

Is Patriotism Immoral?

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Many of us hold that it is morally required to favor one's own nation and its people. We honor soldiers and firefighters who risk their lives for our country and our community. To some degree at least, even if not to the point of heroism, patriotism is a duty. In this way, our thinking on patriotism mirrors our thinking about other special ties: we don't think it is optional for a parent to give priority to caring for her own child: from the moral standpoint, she must favor her own. The same goes for ties of personal friendship.

The principle of patriotism (nationalism) is not chauvinism. The principle affirms a universal duty that applies to everyone: Each person ought to favor her own country. We can distinguish two elements to this favoring. One is loyalty to an impersonal aim—the national project. One should promote the political autonomy of one's own national community, which standardly takes the form of establishing and sustaining an independent nation state. Beyond bare political autonomy, the patriot also seeks the flourishing of her own nation and perhaps its competitive advancement over other nations. In addition to the national project, a second element in nationalism is favoring the advancement of the interests of one's fellow countrymen. The patriot gives priority to promoting flourishing lives for co-nationals.

I say that many of us accept the principle of patriotism. But there is an opposed moral perspective: cosmopolitanism. The cosmopolitan regards herself as a citizen of the world and, roughly speaking, holds that national borders and membership in nation states (and similar social groups) lack intrinsic noninstrumental moral significance. The cosmopolitan view is that people are people, and our common humanity is the ground of our moral duties toward people. Let's call the moral position that denies that we have special moral duties to people in virtue of common national membership per se *extreme cosmopolitanism*. If extreme cosmopolitanism is right, the principle of patriotism is wrong. Which is right?

Notice that whereas extreme cosmopolitanism and patriotism/nationalism as just specified oppose one another, there is a moderate version of cosmopolitanism that is fully compatible with patriotism/nationalism. The *moderate cosmopolitan* holds (a) that we have significant moral duties to other people that obtain just in virtue of their humanity and (b) that we also have significant moral duties to other people in virtue of the special tie relationship arising from our being fellow countrymen. Some think there is really no issue about cosmopolitanism worth discussing because moderate cosmopolitanism is obviously true and extreme cosmopolitanism is obviously false.¹ Of course we have some duties to help needy strangers in distant lands. Of course we have special duties to favor those near and dear to us, and among these duties, some surely include duties to fellow countrymen. If these claims are true, then extreme cosmopolitanism is obviously false.

In this essay I want to do some uphill sledding. I want to defend extreme cosmopolitanism. My defense is provisional. I shall try to rebut some plausible sounding arguments that have been offered in defense of national partiality.

Extreme cosmopolitanism can be contrasted with a more radical view, *very extreme cosmopolitanism*. This more extreme cosmopolitan holds (a) that we are bound

by some moral duties to other people just in virtue of their humanity and (b) that we are bound by no moral duties to others except those that obtain just in virtue of their humanity. The extreme cosmopolitan opposes patriotic partiality but allows that partiality to friends and close family members might be justified; the very extreme cosmopolitan rejects partiality across the board. Some of what I say supporting extreme cosmopolitanism also supports the more extreme version of the doctrine.

In this essay the cosmopolitanism I defend is the extreme variety, so from now on I sometimes refer to the position this essay affirms simply as cosmopolitanism. (On this usage, the “moderate cosmopolitan” is a defender of nationalism and patriotism and so not really cosmopolitan. My usage here is just a stylistic choice; nothing substantive hangs on it.)

Special tie duties to others that hold in virtue of our standing in some particular relationship to them might be regarded as morally significant for their own sake or derivatively as means to furthering other moral goals that do matter noninstrumentally. Take the example of patriotism. If people living in proximity to one another on some territory have patriotic sentiments, that may facilitate their cooperating together successfully in ways that fulfill independent moral duties they have such as establishing public safety and the rule of law across the territory. Insofar as this is so, the extreme cosmopolitan has no objection to patriotism. Nor does the cosmopolitan object to training people to see themselves as having duties to conationals that function as means to furthering their fundamental moral duties, the ones that matter noninstrumentally. The moral issue arises when it is claimed that we have significant duties to fellow countrymen that we should fulfill even at cost to fulfilling fundamental moral duties and advancing fundamental moral values. For example, if we have moral duties to promote justice and help the needy, the patriotic principle holds that we ought to give priority to promoting justice for our nation even if that will lead to lesser fulfillment of justice in the world overall, and that we ought to give priority to helping needy fellow countrymen even if there are needier people elsewhere who would benefit more from the assistance we could give them than our fellow countrymen would benefit.

In these examples 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.

Patriotism like other special ties may take the form of amplifying or dampening other moral considerations. That is to say, one may hold that whatever moral reasons there are for helping others and refraining from harming others in certain ways that violate their rights, these reasons are amplified if the person you might help or harm by your action or omission is a conational. On this view, murder is wrong, but murder of an American is especially wrong, if I am an American. Extreme cosmopolitanism rejects any such moral arithmetic. At the fundamental moral level, persons are persons, and each one counts the same and has the same fundamental moral entitlements, says the extreme cosmopolitan.

