctrines is left an entirely open question.)

Consider the position that the requirements of social justice vary across social groups and that these requirements are more demanding within some groups than those that obtain among all persons. These requirements might specify that institutions and social practices within a social group must assume a certain shape. Along its negative dimension, cosmopolitanism as characterized here embraces the denial that requirements of social justice fundamentally or noninstrumentally vary across social groups. Social justice principles that apply to institutions and social practices will imply that individuals living under such institutions and practices are bound by moral duties to sustain them if they are just and work to bring it about that they become just if they are not already that. For adherents of these views of social justice, what we owe one another fundamentally depends on social group membership.

A further qualification should be noted. Some hold that living on one side or the other of nation state borders and similarly that being a member of social groups such as tribes, national communities, and ethnic groups do not in themselves matter morally, but that some or all of these features are reliably and nonaccidentally correlated with moral bases of significant moral duties. For example, some might hold that the members of a well-functioning state cooperate together to supply public goods necessary for anyone on the territory to have a reasonable prospect of living well, and this cooperation generates duties on the part of beneficiaries to reciprocate and do their part. We should count nonaccidental correlation of social group membership with being subject to more demanding moral duties as ruled out by extreme cosmopolitanism on its negative dimension.

As so far characterized, purely negatively, the cosmopolitan could be a nihilist who denies that anyone is ever truly bound by any moral duties whatsoever. To block this implication, we should add a positive dimension to the characterization of cosmopolitanism. Along this dimension, cosmopolitanisms vary in the substantial

content and stringency of the moral duties that persons owe to persons just in virtue of their common personhood status. Along this dimension, substantial cosmopolitan duties can include negative duties not to harm and positive duties to provide benefit. These duties can vary by degree in the amount of sacrifice they require of duty-bearers and the amount and importance of the advantages that are required to be provided to those to whom the duties are owed. I shall stipulate that to qualify as cosmopolitan at all, a moral doctrine must impose some substantial moral duties along this positive dimension, and that to qualify as extreme cosmopolitanism, a doctrine must include a substantial beneficence component that requires each of us to make significant contributions to improving the living conditions of needy strangers regardless of their spatial or temporal distance from us. A further stipulation is that the extreme cosmopolitan regards these beneficence requirements unbounded by social group membership to be stringent in the sense of not easily overrideable by the amount of sacrifice they require on the part of the duty-bearer or by competition with minor special-tie duties of friendship or family relations.

Notice that a position could fail to be extreme cosmopolitan along the negative dimension but qualify along the positive dimension. According to such doctrines, membership in social groups more extensive than close family and friends can trigger significant special-tie moral duties to others, but what we owe to one another just in virtue of shared personhood amounts to very substantial requirements of justice and beneficence. This niche in moral space is occupied by the views defended by Simon Caney and those espoused by Kok-Chor Tan, for example.<sup>5</sup> An important line here separates doctrines like Caney's and Tan's from positions that allow that we have duties to people across the globe but hold that these duties do not extend beyond provision to everyone of a moral minimum consisting of assuring people everywhere the social conditions needed for a minimally decent life, one in which one can pursue a life plan.

Nonetheless, if Caney and Tan accept noninstrumental significant moral duties owed to fellow countrymen and not to others, their views are deficient if extreme cosmopolitanisms are correct.

Notice also that extreme cosmopolitanism as just characterized rules out duties of national partiality not necessarily moral permission to partiality along national lines. Suppose each person has a moral prerogative to pursue ends of her choosing, live as she chooses, within reasonable moral constraints, up to a point, without being required always to pursue greater good.<sup>6</sup> Many moral views concerning what we owe one another incorporate a moral prerogative along this line. It is constrained by whatever beneficence obligation should be included within morality. For the act consequentialist, this beneficence obligation rules the roost; from other standpoints it is less demanding. The moral prerogative to pursue ends of one's choosing obviously could include ends that involve nationalist commitment and nationalist partiality. Within the bounds of other moral requirements the moral prerogative to pursue my own ends permits me to favor conationals just as it permits me to favor my cat. The sticking point for the extreme cosmopolitan is the denial that the binding moral duties that we owe one another independently of voluntary commitment, including in these moral duties whatever beneficence duties there are, incorporate moral duties of national partiality.

