

Do Patriotic Ties Limit Global Justice Duties?

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ABSTRACT: Some theorists who accept the existence of global justice duties to alleviate the condition of distant needy strangers hold that these duties are significantly constrained by special ties to fellow countrymen. The patriotic priority thesis holds that morality requires the members of each nation-state to give priority to helping needy fellow compatriots over more needy distant strangers. Three arguments for constraint and patriotic priority are examined in this essay: an argument from fair play, one from coercion, another from coercion and autonomy. Under scrutiny, none of these arguments qualifies as successful.

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Not everyone embraces egalitarian justice. Libertarians find the idea morally distasteful.¹ For those attracted to the ideal, the question immediately arises, whether or not there are principled limits on the scope of its application. Is the jurisdiction of egalitarian justice local, national, or global? Global egalitarianism strikes many of us as satisfying from the standpoint of principle but counterintuitive in its policy implications. Philosophers have tried to

bolster this intuitive sense of unease with principled arguments. This essay examines some promising arguments and finds them lacking.² The upshot of this exercise is to cast doubt on the doubters of the claim that the principles of egalitarian justice have wide scope.

Some preliminary clarification of the question at issue is in order. For the purposes of this essay, principles of justice are moral principles that assert moral requirements that are presumptively enforceable and the violation of which involves wrongs to individual persons. Egalitarian principles of justice hold that it is either intrinsically or instrumentally morally valuable that everyone has access to the same--or closer to the same—level of benefit or advantage over the life course.³ (The measure of benefit might be resources, or primary goods, or capabilities, or utility construed as desire satisfaction, happiness, or objective well-being, or the like.) The instrumental egalitarian views equality not as per se desirable but as a means to desirable ends such as improvements in the conditions of life of the worse off. In this essay I shall focus on the instrumental versions of egalitarianism.

The basic idea of instrumental egalitarian justice is that there is a natural enforceable moral duty to help those who are badly off through no fault or choice of their own. The worse off

the person is, the greater is the duty to aid. Characterizing the duty as “natural” means that it holds independently of social arrangements, conventional understandings, or subjective opinions. If a duty is enforceable, then it is generally morally permissible, and may be morally required, to use physical force and violence and the threat of these evils to coerce people into compliance with the duty, the magnitude of the permissible evils used for this leverage being proportional to the harm that would be suffered if the duty is not upheld.⁴

Some deny that principles of justice have wide, global scope. These skeptics deny that there are significant moral obligations to aid others just on the ground that they are persons and badly off. For these skeptics, serious obligations to aid others are always local and rooted in particular ties and special relations.

The position that is the target of attack for this essay is more limited and moderate than the skepticism just described. The moderate does not deny that there are significant moral requirements under the heading of global egalitarian justice. The issue is the comparative strength of these requirements. The moderate holds that it is morally required to give priority to alleviating poverty and misery that afflict one’s fellow countrymen over contributing to the alleviation of poverty and misery wherever

they may be found. If we are Canadians, we are morally bound to contribute resources to improve the lives of badly off people in Quebec or Vancouver even though these resources would do more good—produce more moral value—if channeled to the aid of more desperately impoverished people elsewhere in the world.

Call the moderate claim just described, that morality requires that the members of each nation-state give priority to helping needy fellow compatriots over helping needy foreigners, the *patriotic priority thesis*. Sometimes the thesis is qualified, so that it applies to governments and to individuals acting in the role of citizens to influence the policies of governments, but not to individuals in their private lives.

A related moderate claim holds that morality requires that each person should do her part to ensure that all humans are brought to a minimal acceptable threshold level of access to benefit, but requires additionally that each member of a nation-state should do her part to ensure that fellow compatriots have their needs satisfied to a degree that is far above the minimal threshold level or that the worst off within the nation receive significant special favor beyond this global minimum.

One might try to defend patriotic priority or another form of moderation by appeal to special felt ties of solidarity.⁵ The claim

would be that we have special duties to those we specially care about, and just as we owe special treatment to family and friends, we owe special consideration to fellow countrymen. A problem with this line of thought is that many people do not experience special feelings of solidarity with compatriots as such. Nor does such lack of feeling seem deviant or unreasonable. Moreover, the most unproblematic and uncontroversial special obligations to friends and family originate in voluntary undertakings, but membership in a nation state is for the most part not voluntary.

The main argument this essay considers is that the members of a nation-state are bound together by a strong web of governmental coercion and support the imposition of this extensive coercion on one another. Co-nationals are involved in mutual state coercion and are not involved in similar coercion of foreigners. Hence, egalitarian justice requirements single out co-nationals for special favored treatment to compensate, as it were, for the imposition of coercion. A related argument holds that, coercion aside, considerations of fair play require those bound by important public goods provision schemes to give priority to fulfilling the duties imposed by these schemes.

THE SIGNIFICANCE OF THE ISSUE

In recent years philosophers have argued about the nature of our putative moral obligations to aid the needy.