There are other puzzles about patriotism and partiality apart from the conflict with cosmopolitanism. One puzzle arises when we notice that those of us who favor partiality tend to be selective about what forms of partiality to embrace. So the account of partiality one accepts should be able to explain why we should accept some types of partiality and reject others. People form special attachments and develop special loyalty to their friends, close family members, fellow community members, and fellow countrymen. People also form special attachments and develop special loyalty to men as opposed to women, to members of their ethnic group as contrasted with outsiders, to members of the race to which they take themselves to belong, perhaps on the basis of skin color or other physical appearance similarities. So we might hope that an acceptable account of special tie duties will explain why some types of partiality such as partiality to our children and maybe partiality to conationals is morally acceptable and partiality to people who like us have white (or brown, or black, and so on) skin color is not morally acceptable.

In what follows I consider and reject several positive accounts that purport to justify the claim that we have special duties to fellow countrymen. If any of these accounts is correct, extreme cosmopolitanism must be false. I try to show that none of these accounts on offer is correct. This does not amount to a conclusive argument in favor of extreme cosmopolitanism. Even if so far nobody has a good argument against extreme cosmopolitanism, showing this is so would leave it an open possibility that tomorrow someone will find a better argument. Anyway, even if we cannot find good arguments against extreme cosmopolitanism, maybe the thing to do is to suspend judgment. My hope is at least to plant a seed of doubt. Maybe the underlying reason why we are having trouble finding arguments for the truth of our commonsense beliefs about the moral acceptability of patriotism is that those beliefs are in fact false.

I make one further point in an effort to show that extreme cosmopolitanism despite initial appearances is quite credible. I try to show that we should anyway distinguish levels of moral reasoning. For example, we should distinguish what is morally right at the level of fundamental principle from the different question, what the laws ought to allow and prohibit. There might be good reasons to have a legal code that prohibits engaging in a type of activity even if in some circumstances, from the perspective of fundamental moral principles, we should see that engaging in that activity here and now is actually morally right. In the same way, we should realize that we have need for further distinct levels of moral thinking including a level of social norms and even a level of public morality (what we should proclaim as moral rules to be obeyed in public life, for example, official political pronouncements). Something can be against

the social norms we ought to have established and against the public morality we should proclaim yet right as assessed from the perspective of fundamental moral principle. For example, maybe the public morality we ought to have should declare roundly that killing the innocent in war is wrongful terrorism even though we should recognize that in some circumstances killing the innocent might be the morally right course of action for some individual. In a similar way, we might well have reason to endorse and approve some forms of patriotism at the level of social norm or public morality even though as a matter of fact, seen from the perspective of fundamental moral principles, patriotism is morally wrong.²

National partiality and partiality of parents toward children.

To clarify the opposition between cosmopolitanism and nationalism, consider how the claim that people ought to be loyal to their nation and partial to fellow countrymen differs from another possible basis of special tie partiality, that of parents toward children. Many of us hold that parents have special obligations to care for their own children. This special duty can require a parent to give priority to feeding his own child even though a child down the street or in a distant land is hungrier and needs food more. So far, this duty sounds like the claimed duty of conationals to favor their own. But there is a difference. In the case of the parent-child relationship, in the standard case the biological parent has brought it about by a voluntary act that there exists a particular young child that is vulnerable and needs continuous adult nurturance for many years. (In the case of an adoptive parent, the voluntary act giving rise to parental duties may take a different form.) The principle here is that if one is directly responsible for bringing about the existence of a child, one has a duty to care for it or ensure that it receives proper parental care.

A cosmopolitan morality can accept the ideas that, for example, parents (and guardians who have taken on the parent role) have obligations to give priority to give priority to caring for their own children and hence duties to be partial toward their own children. Lockean libertarianism would be an example of a cosmopolitan morality that accepts parental partiality. The Lockean libertarian holds that each person has the moral right to live as she chooses provided she does not wrongfully harm others in certain ways (that qualify as violations of their moral rights) and the moral right not to be harmed by others in these certain ways.³ The Lockean libertarian denies that simply in virtue of being born into a particular national group or community, or simply in virtue of standing in certain relations to others that amount to nationhood, one thereby has special moral duties of partiality toward national community members of the kind the nationalist affirms.

Other cosmopolitan moralities, in the act consequentialist family, deny that there are special moral duties of partiality that the nationalist or patriot affirms, and take this position in the course of embracing a more sweeping rejection of special tie agent-relative duties regarded as having a place at the level of fundamental moral principles. But cosmopolitanism is a big tent, encompassing any doctrine that rejects many forms of partiality including national partiality at the level of fundamental moral principle even if it accepts some forms of partiality including partiality of friends to friends and parents to children and perhaps close family members to close family members. The cosmopolitan rejects agent-relative moral duties prescribing that people be partial to their conationals and to the national cause, but need not reject agent-relative moral duties across the board.

For the cosmopolitan, each candidate moral partiality must have a moral grounding that establishes its fundamental moral status and national partiality fails to qualify. To see whether this is plausible, we need to examine claimed moral groundings for patriotism or national partiality.