Cosmopolitanism as defended in this essay is not committed to an egalitarian justice doctrine that holds that equality of condition or equality opportunity for resources or Rawlsian maximin or the like is morally required. Those who hold that justice requirements are more demanding country by country and less demanding across the board are sometimes motivated by discomfort with global equality. Embracing the two-tier doctrine for this reason may well be a mistake. The thought that equality of condition between people all around the globe is not a justice requirement should not push us to accept the two-tier view if there is good reason not to identify social justice with equality

of condition for anyone everywhere. Maybe there is just one tier of justice requirements and it does not insist on equality.

As already mentioned, this essay seeks to support extreme cosmopolitanisms by resisting bad arguments proposed to support their rivals. I don't offer a positive argument; I assume that the appeal of cosmopolitanism is transparent. Injustice is injustice, no matter who suffers it. All else being equal, it seems wrong to be more concerned about justice when what is at stake affects those who share my skin color or ethnicity. Why should national origin or national community matter more than these morally arbitrary factors? You can say that the patriot does not see injustice as less morally wrong depending on who suffers it, but she holds that from her perspective, correcting injustice is (and ought to be) a greater concern for her when conationals are involved. But why think that? After all, a morally sophisticated racist does not hold that her race has special merit or worth, but rather that it is morally important for members of each race to stand by their own and give priority to advancing the interests of their group even at cost to others. This morally sophisticated racism is still racism and still morally offensive. The extreme cosmopolitan holds that a morally sophisticated patriotism understood in a parallel way is also morally offensive. Thinking this is fully compatible with appreciating that human nature includes psychological dispositions to favor our own, and this disposition tends to generate special concern for those we identify as "us" as opposed to "them" along various dimensions including nationality. If this claim about human psychological tendencies is true, the cosmopolitan accepts these empirical facts. She just does not accord them moral standing.

### **Scheffler's dilemma**

Scheffler presses a dilemma for the very extreme cosmopolitanism, who denies that we are ever bound by any special tie duties arising from particular social relationships.<sup>7</sup> The starting point is the idea that if we noninstrumentally value a social

relationship we have with a person, we are committed to regarding that person as a legitimate source of special duties to care for her interests, as is appropriate depending on the nature of the relationship. A noninstrumentally valuable social relationship must include liability to duties as components. The dilemma for the very extreme cosmopolitan is that either she must deny that any social relationships in which she is engaged have noninstrumental value or reject her cosmopolitan position.

This dilemma is nonbinding. First, so far from its being the case that a relationship can be noninstrumentally valuable only if it is a source of special responsibilities, it may be a necessary condition for some types of relationship having noninstrumental value that they do not give rise to special responsibilities and are not regarded by participants as doing so. Casual relationships between persons—relationships between casual acquaintances or people associating casually in the course of conducting a market transaction or having casual sex—can have this character. At any rate, I can value casual and passing friendly relations with persons without regarding those persons as having any claims to special treatment from me. A stranger passing me by tells a joke and I laugh; no special ties are thereby incurred on either side of this transaction. Still I am glad for the friendly civil character of this interaction. I value the relationship, and correctly so, but this does not commit me to regarding the interaction partner as a source of special tie duties, even minor ones. This point holds of casual relations that persist: exchanging pleasantries with the person from whom I buy a newspaper every day can constitute a noninstrumentally valuable social relationship without triggering special duties.

