

**Loyalty, partiality, and ethics: Hurka on “The Justification of National Partiality”**  
**Notes for Philosophy 13**

Many people are loyal to groups to which they belong. For many people, the requirement to sacrifice oneself for the sake of one’s group, if the need arises, may be the major social demand they recognize as a legitimate constraint on the pursuit of their self-interest.

The question arises, to what extent does morality as best conceived (morality as it ought to be, not morality as it is conventionally understood in one or another actual society) permit, condemn, or require partiality to groups of which one is a member. Partiality to some types of groups seems morally unproblematic, whereas partiality to other types of groups seems morally problematic or even evil. Contrast loyalty to friends and close family members on the one hand and loyalty to one’s sex (to men as opposed to women, say), to one’s supposed race or skin color grouping (to whites as opposed to those deemed black-skinned or yellow-skinned, say) and loyalty to one’s nation (to citizens of the U.S. as opposed to citizens of other nations, say).

**Consequentialism and special ties.**

If the answer is given, norms of partiality to friends and close family members generally work to produce good consequences overall, whereas norms of partiality to supposed races do not tend to produce good consequences, and norms of partiality toward political communities and nations produce uncertain consequences, then perhaps approval of some types of partiality can be fit within a consequentialist morality. One might hold that establishing social duties and social norms that tag specific persons reliably with responsibility for the care of vulnerable young children is better, from a consequentialist standpoint, than establishing any alternative system that fails to include such special ties. Maybe something similar is true of the norm that friends should be specially good to friends.

Two possibilities here might be distinguished. One is that norms of parental care and friendship responsibility are good devices for securing other intrinsically valuable goods for individuals. Another possibility is that there is something intrinsically valuable, not just valuable as a means to other goals, about friends helping friends and close family members helping one another. On the latter view, it might produce more impartial value if a friend helps a friend, thereby producing a one unit net gain in happiness, than if the friend instead helps a stranger, thereby producing a one unit net gain in happiness.

Let’s look more closely at the second possibility. The act-consequentialist, if she deems friendship and family to involve intrinsically valuable special ties, sees these values as agent-neutral not agent-relative values. (See the class notes on utilitarianism & consequentialism for this distinction.) In another terminology, act-consequentialism can in principle embrace tie aims but not tie respect. Tie respect would be the idea that the norms of special relationships generate agent-relative reasons or each persons to favor her own friends and close family members. The idea of tie aims is that there are agent-neutral reasons for everyone to bring it about that good friendships and good family relations exist, which will involve friends helping friends and close family members helping each other. The difference between these two ways of regarding special ties comes out if one considers cases in which, by betraying my own friend, I could somehow bring it about that two other friends refrain from betraying their own friends, or by failing to take proper care of my child, I could somehow bring it about that two other parents take proper care of their children, each succeeding to a comparable degree in good parenting to the degree that I would be failing. The act consequentialist principle says that other things being equal, if one has to choose between betraying one’s friend (producing the total outcome that one friend is betrayed) or not betraying one’s friend (producing the total outcome that two comparable

betrayals of friendship occur), one morally ought to betray one's friend. Two betrayals are worse than one. According to the tie respect perspective, according to which the reasons to act generated by norms of friendship and other special ties are agent-relative, in the situation described one morally ought not to betray one's friend.

### **Hurka**

Hurka's essay "The Justification of National Partiality" takes up the question, what if anything justifies agent-relative national partiality. He aims to explain why national partiality might be justified even if more problematic forms of partiality such as racial partiality are obviously not justified. For the purposes of his argument he assumes that agent-relative partiality to friends and close family members is justified. His conclusion is that **if** this least controversial form of agent-relative partiality (namely to friends and close family members) is justified, then agent-relative national partiality might be justified to some extent and some other forms of agent-relative partiality such as oppressive racial partiality definitely are unjustified. His strategy is to make a proposal as to what justifies agent-relative partiality when it is justified.

His essay takes up three separate topics: (1) He argues against the idea that what justifies national partiality is that we are "embedded selves" and that what is moral and immoral for any person is relative to the society she inhabits and its social code. (2) He distinguishes two kinds of partiality, both of which according to him are components of national partiality. One kind is partiality to the impersonal goods associated with the survival and flourishing of one's own nation. A second kind is partiality toward fellow members of one's national community. (3) He explores the question, to what extent can the second kind of partiality—partiality toward one's co-nationals—be justified.

#### (1). *Embedded selves.*

(I leave this part of the discussion to the side, as not so relevant to our course concerns.)

#### (2) *Two kinds of agent-relative partiality—impersonal and personal.*

Nationalism is usually thought to involve an attitude of partiality toward persons who are co-nationals. A Canadian nationalist is partial toward Canadians as against other persons. Hurka accepts this. However, he points out that nationalism commonly involves another element as well, which he proceeds to analyze.