National partiality resembles friendship partiality.

The claim reviewed in this section is that partiality toward friends and close family members is justified, and the same reasons that support these uncontroversial forms of partiality also support national partiality, so national partiality is justified. Thomas Hurka makes an appealing case for the partiality to fellow countrymen element in patriotism.⁴ (He sets aside the national project element in national partiality.) His strategy starts with the plausible assumption that partiality to friends and close family members is justified, and proceeds to identify the partiality-grounding features of these special tie relationships, and then look to see to what extent the special tie of shared national membership has these features.⁵ Take friendship.

Hurka proposes that there are two prerequisites for friendship partiality. One is that there is some objective basis for liking one's friend; one must perceive that the friend has some genuinely good (not necessarily superlative) traits. That such an objective basis is needed becomes clear if we notice that sheer subjective positive feeling does not suffice to justify partiality—a racist may have strong subjective affection for white people and strong animosity to black and brown people. The second prerequisite for justified friendship partiality is having a shared personal history of the right sort. This shared history connects one's friendship attitudes to particular persons. According to Hurka a shared personal history “of the right sort” is a history either of doing good together or of suffering evil together or both.

Hurka thinks his account has the attractive feature of supporting our intuitive conviction that some relationships are appropriate friendship bases and some are not. A shared history of raising children together and suffering adversity together is an appropriate basis for my friendship with Sheila, but a shared history of having been Nazi concentration camp guards together or of oppressing black people together is not an appropriate basis for friendship or any special affiliation.

Regarding national partiality, Hurka's proposed prerequisites for partiality yield a mixed but positive assessment. Nations can have good traits (for example, Canada produces good hockey players), so this prerequisite for justified partiality can be fully satisfied. Regarding having a shared history of the right sort, the verdict is mixed. Friends and close family members share intimate sustained personal relations; nothing like this is true of my relationship to my fellow Americans. I'm not even acquainted with the vast bulk of them. But fellow countrymen can share a significant history of doing good and enjoying good together and also of suffering evil together, so on this score, the relationship of being fellow countrymen can fully qualify. Overall it seems the prerequisites for partiality are present in some national membership relationships, but not as fully as they are in successful friendship and close family relations.

In reply: Hurka's account does not separate intuitively justified forms of partiality from intuitively unjustified forms as he supposes. So something is awry. His proposal does not perform as advertised.

Consider unregenerate male chauvinism, the raw favoring of men's interests over those of women. Suppose I hold that men share the valuable trait of having distinctive

reproductive organs. The claim need not be that men's special traits are more valuable than women's special traits, just that the former are valuable. Now consider that men throughout history have a long distinguished record of contributing toward reproduction in the way that only men can (contributing sperm to the process). This is a long history of doing good together, and according to Hurka a shared history of doing good together combined with recognition of objectively valuable traits constitutes an appropriate basis for special affiliation, and on this basis he offers a mild endorsement of national partiality. But as just indicated, men affiliating with men and having specially friendly feelings to each other on the basis of their sharing a history of doing good together satisfy the conditions for justified partiality in the same way that national partiality does. If we reject unregenerate male chauvinism, as we should, we should reject Hurka's account.

Further reply: Hurka's account of friendship is anyway questionable. One feature of his account is that it holds that friendship must be based on mutual perception by the friends of valuable traits in each other. I deny there are such eligibility conditions for friendship. If you are a person, you are apt for friendship. Friendship will have triggering causes; one will be attracted to something in the friend; but one needs no reasons or justifications for forming a friendship with a particular person.

It is also questionable whether having a shared history of a particular sort is necessary for good friendship. First, it might be that a shared history of doing evil together yokes people together. Having been a concentration camp guard with Fred might be the basis of perfectly acceptable friendship with Fred. One should regret the evil-doing and not gloat in the memories, but that does not gainsay the point. Second, it is anyway doubtful that any shared history is necessary for good friendship. Tom and Sally might be attracted to one another and like, even love each other, but have no opportunity for shared history together. Love at first sight, and friendship at first sight, are conceptually possible. Or Tom and Sally might realize that interacting with each other would be a bad thing, so they refrain from ever interacting. They might refrain from interacting because they are friends. A history of personal interaction is something that friends standardly seek and value, but this typical feature of friendship need not be regarded as a necessary condition for friendship or for good friendship.

Here is a spare account of friendship that takes these points on board: For A and B to be friends, it must be the case that based on acquaintance (1) A has liking or positive affection for B, (2) A is disposed especially to seek B's good on appropriate occasions, and (3) condition 2 is true because condition 1 is true (A is disposed specially to bring about B's good because A likes B), and (4) the situation is reciprocal; B likes A and is disposed to bring about A's good for this reason. In a good friendship, friends act for one another's good on appropriate occasions, and they care about one another a lot, and having once initiated friendship, they do not cease to have the complex of attitudes that constitutes their friendship. A good friendship endures.