Suppose it is not generally true that to value a relationship with another person noninstrumentally and all-things-considered, one must regard that relationship as obligating one to be partial to that person (count the satisfaction of that person's interests as having more weight in determining what one ought to do than the identical interest of

a mere stranger). Maybe that does not matter much. It might yet be true that to value certain relationships such as friendship and love one must regard oneself as obligated to be partial to the other participants in the relationship. What is noninstrumentally valuable in these personal relations includes partiality. As Jeff McMahan writes, “It is part of the meaning or significance of these relations that they legitimize certain forms of partiality.” He continues, “A relation that did not, given opportunities, call forth and require partial behavior on at least some occasions would not be love at all.”<sup>8</sup> Much the same might be claimed about friendship. This might suffice to rule out very extreme cosmopolitanism as incorrect.

Scheffler’s dilemma is still nonbinding. Norms of partiality might be internal to our notions of friendship and love, but these norms concern the nature of the good of friendship. A good friend is partial to her friends. This still leaves it entirely open what moral principles determine what actions are morally right. Moral principles might dictate strictly impartial behavior, yet norms of friendship dictate partiality. There is independent plausibility to the idea that there are norms internal to social practices including friendship that are distinct from moral norms. A good friend is partial to her friend, and nothing internal to friendship limits the partiality within moral constraints. As they say, a friend will help you move; a good friend will help you move a body (a corpse). Moreover, if friendship is a good, impartial principles might determine it is morally right to become a friend or promote friendship even though friends will be disposed to be partial.<sup>9</sup>

But the collapse of Scheffler’s dilemma does not establish much. Even if very extreme cosmopolitanism survives one attack, it might succumb to others, and what defeats very extreme cosmopolitanism might defeat the weaker extreme cosmopolitanism I aim to defend.

### **The dilemma reinstated?**

Anyway some will say my claim to have defeated Scheffler's dilemma is premature. The problem can be restated once we have on hand a generic account that explains how duties of partiality arise, for then we shall be in a position to see that values we cannot reasonably reject commit us to acceptance of agent-relative directed duties that the very extreme cosmopolitan position cannot acknowledge.

Niko Kolodny provides a plausible generic account.<sup>10</sup> His starting point is the observation that some relationships such as being a gangster or pirate in concert with others, or sharing trivial features with others such as common letters in our surnames, or having solidarity with a group of people all of whom greatly cherish their white skin, do not generate duties of partiality. In contrast, such relationships as that of parent to child or lover to lover or friend to friend do generate such duties. What explains the difference? He suggests that partiality rides piggy-back on impartial assessment. For example, when there is impartial reason to view favorably each of a set of distinctive encounters with another person, taking each encounter on its own and as if it were a one-off affair, then if the encounters are all part of a shared history with a single other person, there arise special reasons of partiality that arise for the participants in this shared history. The shared history's having agent-neutral value generates agent-relative value for the participants. Kolodny gives the name *resonance* to the phenomenon he seeks to capture. He proposes two principles of resonance:

*“Resonance of histories of encounter: One has reason to respond to a history of encounter in a way that is similar too the way that one has reason to respond to the discrete encounters of which it is composed, but that reflects the distinctive importance of a history shared with another person.”*

*“Resonance of common personal history or situation: one has reason to respond to a common personal history with, or situation involving, a thing in a way that is similar to the way in which one has reason to respond to the personal history or situation, but*

that reflects the distinctive importance of sharing a personal history or situation with another person.”

This account yields a satisfying explanation of why duties of partiality arise in certain relationships and situations and not others. There is no agent-neutral value in having the aim of plundering other people, so sharing this aim with others does not generate agent-relative reasons specially to favor one’s plundering colleagues, or be specially loyal to them, but such aims as fighting a just war or striving to advance the frontiers of knowledge or playing football at a high level of excellence do have agent-neutral value. Hence sharing any of these latter aims with others generates agent-relative reasons to favor one’s colleagues in these enterprises (in certain ways depending on the nature of the aim and the enterprise and one’s relationship to the colleagues and comrades) and perhaps agent-relative reasons to these colleagues to be loyal to the enterprise so as to bring it to successful fruition.