A nationalist often believes that there are impersonal goods connected with the national project that have special agent-relative value. These goods are impersonal in the sense that they do not reduce without remainder to good that accrues to individual persons. For example, a Quebecker nationalist might hold as part of her nationalism that it would be impersonally good for francophone Quebec culture to survive and thrive (and perhaps flourish by way of becoming the basis of a separate sovereign nation state of Quebec). To say this is an impersonal good is to say that even if there were no benefits to any individual Quebec person or to any other individual person, the survival of francophone Quebec culture would be good. One might hold that this good does not reduce to the good of individual persons even if one was a reductionist about the existence of a nation or national culture. That is, one might hold that a nation is nothing more than certain individual persons related in certain ways, yet hold that there is an impersonal good, for example, the survival of this nation, that does not reduce to the goods of individual persons. A Quebec nationalist might believe that even if all Quebec inhabitants and their descendants would lead just as good lives if Quebec merged entirely into the culture of English-speaking culture and francophone Quebec culture ceased to exist, it would still be regrettable, an impersonal loss of value, if francophone Quebec culture were to disappear in this way.

A good can be impersonal without being impartial or agent-neutral. One might think that the value of the survival of French culture in Quebec generates only agent-relative reasons to work for the survival of that culture, reasons that apply only to French-speaking Quebecers. Outsiders have no particular reason to care about this impersonal good at all. It is not an impartial agent-neutral good, but rather an agent-relative impersonal good.

Hurka thinks that nationalism commonly includes both types of partiality. He defines *full-blooded nationalism* “as combining a greater concern for the impersonal goods of one’s own culture, such as its survival and flourishing, with a greater concern for the interests of one’s conationals” Hurka, p. 147). He thinks the problems of justifying these two types of agent-relative partiality, impersonal and personal, are very different. In section 3 he takes up the justification only of the latter type, partiality to conationals.

(3) The justification of agent-relative personal partiality.

Hurka assumes that justified agent-relativity must have an objective basis, not merely a basis in subjective attitudes. If simply having directed friendly feeling or the like were sufficient to justify agent-relative partiality, then partiality to one’s own race as such could be justified. Hurka doubts this is so.

Consider your relation to a friend, spouse, or lover. What is the appropriate basis of the special tie? Hurka suggests that one loves those to whom one is specially related partly in virtue of their good qualities and partly in virtue of shared history. The good qualities have to be genuinely good qualities, but they need not be superlative. I can appropriately love my wife for her sense of humor even if she is not as funny as the Farrelly brothers or Woody Allen. The fact that love is appropriately based on appreciation of good qualities according to Hurka has the acceptable implication that love is conditional. If my wife’s good qualities disappeared and were replaced by despicable qualities, love would appropriately diminish or be extinguished. “Love is not love / Which alters when it alteration finds” expresses an ideal that is romantic in a bad sense.

Something more than attachment to good qualities must be involved in a loving relationship, Hurka reasons, because if I truly loved my wife merely for her good qualities, I would “abandon my wife the moment someone else came along with the same properties to a higher degree” (Hurka, p, 150). The attachment in a desirable form of friendship or love also has an historical dimension.

If love and friendly affection only attached themselves to qualities in persons, it seems one would be loving the qualities as manifested in that person (or in any other person or being), but this intuitively seems incorrect. Must love then attach itself to the bare particular, the particular individual of the relevant kind that triggers affection—say this individual as a person? Hurka thinks there is another and more plausible way of understanding what is involved in personal affection. He writes, “What does it mean to love a person “as an individual”? In my view, it does not mean loving a person apart from any qualities at all but rather loving the person for qualities that no one else can share.” More specifically, it involves loving the person for certain historical qualities, ones deriving from his or her participation with one in a shared history.” Hurka thinks this shared history, to be an appropriate basis of personal affection and a special tie, must be of the right kind: a shared history of doing good to each other or to other people or a shared history of suffering evil or oppression. For example, if my wife and I shared a history of beating up immigrants all over the state of California, that would be an inappropriate basis of a special tie between us.

Hurka thinks one can find support for his proposed criterion for a justified special tie that warrants agent-relative partiality that its application would explain and justify our pretheoretical intuitive sense that partiality to friends and close family members is fine and partiality to fellow members of an oppressing race is bad and partiality to one's nation is an intermediate case that might be justified to a certain extent but not to the same extent as partiality to friends and close family members.

There are two components of the basis for special ties, and so far as one component is concerned, nations can qualify. A nation can have good qualities just as an individual person can have good qualities.