The spare account of friendship has the plausible implication that national partiality is ruled out as an instance of friendship on a large scale. The members of a nation state lack personal acquaintance with one another, so they will not satisfy the conditions of friendship specified in the spare account. If satisfying these conditions renders partiality appropriate, if anything does, then the spare account of friendship does not assert conditions for justified partiality that national solidarity or nationalism can fulfill.

Objection: the spare account of friendship does not rule out racist solidarity as impermissible or in any way an inadequate basis for friendship. One might be disposed to like anyone with white skin and disposed specially to seek the good of anyone with white skin one encounters and then likes. If there are no eligibility conditions for friendship partiality, racial solidarity qualifies as acceptable—but this is clearly wrong.

Reply to objection: One does not have personal acquaintance with all people of some skin color, so one cannot have liking for all people of a favored skin color based on acquaintance, so the spare account conditions cannot be met. But perhaps one can be disposed to like any white-skinned person one meets, and the individual likings of white-skinned individuals one meets might seem immune from criticism on the spare account, which sounds wrong. One might annotate the spare account as follows: although there are no eligibility conditions for friendship, and one can be led to friendship attitudes toward an individual by any features she has, perhaps there should be an exception for immoral attitudes grounding friendship. If one hates black-skinned people and on this basis likes white-skinned people, this tainted origin vitiates (what would otherwise be) friendship.

Further reply to objection: Perhaps the problem just described indicates not that there is anything wrong with the spare account of friendship but that the assumption that friendship is a special tie that grounds partiality on a noninstrumental basis is flawed. The crucial moral difference between partiality toward friends and close family members on the one hand and partiality toward fellow members of a supposed race or skin color similarity grouping on the other hand is that the former type of relationship but not the latter tends to promote good consequences, good outcomes for people's lives.

Partiality as partially constitutive of special-tie relationships.

Maybe looking for some special feature that justifies partiality in friendship and other special tie relationships is just misguided. It might be true that our ideals of certain social relationships have norms of partiality built into them. What is noninstrumentally valuable in relations such as friendship and love includes partiality. As has been said, "It is part of the meaning or significance of these relations that they legitimize certain forms of partiality. A relation that did not, given opportunities, call forth and require partial behavior on at least some occasions would not be love at all."⁶ Much the same might be said about friendship. And maybe members of a national community, having mild affection or caring and concern for one another, automatically are committed to partiality toward one another.

Perhaps this idea can be generalized. The idea here would be that if you value noninstrumentally a social relationship that you have, you are already committed to accepting that your partners in that social relationship have special claims on you, beyond what anyone could claim of you just in virtue of your common humanity or personhood. Valuing a social relationship you have includes accepting some duties of partiality, the particular character of the duties perhaps varying with the type of relationship that is in question. There is simply no logical room to value, for example, your friendship with a person for its own sake, not just as a possible means to some goals you might have, and yet to reject all claims to partiality that are part and parcel of friendship.⁷

If the general claim is true, then the extreme cosmopolitan is in a bind. If she rejects all claims of partiality as a matter of principle, she then cannot noninstrumentally value any of her social relationships such as friendship without lapsing into

inconsistency. If acceptance of duties of partiality that are conceptually tied to a type of relationship is part of what it means to engage in a relationship of that type, then the extreme cosmopolitan cannot fully enter into any social relationship. If extreme cosmopolitanism carries that commitment, the doctrine is surely unacceptable.

Even if the general claim is not true, it might still be the case that particular important kinds of social relationships, such as friendship, love, parent child special ties, close family ties, and patriotism, are partly constituted by acceptance of some duties of partiality among participants. Rejecting those social relationships on the basis of a controversial version of cosmopolitan moral principle would be unreasonable, to put it mildly.

My response in support of the reasonableness of the extreme cosmopolitan doctrine will not be surprising. I shall claim that in a sense the extreme cosmopolitan can accept the partiality that is built into our concepts of certain social relationships, and this qualified acceptance is acceptance enough.

The spare account of friendship that I would defend builds a disposition of partiality into friendship. Being a friend of someone, one is disposed specially to bring about that person's good. This means one is disposed to some extent to sacrifice one's own good to advance the good of one's friend and also that one is disposed to some extent to favor advancing the good of one's friend over advancing the good of other people. This feature of friendship might seem to put it immediately in conflict with very extreme cosmopolitanism, but the appearances here are deceiving. Cosmopolitanism is a claim about the morally right, about what one morally ought to do and has a moral duty to do. The norm of partiality that is internal to friendship as so far described is a claim about the good, not a claim about the morally right. Social norms are part of the idea of friendship. A friend is partial to her friends, and a good friend is fiercely loyal to her friends. Another norm internal to friendship is constancy: a good friend is loyal to her friends in the further sense that she sustains friendship with them. Once friendship is begun, it is desirable that it lasts. These claims about the nature of the good of friendship are fully compatible with even severely cosmopolitan moral doctrines. What is good is one thing; what is morally right is another.

To explain, we need to consider some version of cosmopolitanism, that fills in some account of what we morally owe to each other. The version of cosmopolitanism to be defended here is a member of the act consequentialist family of views: one morally ought always to do whatever would bring about the best outcome, and outcomes are to be assessed according to the good or bad quality of the lives that people lead in them, along with the fairness of the distribution of good and bad across persons. The good is good lives for people, fairly distributed.