Now back to the claimed dilemma for very extreme cosmopolitanism. The dilemma is supposed to arise from our presumed firm conviction that some social relationships and some human enterprises are valuable in themselves, whether or not they prove to be instrumentally valuable, useful for achieving other ends. Other relationships and enterprises lack such value. But if these certain relationships by their nature involve participants in partiality, those relationships will have to be assessed negatively from the impartial very extreme cosmopolitan maximizing perspective.

Here is Kolodny’s crisp formulation of the dilemma: “If consequentialism is true, then departures from maximizing the agent-neutral good are instances of wrong-doing. So, if consequentialism is true, the discrete encounters of which friendship is composed are, in all but rare cases, instances of wrongdoing. So, if consequentialism is true, friendship is an externally negative relationship [like being a gangster], which provides no reasons for partiality. So, if consequentialism is true, *there are* no reasons of

friendship in the first place. However, the point cuts both ways. If there *are* reasons of friendship, then it follows immediately that consequentialism is false” (p. 193). He is speaking about consequentialism, but the problem adduced here will apply to very extreme cosmopolitanism, even to views of that ilk (if such there be) that depart from consequentialism.

This passage errs by failing to distinguish the subclass of distinctively moral reasons from the broader class of reasons for choice and action. Even if being a friend were necessarily to perceive myself as having reasons to favor my friend, it still is the case that being a friend, and seeing friendship as a source of reasons for choice and action, does not necessarily conflict with act consequentialism, which is a doctrine concerning moral reasons and asserting the priority of moral reasons as all things considered determiners of what one ought to do. But having said this, I straightaway acknowledge this may turn out to be a lame response, because the most plausible version of act consequentialism may be one that unites practical reason and morality and says one always everywhere has reason to do what would bring about best consequences—good lives for people, with good fairly distributed.

But no matter. If friendship is noninstrumentally valuable, then forming and sustaining a friendship forms and sustains something that is noninstrumentally valuable. If friendship is important, a great value, then surely acts of forming and sustaining friendship, for oneself and for others, can sometimes be what it is right to do all things considered according to consequentialism. This can be so even if becoming a friend is *inter alia* disposing one’s will in a way that may increase the risk, and even make it inevitable, that one will do wrong acts sometimes, motivated by friendship. One will be partial to one’s friend when that is wrong. That is fully compatible with its being the case that friendship is noninstrumentally valuable and that acts of forming and sustaining friendship are often right according to act consequentialist principle. Moreover, since

being a friend is a matter of the orientation of one's dispositions, disposing one's affections and will in the way that constitutes friendship need not necessarily lead to one's doing wrong acts. For one thing, appropriate occasions for expressing the disposition in action may not arise. For another, one's disposition to favor one's friend and seek the good of one's friend may be strong even if this disposition is usually or always overridden by the disposition to bring about the best outcome. Suppose that I am befriended by a saint. She genuinely likes me, has affection for me and a disposition to seek my good, likes me in particular and not just me as instantiation of generic humanity or personhood. I may bask in this strong friendship relation, provided I can reciprocate to some degree. But it could yet be that the saint's disposition specially to favor me, her friend, is always overridden in action by her stronger overriding disposition to do the will of God in all things, save souls and win converts. The appropriate occasions for expressing her strong friendship disposition in choice of conduct never arise. Friendship with a saintly consequentialist could be like this, while still qualifying as genuine friendship.

But even for us nonsaints, beings weakly oriented to the right and the good, forming and sustaining friendship may be forming and sustaining what is noninstrumentally of great value even though doing this pretty much guarantees that one will act wrongly on some occasion, and if one is unlucky, act very wrongly, with disastrous consequences. The conflict here between particular goods and requirements of impartial morality holds generally; there is nothing unique to friendship here. When one develops an interest in art or photography, or comes to love surfing or rock climbing or going to the movies, one is developing interests and passions that may lead one in some circumstances one may encounter to do the wrong thing, whether the morality that is correct and determines what it is right to do is consequentialist or nonconsequentialist. There is no deep special conflict between partiality-involving human goods and

consequentialism of the sort Kolodny claims to discern. So there is no problem here for the very extreme cosmopolitan position and a fortiori no problem for the merely extreme cosmopolitan position.