In some cases the practical significance of these theoretical disputes is not at all obvious and may in the end be slight. The issue concerning the scope of justice obligations is strikingly different in this regard.

For example, debates about "What should be distributed?" or about whether the currency of justice should be conceived as well-being, primary goods, capabilities, some other notion of resources, and so on are intellectually stimulating, but their practical significance is a subtle matter.⁶

In contrast, the scope issue has palpably significant implications.⁷ For example, suppose that justice requires Rawlsian maximin.⁸ If justice obligations to compatriots take priority, then people in wealthy nations are obliged above all to bring about alleviation of their most disadvantaged members, who are still far, far better off than the globally worst off. If maximin instead applies everywhere across national borders, then people in wealthy nations including their worst off members are required to make sacrifices for the sake of the distant needy, the globally worst off.

FAIR PLAY

One promising argument for something close to patriotic priority appeals to the duty of reciprocity or fair play that is triggered by the local networks of cooperating agents who produce benefits for each other that call for reciprocal cooperation. The idea is that the requirements to aid other people that the duty of local fair play imposes standardly take priority over weaker ties of mere beneficence owed to distant strangers.

Consider the principle of fairness formulated by Herbert Hart and John Rawls: “[W]hen 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.”⁹

The principle of fairness has provoked a considerable skeptical literature.¹⁰ The critics note that it is not in general true that by giving you a benefit I thereby bring it about that you have a duty, much less an enforceable duty, to reciprocate. A gift is different from a contract. This point holds when the recipient of the gift only gets the benefit if she voluntarily accepts it. In other cases, in which one person generates a benefit for another that falls on the other and benefits her independently of whether or not

she consents to receive the gift, it is all the more mysterious to the critics that anyone should think that the generation of a benefit in and of itself establishes a duty to repay on the part of the beneficiary.

I am not a skeptic about the principle of fairness. Moreover, I believe that it can establish duties of reciprocity even in cases in which the receipt of benefits is unaccompanied by voluntary acceptance of the benefit on the part of the recipient. To see this, one needs to see that the intended scope of the principle of fairness is limited to cases of public goods provision. With respect to a group of people, a good is *public* to the degree that three conditions obtain: consumption is nonrival (one person's consumption of some of the good leaves no less for others), exclusion is impossible or unfeasible (if some consume the good, others cannot be prevented from consuming), and all must consume the same amount of the good (more weakly: all must consume some if anyone consumes any of the good). A good is *private* to the degree that none of these three conditions obtains. The three conditions do not all rise and fall together, so the analysis becomes complex. Simplifying, I submit that the key feature is nonexcludability. When a group of people in an area cooperate to provide important public goods, they do not have the

option of providing the good only to those who agree to join in the scheme. The goods to be produced will be available to anyone in the area, and in certain cases the goods are such that they will just fall on people without any mediation of consent to receive the benefit. A classic example is the organization of a defense force that protects the region from external aggression by marauders. If the area defense force is functioning well, deterring invasion, and I am a resident of the territory, I automatically receive a very valuable good of security from harm, whether I consent or not. In this sort of case, the principle of fairness can be restated as a norm against free riding. If one benefits from a fair and reasonable cooperative scheme that supplies one and others with important public goods, one should cooperate by doing one's part in the scheme. As a further claim, I submit that such duties are sometimes enforceable duties. It is permissible to employ coercion to force would-be free riders to contribute their fair share.

Given all this, it might seem plausible to add that the duty to aid distant strangers is simply standardly overridden by stronger duties arising from the principle of fairness. Public goods provision schemes may operate in very small-scale and local contexts, but a very important class of cases involves the mediation of the state. It just turns out to be the case that the most important public

goods that we gain in the course of social life that trigger strong duties of fair play are supplied by peoples organized through national governments. Hence, the duties of fair play follow the lines of governmental jurisdictions and especially the lines of national borders. Canadians benefit from the cooperation of fellow Canadians to supply important public goods, not (to anything like the same degree) the cooperation of Mexicans, South Africans, or Romanians.

Although in this essay I adopt an agnostic stance on the question of the exact nature and strength of the moral duties to aid distant needy strangers, assessment of the argument just raised requires some balancing of the strength of the conflicting moral considerations and hence some specification of the strength of the beneficence duties that are the substance of global justice. If duties to aid the distant needy were utterly trivial or entirely optional and discretionary, they would be utterly swamped by the duties generated by local fair play requirements. But to make the case that this swamping does not occur, it suffices to insist that these beneficence duties are nontrivial and nonoptional.