It's plausible to hold that forming and sustaining friendship in itself makes the lives of the friends better. (If two persons' lives were exactly the same in relevant respects, except that one maintained a friendship, the life of the person with the friendship would be the better of the two lives.) Forming a friendship includes becoming disposed to favor one's friend. The acts of forming and sustaining friendship can be morally right acts by cosmopolitan act consequentialist standards, even though such acts involve rendering it likely or even certain that in the future one will sometimes act to favor one's friend in circumstances where doing that is morally wrong by act consequentialist standards. If friendship is a great good, a world with more friendships in

it can be better than a world with fewer friendships even if in the second world fewer morally wrong acts are done. In the way just described, even the very extreme cosmopolitan can embrace friendship as a good, even given that internal to friendship is a norm that says friends should favor their friends. The position is consistent because the favoring norm generates a duty from the standpoint of the good, not one from the standpoint of moral right. (In much the same way one can accept that in American-style football the fullback has a duty to protect the quarterback by blocking incoming defensive players and to run the football in short yardage situations without taking these role assignments to be moral duties.) If one neglects the distinctions just noted, one may affirm that if friends have duties to favor their friends (and parents have duties to favor their children, and so on for other special tie responsibilities), then act consequentialist cosmopolitanism must be false. That is incorrect.

A good friend is disposed to act for the good of the friend. The good friend ought to be so disposed. There's a duty here, not a moral duty but a social norm duty. This becomes clear when we consider that the duties of friendship can be flatly opposed to uncontroversial moral demands. As the saying goes, a friend will help you move; a good friend will help you move a body. If friendship norms were moral principles, then there would be conflict between the moral requirement to be a good friend and any set of moral principles that yields the firm judgment that one morally must not be complicit in murder. But there is no such conflict of moral principle. Of course, social norms can tug at our loyalties, and being a good friend may well motivate one to do some things forbidden by morality for the sake of the friend or for the sake of the friendship. But lots of attitudes and desires and personal commitments can pull against moral requirements; that does not indicate any conflict within moral theory that requires a balancing of opposed principles.

Even if friendship did necessarily involve being morally bound to be partial to one's friend, it is a stretch to consider one's relations to one's fellow countrymen a friendship relationship. But the account just given shows that anyway friendship, though plausibly involving a duty to be partial, does not involve a moral duty to be partial, so even if we should regard ourselves as having friendship of a weak sort with all fellow countrymen, that concession would not commit us to holding that we are morally bound in any way to be partial to fellow countrymen.

The defense of extreme cosmopolitanism offered in this section is pretty weak tea, the reader may be thinking. I agree. All I have done is show that one objection to extreme cosmopolitanism that would be devastating if it were well-supported is in fact weightless, and gives no reason at all to reject the extreme cosmopolitan position. Or at least, there is an independently plausible moral doctrine, act consequentialism, that can be coupled with extreme cosmopolitanism and when so joined offers no traction for the objection being considered. This does not amount to any sort of positive reason to embrace extreme cosmopolitanism.

Nationalism, the nation-state, and partiality: four proposals.

Perhaps national partiality is justified in a way that is quite different from anything considered to this point. The lines of thought to be considered under this heading do not rely on the idea that there is an analogy between friendship and love of country or that the latter resembles the former, such that we have duties of partiality just as we have duties of friendship. The thought is rather that in some way or another the

relationship of individuals to the state is crucial for the justification of duties of national partiality. We live under a particular state, along with others, and acquire special duties to fellow citizens, who share membership in that state. Something or other about specifically political social relationships grounds duties of patriotism.

A clue here is that on many people's views, national partiality becomes a moral requirement only in certain contexts. Suppose you are hiking in the desert and you learn somehow that someone nearby is lost and in grave danger of perishing from exposure and thirst. You may feel some pressure of moral duty to aid the person in need even at considerable cost and risk. To decide what to do, whether to mount a rescue operation or not, one does not need to know the nationality of the lost hiker. One does not have less reason to help if you are a U.S. citizen and the person in peril is not. Someone who considers herself a patriot might not feel that this is the sort of situation that should trigger patriotic dispositions. In contrast, if one were voting for U.S. government policy, one might feel a patriotic duty to make sure that the government adequately protects Americans from natural disasters, and that this duty of government takes priority over any duties it might have to aid distant needy strangers from other lands.

A. The nation-state, coercion, and autonomy.

The philosopher Michael Blake suggests how this might be so.⁸ Blake 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 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 at any rate heightened) justice requirements. Benefiting from and supporting the particular forms that state coercion takes, one comes to have a special burden of justifying these coercive arrangements to those who are comparatively disadvantaged by them, and this burden of justification can be discharged only when the state one supports gives special priority to acting for the advantage of all who suffer this coercion and especially those whom the scheme of coercion helps least.