Apart from any of the problems located so far in Kolodny's version of the dilemma for the cosmopolitan consequentialist, there is a larger flaw in his account of how duties of partiality arise. His account is too promiscuous, and generates duties of partiality in situations where it is anyway implausible to discern any. Consider the idea of resonance of histories of encounter. Illustrating the idea, he described two possible journeys across the country. In one journey, one has a series of discrete encounters with different people, each one of whom offers some variety of aid and comfort. Here according to Kolodny there are reasons to be grateful on each occasion of being the beneficiary of aid, but nothing more. In contrast, if we imagine the same journey altered in just one respect, with the friendly helpful encounters all taking place with the same individual, he holds that one's shared history with this person resonates with the impartial reasons for gratitude and friendliness on each occasion of encounter in such a way that the person receiving the aid now has "reasons for a concern for his friend's interest that is open-ended: that keeps no ledger and that asks only that like concern be reciprocated. And he has reason not to move on, but instead to sustain his friendship going forward. Their history together roots an expansive loyalty, in a way in which no string of encounters with a changing cast could."<sup>11</sup>

However, a string of friendly encounters between two people does not a friendship make.<sup>12</sup> This description is compatible with the further description that one or both of the individuals involved has no liking or positive feeling of any sort for the other and has no special disposition to seek the other's good. The encounters could involve a bunch of friendly actions on a string of whims, or a bunch of friendly actions just motivated by concern for charitable virtue, or charitable duty. If these further

descriptions, or others one could mention, hold, there is no friendship here, and so no reason to continue the friendship going forward. I do not dispute the idea that one can acquire relationships that give rise to special duties in the absence of a voluntary undertaking of such a duty (or more generally of a voluntary act that generates the commitment). A relationship that carries duties can just happen. But I deny that Kolodny's principles of resonance succeed in identifying what makes for the emergence of duty when it does emerge.

**From the acceptability of partiality in personal relations to the acceptability of national partiality**

The argument here is that the same reasons that justify partiality in personal relations also justify, to some degree, partiality to fellow countrymen. So unless we deny that partiality of friends toward friends or close family members to one another is justified, we must accept that partiality to conationals is justified. Thomas Hurka makes an appealing case for the partiality to fellow countrymen element in national partiality.<sup>13</sup> David Miller also characterizes national community membership as an extended friendship among people sharing a culture and way of life, and bound by duties to one another arising from that social relation.<sup>14</sup> However, there is a generic objection to arguments of this type. A necessary element in a claim of justified partiality toward those to whom one has close personal relations is that one has close personal relations with the candidate beneficiary of partiality, but under any feasible conditions, no one will have close personal relations with the group consisting of fellow countrymen, so the argument by analogy fails.

**Practice-based relationships and national partiality.**

Associative views say that social justice principles—or a more demanding set of them—apply only on the condition that certain social relationships or associations hold. There are many such views. I examine two that are especially promising.

**The state coerces us in ways that prima facie violate our autonomy and demand special justification.**

One view is that holds that the state massively coerces those inside state boundaries but not outsiders, though there is coercive border control. (Take coercion to be issuance of commands backed by threat of serious penalties sufficient to induce compliance.) The coercion that states routinely perpetrate is a presumptive violation of autonomy, which requires justification. The state enforces contract, tort, criminal, and property laws that benefit some at the expense of others, so an issue of comparative fairness is raised, which triggers egalitarian (or difference principle) justice requirements.<sup>15</sup>

Response: The justification of coercion need not appeal to benefit to the coerced person. The autonomy (on any plausible construal) denied by coercion may not be morally important. The laws against homicide sit lightly on my autonomy if I have no strong will (for example) to murder my wife, and do crimp my autonomy significantly if I do harbor this aim, but in this unfortunate circumstance, my loss of autonomy is morally weightless. If the coercion imposed by states does not constitute a wrongful violation of autonomy, then the issue of what should count as acceptable compensation for this violation of autonomy does not arise, and this attempt at justifying special duties owed by those who benefit from this violation of autonomy to those who suffer its violation falls to the ground. So this strategy for justifying special moral duties owed by members of nation states to fellow members collapses.