Take nonoptionality first. Suppose nonlocalized duties to aid the needy give rise to duties (of some unspecified strength) to aid the distant needy. Whatever the size of the aid the duties demand,

let us suppose, as is plausible, that these duties are strict requirements. One does not have the moral discretion to abide by them or pay them no heed. Then one does not have the moral right to engage with others in a scheme of public goods provision that imposes requirements the fulfillment of which reduces one's resources to the point that one cannot fulfill the prior and standing beneficence duties. For concreteness, suppose the global justice duties require that one give one penny per year to the distant needy. Then it is a constraint on the principle of fairness that it cannot be invoked to require someone to give up resources that would leave him unable to pay his required penny contribution per year. The same goes if the global justice duties are more substantial.¹¹

Let us suppose that global justice beneficence duties are nontrivial, significant in strength, as well as nonoptional. This is an appropriate assumption here—recall that we are not arguing with libertarians and other skeptics about beneficence duties, but rather with egalitarians who say local duties come first. The following analogy then suggests itself: Suppose I owe a \$100 debt to Smith, and suppose Smith desperately needs the money. Then some affluent friends of mine organize a local public goods provision scheme, which showers benefits on me. A duty of

reciprocity is triggered, but surely it does not cause the duty to Smith to evaporate, and given Smith's assumed greater need, surely the duty of reciprocity stands behind the duty to Smith in the queue that assigns priority rankings among my duties. The same goes for global justice allegedly in conflict with local reciprocity, I say.

The foregoing thought might seem to just beg the question. I have been writing as though the duty of beneficence comes first in time and a public goods provision scheme is established afterward. In that context, it might be plausible to suppose that the initiation of a cooperative scheme must not preclude fulfillment of prior duties (though if the duties were morally of little consequence, even this might be doubted). But one might just as well imagine that one is born into a world in which there are distant needy strangers and also an ongoing scheme that provides one important public goods.

In my view, the issue is not really temporal but moral priority. If my being better off and your being well off triggers a duty to aid, I cannot evade this duty by cooperating with other well off persons in ways that make the initially well off even better off. Imagining the needy already stretching out their arms before the

cooperative scheme among the affluent is started just makes the point vivid.

A further clarification should be added. The duty triggered by the principle of fairness is not a duty of a sort that could establish patriotic priority. Patriotic priority says that one should give priority to helping local needy fellow citizens as opposed to helping distant more needy strangers who are not conationals. Even if the principle of fairness generates a duty to provide goods to one's fellow countrymen, this is a return for services rendered, not any sort of response to the neediness of badly off condition of those to whom the duty is owed. Those to whom I owe a duty of fair play arising from the principle of fairness might all be wealthy individuals who are among the very best off persons on earth. The argument considered here is one that suggests (wrongly, in my judgment) that duties to aid distant needy strangers are overridden by duties to provide benefits to fellow countrymen. The putative upshot of reflection on the principle of fairness was supposed to be a moral relationship that mimics patriotic priority but is not identical with it. But given that my arguments against the priority of the duty of fair play are found convincing, the exact character of that priority is moot.

AGAINST RECIPROCITY

The preceding section affirms the principle of fair play but argues that its proper jurisdiction is constrained by global justice duties. In passing, I want to register a doubt about reciprocity, regarded as a fundamental source of moral obligation. Our prereflective view is that reciprocity obligations are powerful, but this view is likely to confound a moral and a purely strategic idea of reciprocity. The motivational pull of strategic rationality is strong, but should not be confused with the pull of moral reasons.

The strategic idea of reciprocity is that one should return good for good and evil for evil. This is a counsel of prudence that if followed will redound to one's long-run advantage if one is interacting with a population of reciprocators acting on this same maxim. (Of course, if the population is diverse, a more sophisticated prudence tailors one's policy to the character of those one is interacting with—reciprocity for the reciprocators, avoidance of interaction with noncooperators, and exploitation of unconditional cooperators.) We humans are powerfully drawn to reciprocity insofar as it can be rationalized by prudent calculation, and social life is importantly shaped by such reciprocity.

But prudence is not to be confused with morality. If reciprocity is proposed as a moral requirement, the question arises, reciprocity on what terms? Reciprocity needs a standard, a

measure. What should trigger reciprocity, and what is the measure of adequate repayment? When the issue is posed, it is clear that the measure has to be set by whatever correct moral principles specify. Moral reciprocity then becomes a formal notion. Its requirement is that one should be disposed to behave toward others according to whatever the principles of morality require. Morality might require the well off to help the badly off forever, with no actual behavioral reciprocity demanded of the recipients of help. What reciprocity formally conceived requires is that each person be disposed to interact with others as correct moral principles dictate—so that if correct moral principles require you to aid me in certain circumstances, I should be disposed to do the same if our positions were reversed (which they may never be). More broadly, I should be disposed to behave toward anybody at any time as morality requires. In a society of moral agents, all would be so disposed, and the mutual knowledge that all of us are so disposed brings about a sense of moral community, in which nobody fears exploitive or immoral treatment at the hands of another.

These sketchy reflections are intended to reduce our inclination to suppose that requirements of reciprocity might be substantive and high-priority requirements of morality that in

principle can conflict with and should trump mere requirements of beneficence. Since global justice duties are duties of beneficence, securing that reduced inclination would be good news for the advocate of the position that the duties of global justice are stringent and are not trumped by local ties. Further arguments against that conclusion await a hearing, however.