In this way Mexicans come to have special duties to fellow Mexican citizens, Nigerians to Nigerians, and so on. Members of each separate nation are tied together in a web of coercion affecting them and not others. Each of us is implicated in the particular web of coercion in which we are enmeshed, and our relation to this coercion generates distributive justice duties that apply to the members of each distinct nation and not across national boundaries. National borders in this way coincide with morally significant features that generate special agent-relative duties owed by and to insiders and not outsiders.

Response: The argument just sketched overstates and also misdescribes the moral significance of coercion. Grant that when coercion is imposed, a justification is owed to those coerced. (It is also true that when coercion is not imposed, and some are affected negatively by absence of coercion, a justification is owed to those negatively affected for the omission of the establishment of a coercive web.) The justification of coercion need not appeal to benefit to the coerced person. The coercion may be constraining individuals from doing what they are anyway morally bound not to do regardless of whether a coercive apparatus is in place. Coercion can be a great evil when people are

forced not to do what they have a perfect right to do or forced to do what they have a perfect right to refrain from doing, but these are not the only cases.

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 will to murder anyone and would not be motivated to commit murder even if there were no coercive criminal justice apparatus set to impose severe penalties on me if I did perpetrate this crime. The law against homicide does have an impact on my decision making and does crimp my autonomy significantly if I do harbor serious murderous will, but in this unfortunate circumstance, my loss of autonomy is morally weightless. For many instances of state coercion, either the coercive law should not be in place (the person has a moral right to do what the laws forbid) or an adequate justification of the enforcement of the coercive law by the state is that the persons coerced are independently bound not to perpetrate the prohibited acts.

Perhaps for some types of coercion A may coerce B only on the condition that the coercion benefits B adequately. But why think state enforcement of moral requirements is necessarily 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 Blake stipulations just raise the question, what justifies state coercion, and offer no considerations that support the answer that partiality toward the coerced must be part of the justification.

Blake raises a further point regarding situations in which we all benefit from having a coercive scheme that coordinates our behavior but there are several possible schemes that might be put in place and the particular scheme imposed benefits me at your expense. If I benefit from such a scheme and support its maintenance, do I not owe you a justification for imposing this arrangement on you? Again, I grant that a justification is owed, but I deny that the justification must cite reasons that show the coercion is of benefit, or even maximal benefit, to those who are left worst off under the scheme. The coercive scheme might reward the deserving and be justifiable on that ground, or might boost overall well-being and distribute the benefits in some way that is fair, even if not equally or in a way that is maximally favorable to the worst off. Again, the coercive scheme might be justifiable in virtue of its effective fulfillment of duties of beneficence owed to outsiders such as distant needy strangers. The justification of the scheme to the worst off insider who is affected might be that this scheme, compared to others that might instead be installed, is especially favorable to worst off outsiders, who are far worse off than any insiders, members of the political society in question. Again, that a justification for imposition of a coercive scheme is needed does not imply that the justification must refer predominantly to the interests of members of the political society rather than outsiders. We are not in the vicinity of a justification of partiality to conationals as a requirement of justice.

B. Working together to promote the national project.

A variant of the proposal under review drops the idea that state coercion of state residents is crucial for justified national partiality. The crucial point rather is that under favorable circumstances members of a national community are working together to promote a morally worthy project—the building and preservation of an independent nation with just institutions. Working together with others to promote a worthy goal, one

acquires duties specially to have care and concern for one's fellow participants in this project.

Reply: It is doubtful that all members of nation states do or should adopt the special project of building an independent, just state. People might instead work for justice elsewhere, in other lands. One might discharge whatever obligation one has to work for justice by acting for distant strangers and form community with them. Moreover, even if one does work for justice in one's own land, it is unclear why doing so should trigger special duties to favor fellow conationals (some of whom are not working for justice anyway). In general, working on a project with a person does not trigger a duty specially to promote that person's good, so it is not clear why working on the national project should trigger any such duty.

C. The state coerces us and claims to act in our name.

Thomas Nagel and Ronald Dworkin independently suggest that the state massively coerces insiders but not outsiders and unavoidably claims to act in the name of the governed, those required to comply with the laws.⁹ The combination of factors triggers special egalitarian requirements that apply only in each country taken separately and hence oppose extreme cosmopolitan impartiality. The relation of the state to each state inhabitant includes a special involvement of the will and the justification of this requires egalitarian justice.

Response: One might hold that the special involvement of the will that Nagel associates with imposition of government coercion is in fact an ubiquitous accompaniment of any act or omission that affects others or might do so. If your act affects others or might do so, you owe them a justification. Implicitly in the sheer fact that one is acting, there is a nondisavowable claim being made by the actor that what she is doing can be justified to others. There is, so to speak, a universal second-person demand triggered by action: Each person who is or might be affected has a claim that you justify to her what you are doing.¹⁰ The commitment implicit in action is that one is able to show that one's action is justifiable according to principles we all can share. What one does is permissible, one claims, and all should agree that in one's shoes, they would rightly claim to be justified to do the same.