The claim made so far is that coercion imposed to induce people not to undertake wrongful action is not presumptively a wrongful violation of the autonomy of the coerced so triggers no duty of compensation. On the other hand, if coercion is unjustified, imposed on people who have a perfect right to do what state coercion forbids, the autonomy of the coerced is violated, but the proper remedy is to refrain from

such coercion. In neither case do we get the result that coercion is morally acceptable to impose but triggers a special duty owed to the coerced, who will be all and only those who are inhabitants of the territory controlled by the state that coerces. But these alternatives may not be exclusive. Perhaps for some types of coercion A may permissibly coerce B only on the condition that the coercion benefits B adequately. But why think state enforcement of cosmopolitan global justice duties is such a case? A may coerce B, the worst off person in society, in order to provide aid to outsiders in fulfillment of moral duties that A and B owe to C. The stipulations introduced by the defenders of the position that special duties are owed to those caught in the web of state coercion merely raise the question, what justifies state coercion, and offer no idea that supports the claim that partiality toward the coerced must be part of the justification.

Suppose that the state could enforce any of many different packages of contract and tort law and that the particular package chosen and enforced by any state inevitably favors some members of society over others. The claim then is made that the enforcement of any particular regime in this area (benefiting some at the expense of others) bears a special burden of justification especially with respect to the losers, and the justification must take the form of showing that despite initial appearances the scheme satisfies strong egalitarian justice norms that work to the their benefit, such as a difference principle norm requiring that the prospects of those whose prospects are worst must be made as favorable as possible.

In reply: Again, let us grant the assumption that a scheme of coercion needs a moral justification. This does not commit us to accepting that the justification must take the form of showing that those who are subjected to coercion are owed special compensation. One possibility is that the specific terms of contract and tort law are required by independent moral norms, just as the content of criminal law is not supposed to be just anything mutually beneficial or anything that is specially beneficial for the

worse off, but instead answers to distinctive norms that require preventing would-be wrongdoers from executing their plans to their advantage. Along the same line tort law might be thought to be answerable to independently binding norms of corrective justice, and contract law similarly constrained by norms internal to the domain. Another complementary possibility is that the proper content of contract and tort law might be partly fixed by legitimate interests and claims of outsiders. Perhaps there are pro tanto reasons to set contract and tort law so as to facilitate maximal economic productivity so as to generate the largest possible social surplus available to be taxed to contribute to provision of decent opportunities for the globally most disadvantaged.

**Fellow citizens supply the basic goods necessary for decent life. We ought to reciprocate their cooperation and not be free riders**

Andrea Sangiovanni holds that when people cooperate together in ways necessary to provide basic public goods that make it possible adopt and pursue a plan of life, duties of reciprocity arise that take the form of distributive justice requirements owed to fellow cooperators. One ought not to be a free rider on this scheme of cooperation. As a matter of fact, these cooperative schemes involve members of each state cooperating with other members of that same state, not with outsiders. So. It emerges that egalitarian justice norms apply among the members of each separate state and do not apply across states. The appeal here is to (something close to) the Hart-Rawls principle of fairness: “when a number of persons engage in a just, mutually advantageous, cooperative venture according to rules and thus restrain their liberty in ways necessary to yield advantages for all, those who gave submitted to these restrictions have a right to similar acquiescence on the part of those who have benefited from their submission.”<sup>16</sup>