COERCION

The claim to be considered in this section is that what fundamentally separates our relationship to fellow countrymen from our relationship to distant strangers is that fellow members of a nation state benefit from being involved in a dense web of coercion that demands special justification. A government routinely and massively coerces those within its territorial jurisdiction. A government enforces a large set of laws including criminal and civil law by an apparatus of courts, prisons, and police.

On its face there is something deeply puzzling about the claim that being subject to significant coercion automatically triggers a requirement of compensation.¹² If I have no moral right to do X and indeed am morally obligated to refrain from doing X, why should it be deemed *prima facie* wrongful to coerce me from doing X? To be sure, it may be that doing or refraining from X is not a big deal, morally speaking, so too little is at stake to warrant

coercion that protects people from being harmed ever so slightly by my doing of X. So let us confine our attention to wrongful conduct and violations of rights that are not de minimis.

Coercion might take the form of physically preventing one from doing a certain act, as when a concrete barrier erected by the state highway department blocks me from swerving the car I am driving into traffic headed in the opposite direction. Coercion might also take the form of a threat that attaches negative consequences to my doing some act and hence gives me disincentive to doing it that suffices to deter me from doing it (or would suffice if I was otherwise attracted to choosing it). But again, if I have no right to do X and would significantly wrong someone if I did it, why is it morally problematic to issue a coercive threat "Don't do X or else!?" If I am not anyway tempted to do X, the threat is idle, and if I am tempted, it hardly seems initially plausible that I am then owed compensation for being coerced not to do what I anyway should not have done.

In special cases coercion intended to block agents from immoral action would be gratuitous and insulting, and perhaps wrong on that ground. In a community of stalwart teetotalers, each of whom abstains entirely from consumption of alcohol on principle, a coercive rule forbidding drunken driving might be

deemed to carry the implication that there is a substantial possibility that someone might drink and drive drunk. If this insinuation is false, instituting such a rule might constitute an immoral insult.

I myself am not at all sure that a coercive rule need be insulting in these circumstances. The legislature might enact the law against drunken driving and accompany it with an explicit declaration that the passage of this law does not reflect doubts about the virtue of the citizens, but simply expresses the idea that it is morally important that the rights of people to travel about the roads without being molested by drunk drivers be upheld. Be that as it may, this is a special case.

MILLER'S ARGUMENT

Richard Miller advances an argument from coercion to the moral imperative of patriotic priority that is well worth considering.

He asserts that one would not be morally required to save a person falling from a height if saving his life would bring serious injury (less than death) on oneself.

Next consider the position of someone who is asked to agree to be subject to a scheme of political coercion. Miller writes that "until domestic political arrangements have done as much as they can (under the rule of law and while respecting civil and political

liberty) to eliminate serious burdens of domestic inequality of life-prospects," one can reasonably reject such political arrangements.¹³ On a contractualist view, political arrangements are morally acceptable just in case no one (who is motivated to live in conformity to norms that no one similarly motivated could reasonably reject) could reasonably reject them.¹⁴ I shall interpret Miller as here claiming that political arrangements for a society are reasonably rejectable unless (given priority to principles of basic liberty and equal opportunity) they satisfy domestic maximin: These arrangements must maximize the resources that go to the worst off. In particular, domestic maximin takes strict priority over government-mandated aid to foreigners.

The idea is that those who are burdened by domestic inequality have a good excuse not to accept a scheme of political coercion that channels aid to those who are most impoverished anywhere on the globe at cost to arrangements that could lessen the serious burdens of domestic inequality. The good excuse is just like the good excuse that the person has, who could save a person's life in an emergency, but only at the cost of serious injury to oneself. In each case the cost that must be borne by the one who would be in effect giving aid is more than one can reasonably demand.

But if foreign aid to the global needy is not morally required, it would be morally wrong coercively to impose it on people who suffer the greatest loss if aid is given. Miller puts the point this way: "It shows a lack of respect for another to force her to do more than she must to do her fair share in the task of world-improvement."¹⁵ He holds that insistence on global egalitarianism at cost to those who would benefit from patriotic priority would erode the mutual trust and solidarity among members of the nation-state. Those who are burdened by global egalitarianism could not give willing and informed consent to their domestic political arrangements and simultaneously maintain their self-respect. For self-respect involves upholding one's own significant moral rights, and one's significant moral rights include a right to domestic maximin that trumps any putative right of foreign stranger to aid. In this way a Kantian impartial morality of respect is drawn into service to support patriotic priority.