Nagel clearly intends something stronger than the involvement of the will just described. But insofar as this is so, the something stronger is disputable. "We are all participants in the general will." If this means that each who is coerced can agree that her interests are being advanced equally along with everyone else's, that is not an acceptable moral requirement to place on action and not an acceptable constraint to place on the special class of coercive actions. If this means that each person being coerced, if she were well informed and fully rational and thinking clearly, would agree that the coercive law under consideration equally serves the common good of all coerced, that again is too strong a requirement. (The law might benefit distant needy strangers not any of the coerced.)

D. Members of nation-states cooperate with each other to provide essential public goods.

Andrea Sangiovanni holds that when people cooperate together in ways necessary to provide basic public goods that make it possible to adopt and pursue a plan of life, duties of reciprocity arise that take the form of special justice requirements owed to fellow cooperators. These special justice requirements in effect dictate partiality toward

conationals, because 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 special justice norms apply among the members of each separate state and do not apply across states.¹¹

Sangiovanni seeks to justify national partiality by showing that fellow citizens cooperate together in ways that give rise to special duties according to the Hart-Rawls principle of fairness, which holds that “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 have submitted to these restrictions have a right to similar acquiescence on the part of those who have benefited from their submission.”¹²

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 just in case none can be excluded from consuming it, and *nonoptional* just in case all must consume some if anyone consumes any.) For basic physical security I depend mostly on my neighbors, then on others in widening concentric circles. Living in San Diego, I depend on the law abidingness of people in the nearby country of Mexico but not at all on the law abidingness of remote fellow countrymen in Maine or Kentucky. Same goes for other types of important public goods. So the 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.

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.¹³ 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 base for an across the board requirement of social justice to give special priority to advancing the interests of co-national fellow cooperators. After all, purchasing resources from those who charge a fair price does not trigger a broad social justice community involving strong requirements to favor fellow community members over outsiders.

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 just 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. How are we supposed to get an egalitarian requirement to bring about the same favorable condition for everybody from a factor that is distributed very unequally across persons—their sociability and cooperative public-spirited virtue. Or we can put this point the other way round: insofar as we do feel that we owe the conditions of the rule of law to all the members of the society we inhabit, even if they are uncooperative scofflaws, the basis of this obligation cannot be entirely 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. Just suppose I am wrong to deny that the crucially important goods that enable people to have decent lives are secured for people for the most part via country by country cooperation. This would mean that in each country people have special duties of reciprocity to their fellow cooperators within that country. These duties require recipients of these cooperative benefits to contribute fairly to the cost of their provision. Just suppose this is true. What would follow regarding the morality of patriotism and partiality to conationals?

Not much, is the answer. First, as already mentioned, the duties that are generated hold only among fellow cooperators, not across entire national populations (including cooperators and noncooperators). Second, as already mentioned, 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 does 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 grater comparative flourishing than is achieved by other nation states. In short: there is no sound deductive route from the Hart-Rawls principle of fairness to national partiality.

A further wedge driving apart duties arising under Hart-Rawls and national partiality is that even if within-country cooperative provision of public goods occurs, so does across-country cooperation. So we may get nested sets of obligations, not one big within-country web repeated within different national borders across the globe. For example, consider the great increase in security against death and destruction by war that cooperation among nations in the aftermath of World War II has produced for people around the world. People who have lived in this 70 year period in each one of such disparate nations as the U.S. North Korea, France, the former U.S.S.R, and China owe a lot to the fact that people in the other nations have by and large refrained from warmongering and supporting politicians who would pursue war and international

aggression. Mutual nuclear deterrence arises from various causes, but it can be viewed as in part the outcome of wide-scale cooperation across nations.

Moreover, nothing in the statement of Hart-Rawls and its application to cooperation within each set of national borders rules out the possibility that the duty to promote and support just governments and social structures very largely derives from a natural moral duty to promote and support justice. This has the shape and structure of a beneficence duty, except that its object is justice anywhere and everywhere. The duty might be a duty to support and respect just arrangements, with the requirement of support including a duty to respect and obey just arrangements when they are already in place. The duty might be limited in its demands, and must be understood as leaving each of us large freedom to live her life as she chooses, and might also allow discretion as to where and how one acts for justice, but nonetheless be a strict duty that makes it mandatory not optional to work for justice up to some limit of cost or risk to oneself.

My duty to support and promote justice so understood is not a duty limited in scope by time or space. If I can promote justice in distant lands, I have as weighty a duty to do that as to assist local justice promotion, and if I can more effectively and at lower cost act to promote justice in distant lands than nearby, my duty to promote and support justice generates duties to act in justice promoting ways that help distant strangers might well take priority over local justice demands. Furthermore, these natural duty requirements might take priority over duties arising from cooperative schemes via Hart-Rawls. Analogy: If I am morally required to fight in a foreign war for justice (e.g., joining a volunteer brigade to fight against Franco) next week, I am not allowed to establish a friendship here at home this week that triggers special friendship duties, and then say I am excused from my world justice obligation by the demands of my local friendship obligations.

The claim that we are all under natural moral duties to promote and support justice is very plausible. The claim that this natural duty takes a gerrymandered form and gives rise to duties specially to the people living within the national borders of the land I happen to inhabit is implausible. Sometimes I may be more able to act effectively to promote justice locally than faraway, but that is an empirical contingency that might or might not obtain.