Regarding the shared-history-of-the-right-kind component, matters are more complicated. Friends and close family members share a history of rich, intense personal interaction. Nothing like this is true of relations among co-nationals. One does not even know most fellow members of one's nation much less interact with all of them in rich, intense, personal ways. But it remains true that co-nationals can share a history of doing good together or suffering evil or oppression together. Hurka gives the example of participating with other Canadians in the maintenance of a national health care system that benefits all Canadians in significant ways. One might also value participating with fellow Canadians in sustaining a Canadian foreign policy that is a force for good in the world (if Canada actually pursues a beneficent foreign policy). So along one dimension, closeness of contact, fellow members of a nation score low on shared history that warrants partiality. But along the other dimension, doing good or suffering evil together, a national community can score high, about as high as the score that friends or close family members typically attain. So the verdict at which Hurka arrives is that if partiality toward friends and close family members is warranted, partiality towards co-nationals may also be warranted, though to a lesser extent.

In contrast, a shared history of doing evil is never an appropriate basis for a warranted special tie, according to Hurka's proposed criterion. So fellow Nazi concentration camp guards could not form a legitimate special tie based on their shared history of oppressing concentration camp inmates. That would be grotesque and bad. In the same way, a shared racial history of oppressing other races and peoples would not be a legitimate basis of a special tie, but a shared history of suffering racial oppression along with fellow members of one's race would be an appropriate basis. Hurka suggests that all of these implications of the criterion for justified special tie partiality that he offers are plausible, and the plausibility of these various implications provides some support for the claim that his proposed criterion is correct.

### **Criticism of Hurka.**

The criticisms to follow target only part (3) of Hurka's account. I set the rest aside without comment.

Against Hurka, I suggest a line of argument that seeks to endorse the Shakespearean ideal of (nearly) unconditional love. This is an ideal of constancy or enduring love. I just sketch one possible line against Hurka, no doubt there are other lines that could be pursued. The discussion is preliminary not definitive.

First, I deny that a shared history has to be of any particular kind to be a not inappropriate basis for a special tie of friendship or love. Consider the example of fellow Nazi prison guards. While it would be wrong for them to glory in their shared past, one might feel special affection toward all those who went through this experience together. One might deeply regret one's Nazi actions and acknowledge fully their moral wrongness while still feeling special friendship with fellow

Nazi guards. That does not seem per se inappropriate as a basis of friendship. The example suggests to me that if friendship is specially valuable, what is valuable per se is a relation between persons involving mutual positive affection toward each other and being each disposed to seek the good of the other for its own sake, not merely as a means to any further goals. (Maybe you must be disposed to seek what is good for the loved person noninstrumentally and for that person's sake, and maybe at least in friendship the disposition to seek the good of the other must be caused at least in part by one's affection (liking) for the other.) There might be many triggering causes of such a relationship. Mutual admiration of perceived traits might be a triggering cause, so might shared history. But any person just in virtue of having the traits necessary for personhood (some threshold level of rational agency capacity) is an appropriate object of friendship and love. In fact, maybe personhood is not necessary, just the ability to have the feelings and caring and concern for the other that, when reciprocated by the other, qualify as friendship.

To see that special good traits are not prerequisite to being an object of friendship and love, consider a newborn child. Parents seize on the particular traits of the newborn—the particular way it drools, or stares vacantly, or vocalizes in coos and chirps, or a particular aspect of its appearance, such as hair that sticks out every which way. These become triggers of affection. But one may well feel that the triggers for affection might have been different, and any triggers would do. No doubt a shared history of close contact helps to trigger stable love (one-sided at first) between parent and child. But there would be nothing inappropriate from the standpoint of the ideals of friendship and love, if a parent managed the trick of developing strong affection prior to any history of shared interaction. And more broadly, one might hold that love at first sight or friendship at first sight is not logically impossible, however rare it might be in actuality (lust at first sight is a different and of course common, occurrence).

To test the idea that a true friendship need not be based on mutual admiration of one another's worthy qualities, consider a limit case, in which one's friend altogether lacks worthy qualities. Friendship with this unfortunate individual is still apt, and if it happens, it is intrinsically desirable that it endure, I hold. Or consider cases of love based on illusion. Joe is drawn to Jose by his belief that Jose is a good poet and Jose is drawn to Joe by his belief that Joe is a good cook, but both beliefs are false. Still, if they become friends, the friendship is intrinsically valuable, justifies agent-relative partiality if anything does, and the norms internal to friendship say they should keep loving each other even if they come to realize their mistakes.