In response: I do not accept Miller's starting point, the thought that it is morally permissible to refrain from rescuing a (healthy, innocent) person if the rescue would impose serious injury on oneself. If a life is at stake, and there is no alternative action one could perform instead of this rescue that would do even more good, the balance of good to harm is so favorable that one

morally ought to perform the rescue. So say I. But I do accept that in the circumstances he describes it would be excusable not to perform such a brave rescue. Almost anybody would flinch, and shrink back from incurring broken bones or an equivalent violent injury to oneself, even to save a life. Declining to rescue would strictly speaking be morally wrong, impermissible, but likely not blameworthy.

At any rate, the choice of refraining from engaging in a heroic rescue at great and palpable and immediate cost to oneself is morally very different from the issue, can one reasonably reject a political scheme that takes inequality-alleviating benefits that might have gone to oneself and fellow compatriots and instead channels them to people elsewhere on the globe who are worse off than oneself and in greater need of the benefits. In the one case one is asked to make a psychologically difficult choice to throw oneself in harm's way. In the second case no actual choice is required. The hypothetical question for anybody is, would it be reasonable to reject political arrangements on the ground that they do not maximin the resource share of the worst off of those subject to the arrangements, but instead shift resources to other people not subject to the arrangements who are even worse off. The question here is just what is reasonable, what is justified. The

further question whether it might be excusable to reject what it would not be reasonable to reject is not in play.

Of course, the question whether it is excusable to refrain from extreme and immediate self-sacrifice that impartial principle demands is not the same as the question, whether coercion to induce one to make the self-sacrifice would be justified, or whether one could not reasonably reject a moral principle that allows coercion in these circumstances. I suppose it would likely be excusable and not blameworthy at all for a person to refrain from a severely self-sacrificing act that provides greater offsetting benefits to others. But at the same time I think it would not be reasonable to reject a moral principle that allows coercion for the greater good in cases of this sort. If you could credibly threaten me in such a way as to induce me to do the morally justified self-sacrificing act that I would otherwise not do, you would be justified in making such a coercive threat. The questions discussed in this paragraph, which should elicit "Yes" answers, are closer in substance to the question whether a state coercive scheme that deviates from patriotic priority by giving higher priority to getting aid to those who are most in need wherever they might live is justifiable.

The issue, how demanding are the morally reasonable principles that dictate that better off persons are obligated to

alleviate the needs of the truly disadvantaged, is distinct from the issue, whether or not the existence of a web of mutually beneficial coercion binding the better off and some of the less needy brings it about that these less needy persons move higher in the queue that reflects who should benefit from morally required efforts of the better off to aid the needy. This essay defends the position that however demanding or undemanding are the principles that require aid to the needy, national borders and the webs of mutually beneficial coercion within them are strictly irrelevant to determining who should be aided. One's place in the queue that reflects the comparative moral urgency of channeling aid to one person rather than another depends only on how badly off one is and to what extent one's condition would improve with an infusion of resources. So patriotic priority should be rejected. However, it should be noted that the practical significance of this result depends on the demandingness and stringency of duties to aid the needy. If such duties require little or if the requirements they impose are easily overridden by other moral considerations, then there is lots of moral slack, that might be taken up by many sorts of moral considerations including patriotic ties. The three preceding paragraphs point toward arguments that reduce this slack if they prove successful.

Miller inserts another thought in the web of argumentative support for patriotic priority. We should hold it to be a morally urgent matter to do what we can to ensure that our relations with fellow participants in the nation-state scheme of cooperation should be marked by willing trust and shared principled commitment to do our assigned part in the scheme. Moreover, this moral concern to sustain willing cooperation among all members of society is inherently agent-relative. We have special reason not just to do whatever produces greater principled commitment to schemes of cooperation wherever and whenever they might be found but specifically to contribute to sustaining the moral quality of our own political community. If political society coerces individuals in a mutual benefit scheme that benefits some far more than others, without doing the most that can be done to minimize the burdens of this domestic inequality, but instead expends resources to alleviate misery and human need across the globe, the self-respecting person burdened by this scheme cannot sustain principled acquiescence to it.

This appeal to what self-respect requires does not advance the argument in support of patriotic priority. A self-respecting person values her own moral rights and does not lightly accept a political scheme that coercively tramples on them. But this does

not tell us where the borders of one person's rights are and where the boundaries of other people's rights begin. A moral agent acts toward others with respect, in a way that befits their human dignity. But what way is that? I would say, whatever way is required by moral reasons rightly considered. The appeal to the imperative of respect does not by itself indicate what those reasons are or how to gauge their strength. But then I am puzzled by the position that the advocate of patriotic priority claims to occupy. One might claim there is no case for global egalitarianism. One might develop this skepticism from libertarian premises, for example. But the dispute I am engaged in is an intramural dispute among would-be egalitarians. All sides agree that the sheer fact that there are people in the world whose life prospects are (a) bad and (b) remediable by better off persons (c) at tolerable cost (so that the losses the better off would suffer from aiding the worse off are more than made up by the consequent gains to the worse off) itself constitutes a strong reason to bring it about that aid is forthcoming. But given this moral reason to aid the global needy, why does one forfeit self-respect by accepting a coercive political scheme that gives priority to alleviating global neediness? Why does the respect that each moral agent owes every other moral agent require that one not benefit from or support a coercive

political scheme unless it operates to channel benefits to the domestic worse off according to patriotic priority?