Response: The boundaries of important cooperative networks supplying important public (excludable or nonoptional) goods do not coincide with state

boundaries. (A good is *nonexcludable* with respect to a group of people just in case none can be excluded from consuming some of the good if any member consumes some of it, and *nonoptional* just in case all must consume some if anyone consumes any.) For basic physical security I depend on most on my neighbors, then on others in widening concentric circles. Living in Southern California, I depend on the law abidingness of people in the nearby region of Mexico but not at all on law abidingness of remote fellow countrymen in Maine or Kentucky. Law enforcement in Mexico also contributes to the life prospects of U.S. citizens in the Southwest, and law enforcement in the American Southwest improves the security of Mexicans. The same goes for other important public goods. Webs of significant reciprocity extend broadly, in many ways, for various public goods, across national borders. So the Sangiovanni view would fail even if it were otherwise impeccable. But it has further defects.

The idea that a higher level of obligation across the board is owed to people who are involved in cooperating that supplies you basic public goods is implausible on its face. After all, the most necessary public goods involve basic physical security that is established when others are not a menace threatening physical harm. But people are just required by morality to refrain from being such a menace to others. Conforming to this elementary moral requirement does not somehow generate huge social justice entitlements. If you imagine making the reciprocity social justice proposal in the first person, it sounds decidedly odd: "Along with others, I refrain from assaulting and marauding, so I am on this basis entitled to special justice consideration from all those I might attack, but do not." This is not a likely first step of an argument that is eventually supposed to show that we have moral duties to put the interests of our fellow compatriots higher in the queue for consideration than the greater interests and needs of outsiders. Barring some special circumstances, the mere fact that I refrain from doing to you what I am morally bound anyway not to do to you as a matter of elementary decency

does not generate special justice duties on you requiring you to give me special consideration.

The provision of basic physical security partly involves people refraining from wrongful predation against others and partly involves people cooperating with others to provide protection against those who are wrongfully inclined to predation. Consider the latter. Here I can discern a plausible duty of reciprocity—if others pay for their fair share of the cost of protective services, I should do the same. There is room for dispute as to what constitutes a fair share of the costs of these enterprises. But I do not see here the basis for an across the board requirement to equalize people's opportunities or resources or the like. After all, purchasing resources from those who charge a fair price does not trigger a broad social justice community with egalitarian justice requirements among members. Sangiovanni emphasizes the great importance of the basic goods of public order and personal security that he thinks national-level cooperation provides. These are great goods. But farmers supply the food we need to live; health care workers supply crucial aids to health, a prerequisite for having any decent life prospects. The value of the service provided does not dictate what counts as a fair return for the service rendered and does not determine whether the good should be provided on a market transaction basis or some other, and if on some other basis, what that alternative scheme of provision should be.

Another flaw in the proposal that obligations generated by the Hart-Rawls principle of fairness trigger special a special standing duty of egalitarian justice that holds uniquely among the members of each particular nation-state is that the degree to which persons cooperate to produce important public goods such as the rule of law that are arguably necessary for each person in a nation state to have the opportunity to lead a tolerably good life is highly variable across persons. Some persons are extremely cooperative, some moderately cooperative, some barely cooperative, some are

downright uncooperative. It would seem that if I owe a duty of reciprocity to fellow members of my nation state that shapes what I owe to each of them by way of justice, what I owe depends in part on how cooperatively each one behaves. Insofar as we do feel that we owe egalitarian justice to all the members of the society we inhabit, even if they are uncooperative scofflaws, the basis of this obligation cannot be a duty of reciprocity to return good for good and evil for evil.