Moreover, once any triggering causes have brought about a friendship, it is intrinsically good that the positive affection and disposition to seek the good of the other be sustained come what may. There is nothing inappropriate about the ideal of unconditional love in this sense. Love and friendship feelings on the part of one of the participants might well survive the end of the friendship due to the cessation of affection and well-wishing on one side. Love and friendship feelings once triggered toward a person may even survive changes in the person that render her a nonperson. The beloved might become so demented as to cease to be a person (cease to have rational agency capacities at threshold levels). One's love for a particular person might be so strong that even if *per impossibile* that particular person turned into another sort of creature—a cat or dog or coyote, say, one would continue to love the being one initially fastened on as the object of love. Perhaps it would be weird and inappropriate if after the death of the person one loved the nonliving body or its constituent parts except as a reminder of the beloved. One loves, perhaps, not the bare particular but the person to whom one initially became attached and loves that individual qua living conscious being. So with death, absent the belief in afterlife, the object of one's love would cease to exist, even if a physical remainder continued to be present—ashes or body parts rotting in the ground or widely scattered. Permanent coma involving cessation of

consciousness might be tantamount to death from this standpoint—the object of love vanishes. So ideal love on this account turns out to be not quite unconditional but almost unconditional.

Objection: It is inappropriate that one's love for a person should stay the same even if his qualities turn from admirable to despicable and repulsive. Reply: It is always appropriate to love and value good qualities and hate bad qualities whenever and wherever they are manifested. So if Tom, my beloved, used to be a great guy and then turns into a creep, I should not value his creepy traits, but I can still value and love *him*, that person.

Objection: If your love is unconditional, you make yourself prey to predators. Consider a woman who loves a spouse who beats her. Her continued love for the man who beats her is inappropriate, not part of the ideal of friendship. Reply: One ought not make oneself prey to predators. So if my spouse mistreats me, perhaps all things considered I should cease living with her and divorce her. This is a different question from the question, should I still love her (have friendly affection and be disposed to seek her good). The ideal of almost unconditional love answers the latter question with a resounding YES. This does not suggest one should be an accomplice to any evil one's beloved might be perpetrating or make oneself prey to her predatory impulses and actions.

Objection: Maybe if one does not cease loving a person who becomes evil or despicable or turns out always to have been evil or despicable, one will not be able effectively to avoid being harmed by one's beloved or avoid colluding with one's beloved to harm others. Reply: the advocate of the ideal of almost unconditional love does not have to hold that this ideal is the highest value or a trumping value in human life. Sometimes all things considered one should not begin to love someone when one could, or should stop loving someone when one could persist in loving that person, even if this offends against the ideal of almost unconditional love. This is so if in one's actual circumstances fulfilling the ideal of almost unconditional love would incur too great a cost in terms of other values or moral requirements.

Objection: How can the ideal of almost unconditional love distinguish among various types of agent-relativity and judge them differently—approving friendship partiality, for example, while rejecting partiality toward fellow racial oppressors? Answer: I may be missing something, but I don't see a problem here. Friendship between thieves, based on mutual admiration of one another's thuggishness, is undesirable in a way—it would be better if the friends were not thieves, were not thuggish, and anyway did not admire one another's vicious traits—but none of this blocks the possibility that the two thieves are good friends and that the friendship itself is intrinsically valuable and has the core features that render friendship partiality-justifying (if agent-relative partiality is ever justified). Same goes with racist friendship, I would say. The racism is bad, and taints the friendship, no doubt, but this does not block the possibility that friendship formed and sustained on a racist basis is true friendship.

Friendships are instrumentally very valuable; they facilitate the generation of lots of good (some bad also). Racial solidarity is instrumentally very bad, throughout history tends to produce horrible consequences. Nationalism and patriotism as Hurka notes are ambiguous in their consequences. Their consequences are mixed, and people disagree about the overall balance, whether it is negative or positive. The horrible instrumental tendencies of racist solidarity provide ample reasons to condemn it. There is no reason to deny that racism can be the basis of friendship, and such a friendship qua friendship is intrinsically good, even though overall is menacing, so all things considered bad. Hurka's search for the objective conditions that render friendship partiality appropriate (and so intrinsically good), such that close personal ties satisfy

the conditions, most racial solidarity fails to satisfy them, and nationalism gets a borderline grade, strikes me as a misguided quest.

The question whether, if at all, agent-relative partiality **is** justifiable, is left open by Hurka and not settled by these criticisms of Hurka either.

The issue between Hurka and his critic could be formulated more neutrally as follows: If you believe that there are objective conditions that must be satisfied if love between persons is to qualify as worthy or genuine friendship, then you cannot without qualification affirm the Shakespearean ideal of constancy (enduring love). If the conditions cease to be satisfied, the love should cease, or perhaps, whatever people feel for one another no longer qualifies as love. On the other hand, if you affirm the ideal of constancy without qualification, then you must scrap the idea that there are objective conditions, appropriateness conditions for love.

Hurka assumes there is one special thing (or one complex mix of things), that is present in close personal relationships like friendship and close family ties. This special thing is what justifies agent-relative partiality (if anything does) among the participants in these relationships. We are wondering whether agent-relative partiality among participants in other types of relationship (members of a national community, or an ethnic group, or a race) can be justified or not. To answer this question we must figure out what the “special something” in friendship and close family ties is and see if that thing is also present in the more questionable relationships or not.