THE PATRIOTIC PRIORITY POSITION IS UNSTABLE

I want to return to Miller's starting point, the assumption that it is morally acceptable to prefer one's own lesser good to the greater good of others at least when one is choosing among actions none of which would violate the rights of any other person. In another terminology, one always has the morally permissible option to favor oneself (and those near and dear to oneself) in deciding what to do, within the limits of moral constraints that forbid certain actions.

Suppose we accept this starting point, and suppose we accept that the option to favor oneself permits the poor person in a rich society who would be disadvantaged by a national policy that helps the global poor to prefer instead a policy of patriotic priority that favors her. Then my worry is that this line of thought is an unstable support for Miller's position. On the same ground a person with above-average prospects in a rich society can reasonably reject a policy of patriotic priority that insists on egalitarianism at the level of the nation state. The advantaged person in a rich society can reject this domestic egalitarianism on the ground that its implementation would impose costs on him and

these costs are greater than it is reasonable to expect him to bear. After all, it is wrong to force anyone to do more than she must to do her fair share of world-improvement, as Miller has reminded us. If the personal prerogative to favor oneself negates that presumption in favor of global egalitarianism when the person with below-average prospects in a rich society insists on the patriotic priority) then I do not see why by parity of reasoning the personal prerogative to favor oneself does not likewise negate the presumption in favor of domestic egalitarianism (the personal prerogative) when the person with above-average prospects in a rich society insists that domestic egalitarianism would impose costs on him that it is reasonable for him to reject.

This argument so far as I can see holds across positions that take the egalitarian justice obligation to help the needy and disadvantaged to be more or less demanding. Perhaps egalitarian justice as it were imposes a tax rate of one per cent on the incomes of the better off, or a tax rate near 100 per cent, or anywhere in between. This essay leaves this issue to the side. My question concerns the distribution of the resources that egalitarian justice gathers from better off individuals in wealthy societies. My claim is that one's place in the queue for receipt of these benefits is set by how needy and disadvantaged one is, not by national

borders. Some egalitarian justice function that pays no attention to borders determines a redistribution of resources across various levels of advantage and disadvantage. Now we are to imagine individuals lodging a moral objection against their treatment by this queue. The objection is that they should be specially favored by egalitarian redistribution because they are compatriots of the better off individuals who are being required to disgorge some of their advantages. After all, a scheme of coercion is being imposed on them, and this scheme operates in such a way that inequalities arise that are burdensome to them. The response is that the scheme of coercion, in other words the rule of law that operates within a nation state, is mutually beneficial. All who are not bent on wrongful criminality are better off with the scheme in place than they would be if the scheme were eliminated or had never been established. Why does Benefiting by being a part of a productive coercive scheme does not give one special claims on others who happen to benefit even more—and especially not special claims that trump the rights that neediness per se establishes to the wherewithal for a better life when the cost of its provision is reasonable, all things considered.

We can pose this issue in contractarian terms. What rules would it be reasonable for people to agree to as norms to govern

their interactions with others similarly motivated? Again, we set aside the issue, to exactly what extent it is reasonable that the lucky and advantaged should be required to submit to measures that improve the life prospects of the unlucky and disadvantaged. Let us suppose with Miller that obligations to aid others are limited and that one has the option to favor oneself up to a point.¹⁶ What I still do not see is why any reason so far has been given to suppose that it is reasonable for those who are relatively worse off within a rich nation, though still advantaged when compared to people everywhere, to insist on special favor as against the globally worse off¹⁷. True, the worse off national compatriots are coerced by the rule of law in place in the nation, and true, they cannot reasonably be said voluntarily to participate in this scheme of coercion. It is simply imposed on all who reside within the territory marked off by the national borders. But so far as I can see this subjection to coercion is a lucky unchosen advantage, a windfall from which they benefit. No reason emerges from this quarter that it makes it reasonable for poor members of rich nations to insist on patriotic priority or that renders it unreasonable for the global poor to reject it.

On the other hand, if it is reasonable for the relatively disadvantaged in rich nations to insist that resources that would

render them significantly better off not be exported to aid people who are far needier, by the same token it would be reasonable for the relatively advantaged in rich nations to insist that resources that would render them significantly better off not be transferred to people who are far needier than they are, whether these people reside within the nation in question or in some other region of the globe. What is sauce for the goose is sauce for the gander.