I do not deny that people can acquire duties of fair play according to the Hart-Rawls principle of fairness. Cooperating with others to supply protection of basic physical security and good order can generate Hart-Rawls duties of fair play.<sup>17</sup> But, as already mentioned, the duties that are generated hold only among fellow cooperators, not across entire national populations (including cooperators and noncooperators. Second, the duties are not across the board duties to favor fellow cooperators over other people. The duties are specific duties to repay specific debts. Analogy: my duty to pay retailers for the services they provide me via market trading does not generate an across the board duty on my part to favor the interests of retailers over other people. Third, the duties of reciprocity generated by within-country cooperative networks do not begin to establish any duty to promote the national project or other nationalist aims. Even if Germans owe fellow Germans a duty of reciprocity in light of their fellows' cooperation to provide the rule of law in Germany, this provides no platform for launching a duty incumbent on Germans to promote the flourishing of the German nation state or its greater comparative flourishing than is achieved by other nation states. And fourth, and crucially, even if within-country provision of basic public goods occurs, so does across-country cooperation for such provision. So we get nested and overlapping sets of obligations with varying geographical scope, not one big within-country web in each separate nation. In short: there is no sound deductive route from the Hart-Rawls principle of fairness to national partiality.

### **The significance of the debate**

In this discussion I consider and reject several proposed rationales that might offer support to the common-sense moral conviction that patriotic partiality, partiality to conationals and the national project of the nation of which one is a member, is a moral duty, a significant element in what we owe to others. Even if the arguments for rejecting these particular rationales are conclusive, that is hardly dispositive of the general issue. Some other argument for duties of national partiality might succeed even if all the ones I consider fail. My hope is to prompt a suspicion. If our best attempts to defend a common-sense conviction currently on offer fail, perhaps the explanation for the cumulative failure is that we are seeking a defense of a conviction that is indefensible.<sup>18</sup>

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### **Notes**

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<sup>1</sup> . Risse (2012a), at p. 267.

<sup>2</sup> . Scheffler, “Conceptions of Cosmopolitanism,” in his (2001). Scheffler comments, “Whereas the moderate versions of cosmopolitanism may strike some people as being so obvious as to be vacuous or platitudinous, the extreme versions may seem so implausible as to be difficult to take seriously.”

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<sup>3</sup> . On the idea that some minimal duties are owed to people as such and more demanding social justice duties to fellow countrymen or those who share membership in a state, see Nagel (2005), Dworkin (1986), Rawls, (1999), Blake (2001), R. Miller (1998), Sangiovanni (2007). On the idea that association grounds or triggers social justice obligations, see Blake and Risse (2008), Risse (2012b), Sangiovanni (2007), and Julius (2003).

<sup>4</sup> . This formulation is borrowed from Kolodny (2010b), who cites Thomas Pogge as its source.

<sup>5</sup> . See Caney (2011) and Tan (2004).

<sup>6</sup> . The locus classicus on this topic is still Scheffler (1982).

<sup>7</sup> . Samuel Scheffler, “Relationships and Responsibilities,” in Scheffler (2001).

<sup>8</sup> . McMahan (1997), at p. 118.

<sup>9</sup> . Here I follow Peter Railton (1984).

<sup>10</sup> . Kolodny, (2010a and 2010b).

<sup>11</sup> . Kolodny (2010a), at p. 183.

<sup>12</sup> . But for a contrary view, see Kolodny (2003).

<sup>13</sup> . Hurka (1997). For criticism of Hurka’s arguments, see Arneson (2013).

<sup>14</sup> . Miller (1995), 2000), and (2013).

<sup>15</sup> . Blake (2001).

<sup>16</sup> This formulation of the principle is from Nozick (1974), p. 90. (Nozick himself rejects the principle.)

<sup>17</sup> . See Richard Arneson (1982) and (2013).

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<sup>18</sup> . Another possibility that would deflate the common-sense conviction would be a finding that on reflection the duties of national partiality we are inclined to accept are morally binding as instrumental to fulfilling other moral goals and lack noninstrumental significance. Of course, if national attachments are instrumentally valuable to increasing our conformity to cosmopolitan justice, then perhaps we should promote such attachments—as means to impartial goals, not as intrinsically morally desirable.

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