In short, the claim that our fundamental justice duties arise from reciprocity obligations stemming from cooperative networks within national borders, so our fundamental justice obligations are owed to insiders (fellow countrymen) not outsiders, merits rejection. First, the plausible cooperative networks answering to this description spill across national borders and do not establish special duties owed only to fellow countrymen. Second, these reciprocity duties anyway do not have a shape that fits with the duty of national partiality urged by advocates of patriotism. Third, anyway Hart-Rawls is (I submit) subsumed in a larger set of justice obligations in which a natural moral duty to promote and support justice has pride of place. And this natural moral duty is not shaped by national borders. Its natural shape is extreme cosmopolitan.

Summary.

Even if you agree with all the arguments advanced in this essay, they do not add up to a positive case for cosmopolitanism. I have simply considered several prominent lines of thought that have been offered to support national partiality and found all of them unsatisfactory. The list of arguments considered does not amount to a systematic survey

of all possible justifications. The arguments considered that favor national partiality are a motley. So nothing asserted in this essay rules out the possibility that tomorrow you or someone else will formulate the decisive and compelling rationale for holding that each of us has strong duties of partiality to favor the flourishing of our own nation and its members. The fact that there are a number of bad arguments for a claim does not show or even tend to show that the claim is false.

Nonetheless, I hope to have aroused your critical suspicions. Suppose we start with a commonsense conviction such as the morality of patriotism, work to explain and justify this claim, and after repeated efforts come up empty pockets. At some point we should entertain seriously the view that the basic reason we are failing to find good arguments for the truth of our conviction is that there exist no such good arguments because the conviction is false. Patriotism is perhaps immoral.

¹. See Samuel Scheffler, "Conceptions of Cosmopolitanism," reprinted in his *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford and New York: Oxford University Press, 2001), 111-130. 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." He does not endorse the claim that what seems so here really is so, but he offers no reason to reject it. He suggests that failure to distinguish the moderate and extreme versions of cosmopolitanism might explain the otherwise puzzling fact that some people embrace the extreme version despite the absence of reasons that favor it. Perhaps these people see that some version of cosmopolitanism is very plausible and wrongly suppose the only version available is the extreme version, so make the mistake of concluding that the extreme version is very plausible.

². The view bluntly stated in the text might seem sleazy and corrupt and obviously wrong. How could it be acceptable for public officials to declare that X is morally right when X in fact is morally wrong? Consider a simple example. We teach morality to children in absolutist terms. We say, "Telling a lie is wrong. You should not tell lies." In fact, the morality of deception has to be more complicated and nuanced than this, as we recognize. Sometimes the consequences of not telling a particular lie would be so bad that any sensible person will agree that in this situation one should tell a lie. For somewhat similar reasons, the morality of do's and don'ts that we proclaim in public political contexts, announce from the court house steps as it were, should probably also be stated in simpler terms than would be reflected in the formulation of a set of moral principles we would be prepared to affirm as adequate for all cases. If there is good moral reason for having layers to morality, moving from layer to layer is not hypocrisy, or anyway need not be that.

³. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). On Locke's views, see John Locke, *Second Treatise of Government*, C. B. Macpherson, ed., (Indianapolis: Hackett Publishers, 1980). (Originally published 1690.)

⁴. Thomas Hurka, "The Justification of National Partiality," in Robert McKim and Jeff McMahan, eds., *The Morality of Nationalism* (Oxford: Oxford University Press, 1997), 139-157.

⁵ . His account seems to presuppose that there is one set of conditions that justifies partiality of any type. So if we can isolate the correct conditions for friendship partiality, we can tell if national partiality is justified by seeing if national community solidarity satisfies the friendship partiality conditions. An alternative view would be that there are different types of special tie relationship, and what justifies special tie partiality varies across the different types of special tie relationship.

⁶ . Jeff McMahan, "The Limits of National Partiality," in *The Morality of Nationalism*, 107-138, at 118.

⁷ . Samuel Scheffler presses the line of thought rehearsed in this paragraph in his "Relationships and Responsibilities," in his *Boundaries and Allegiances*.

⁸ . Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30 (2001), 257-296.

⁹ . Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 (2005), 257-296; also Ronald Dworkin, *Law's Empire* (Cambridge: Harvard University Press, 1986, chapter 6, and Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge and London: Harvard University Press, 2000), "Introduction: Does Equality Matter?", 1-7.

¹⁰ . I would say the same claim can be asserted by a mere bystander, in the name of anyone who is or might be affected by what one does. Being the person affected is not required for moral standing to complain about what one does or omits.

¹¹ . Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy and Public Affairs* 35 (2007), 3-39.

¹² . Cited from Nozick, *Anarchy, State, and Utopia*, 90. (Nozick does not endorse the principle.)

¹³ . I defend the principle of fairness against recent influential criticisms in my "Paternalism and the Principle of Fairness," in Christian Coons and Michael Weber, eds., *Paternalism: Theory and Practice* (Cambridge: Cambridge University Press, 2013), 134-156.