COERCION AND COMPENSATION RECONSIDERED

Consider a simple case of morally unproblematic coercion. Suppose that A is well-off, on the way to leading an extremely good, enviable life. B lives close to A, C farther away. Both B and C are very needy, on the way to leading a bad, unenviable life, but C is far worse off than B. As it happens, A could transfer some of her resources to B or to C, and could secure a significant welfare gain of the same size for either B or C at reasonable cost to herself (the same cost, whether she picks B or C to be the recipient of aid). Now add the further detail that B and C are equally disposed violently to attack A wrongfully if the chance arises. This ill will reduces the entitlement of either B or C to a share of A's plentiful resources, but for the sake of the example suppose that allowing for reduction, there is still ample moral reason for A to transfer

resources to some of B and C. In response to the ill will, A credibly threatens harm to B if B wrongfully inflicts violent attack on her. The threat is effective, so B is coerced not to harm A. A does not threaten and coerce C, who is located farther away, and hence poses no threat to A that would justify a coercive response by her.

According to many plausible conceptions of global justice, A has greater obligation in these circumstances to aid C rather than B. C is needier than B, worse off on the whole, and can be aided to the same extent by a given level of sacrifice by A. The fact that B is closer to A than C is not per se morally relevant.

In this scenario as described, it would (I submit) be wildly implausible to hold that the sheer fact that A justifiably coerces B somehow increases B's entitlement to be the beneficiary of A's obligation to aid the needy. True, A benefits from imposing a scheme of coercion on B, but if this scheme is justified, suffering coercion at the hands of A simply does not constitute a prima facie wrong of any sort that might demand compensation.

But this simple scenario contains everything that the advocates of patriotic bias hold to be morally necessary to shift an individual's obligation toward favoring compatriots over needier foreigners. A helps to sustain a scheme of coercion that constrains B but not C. The scheme benefits A. It is then claimed that the

morality of respect requires that A give resources to B rather than to C, even if this means that C's urgent needs go unmet while B ends up far better off than C. The claim is that B could not submit to a set of rules that mandated no priority be assigned to the satisfaction of her needs over the greater needs of C without forfeiting self-respect. In contrast, C could submit to a set of rules that mandated favoring B even at great cost to herself without forfeiting self-respect.

If the coercion that A imposes on B were morally unjustified, then it is quite plausible that, at the least, A should compensate B for the damage done by this coercion (if not desist from it altogether). But why suppose this is the case? No reasons have been proposed. The considerations of respect and self-respect that advocates of patriotic bias cite as justifying the bias under examination turn out to be neutral between this policy and straight egalitarian global justice without any bias at all. In other words, the argument begs the question.

Of course there is the possibility that A is justified in coercing B, but only if A compensates B for the insult of coercion. The way would then be open to argue that maintenance of egalitarian policies that strongly favor the badly off who are subject

to this coercion, but not others, would be appropriate compensation.

However, I see no argument in the vicinity that makes this possibility look anywhere near compelling. Here we return to the discussion of the previous sections, which searched in vain for such arguments.

This point can be restated in other words. One cannot just say that either coercion is justified, in which case no compensation to the coerced is owed, or the coercion is not justified, in which case it should not occur. There is a third alternative: perhaps coercion is morally permissible but only on the condition that adequate compensation is paid to those coerced. Here what should be said is that if I am contemplating coercion of others to benefit myself, a condition on the acceptability of such coercion is that it does not prevent me from fulfilling prior serious moral duties. Given that global justice duties are fulfilled, it might be acceptable for me with others to institute a coercive scheme that benefits us at cost to others, provided those coerced to their disadvantage are adequately compensated.¹⁸

COERCION AND AUTONOMY

Another view of the significance of coercion stresses the value of autonomy. The idea is that coercion requires a

justification, that shows how the cost to autonomy that coercion involves is here morally offset. States massively coerce the inhabitants of their territory, so they massively infringe their autonomy, which requires a justification. State coercion is morally acceptable only if it could elicit the consent of all affected parties if they were fully reasonable.¹⁹

Autonomy here is self-rule. This is partly an individual achievement. I fail to rule myself if I succumb through weakness of will to desires that I disavow. Autonomy on this conception is also in part a feature of the environment of the agent. I fail to rule myself if the actions I choose are selected solely to avoid penalties imposed by other people. If the actions I choose throughout my life are dictated by a natural threat that gives me little scope for developing myself in ways I would prefer, my life is ruled by the threat, not by me. In Joseph Raz's example, if I spend my life on a small island moving about to avoid a tiger that continuously seeks to devour me, I am deprived of autonomy.²⁰

An autonomous person lives her life in conformity with values and desires that she affirms after critical reflection. This condition could be satisfied by a person who entirely lacks external freedom. She is imprisoned, say, and tied down, so she has no significant scope for choosing what actions to perform. But her will

remains steadily oriented to conformity to the values and desires that she affirms. Autonomy requires an environment that cooperates with self-rule by allowing scope for choice of any of a variety of plans of life that would seek different valuable aims. In addition, as often conceived, autonomy is especially averse to coercion. The more throughout the course of her life an individual's important life choices are constrained or manipulated by coercion, the less autonomous is the person over the course of her life.

Coercion occurs when one person threatens another and the threatened person complies with the threat, choosing the act that complies in order to avoid the threatened penalty for noncompliance. This definition is rough, but good enough for present purposes.²¹

Notice that threats, even those that pose severe penalties, do not coerce an individual who complies if desire to avoid the threatened penalty does not lead the individual to choose the act that happens to comply. Laws forbidding murder threaten very severe penalties, but these laws do not coerce me not to murder my wife if my reasons for refraining from murder that actually cause my refraining do not involve the threat of penalties. Generalizing from this case, a full panoply of criminal and civil laws

that are all morally justified might be backed up by the gallows, prison, and fines, but would not in the slightest diminish the autonomy of fully moral and reasonable persons, who are moved to do what is moral because they see that there are good moral reasons for doing it. The laws do not actually coerce fully reasonable and moral persons.

Nonetheless we can concede that if one is wandering about a city surrounded by impassable high walls, even if one never wants to wander outside the city walls (and even if one's desires in this regard are not distorted by adaptive preference formation), one would have greater freedom to live one's life as one chooses if egress from the city were possible. The city's laws enforced by criminal law sanctions might limit one's freedom in much the same way.

But not every limitation of one's freedom significantly reduces one's opportunity to be autonomous. The rule of law blocks one from doing certain things but opens other possible courses of action that would not otherwise be available. A set of laws that reduces one's freedom in order to ensure that everyone's moral rights are respected including one's own can leave one enormous freedom to live one's life in any of many significantly

different ways, to be a significant part-author of one's life, to live autonomously.

If one is set on a criminal life, or would venture on this path if it were not for the effective deterrence set in place by the system of criminal justice, then one does clearly suffer significant coercion and significant loss of autonomy. But this example shows that autonomy does not have constant value across all of the settings in which people's actions might expand or contract it. If one has morally innocent life aims, and state coercion wrongfully and coercively blocks one from pursuing them, one has suffered grievous loss of autonomy. If the state coercion that blocks one from effective pursuit of one's innocent aims is nonwrongful (because the cost to oneself is outweighed by gains to others as assessed by fair principle), the loss to one's autonomy is morally of less significance. This is especially so if the system of criminal justice law and state coercion leaves one large significant freedom to pursue a wide array of life plans and if one significantly benefits on the whole from the fact that the scheme is in place (compared to some anarchic alternative in which one is not troubled by state coercion). State coercion and individual autonomy are fully compatible.

Of course, if the imposition of state coercion on less well off members of a wealthy nation would be wrongful unless those imposed on were compensated by special intrastate egalitarian redistribution in line with patriotic priority, then according to the view just set forth, the imposition of this coercion on the less advantaged would constitute a significant injury to their autonomy. But it would be question begging for the advocate of patriotic priority to just assume this is so. Once again the considerations marshalled by the advocate of patriotic priority do no more than pose the issue and do not under scrutiny reveal reasons to favor the patriotic priority resolution of the issue.

My conclusion then is that it is not so that the coercive laws that the state enforces must massively infringe the autonomy of those subject to the laws and can only be justified *inter alia* if the system of laws provides adequate compensation for this loss of autonomy. If the laws steer people toward acts that all things considered they morally ought to perform, then either they do not actually infringe on autonomy (if those regulated by the laws are reasonable and moral) or they do infringe on autonomy (if those regulated by the laws are prone to act immorally and coerced by the laws to refrain from doing so), but the autonomy that is thereby lost is not significantly valuable. In neither case does the

imposition of state coercion generate an obligation to compensate those who are coerced. The reasonable and moral are not coerced and the unreasonable and immoral are not deserving of compensation to offset the harm coercion imposes on them.

COERCION EXCLUDING WOULD-BE IMMIGRANTS

Assume for the sake of the argument that I am wrong to deny that coercion per se seriously dampens autonomy and so coercion is generally justifiable only if those who coerce adequately compensate those who suffer losses of autonomy due to coercion. This concession does not improve the case for patriotic priority in the contemporary world.

Notice that rich nations coerce would-be entrants at the border to refrain from entry. The members of rich nations on the whole and on the average gain advantages, or believe they gain advantages, from coercively denying entry to would-be immigrants. Consider those immigrants who are impoverished and disadvantaged, worse off than the worst off members of the rich nations that exclude them.

If coercion seriously injures autonomy, this coercion at the border seriously injures the autonomy of those who are forcibly excluded. This exclusion is far more negatively consequential for the expectable quality of the lives of the excluded than is the

scheme of coercion imposed on everyone within the rich nation via the rule of law, which tends to advantage all those coerced even though the advantages are not spread evenly across the members.

So if coercion injures autonomy and automatically calls for compensation, then I submit that the coercion imposed by the members of rich nations on impoverished would-be immigrants is a far more serious violation of their autonomy and demands far more compensation than the mutually beneficial scheme of coercion the members impose on each other.

Once again the moral scenario conjured up by the advocates of patriotic priority collapses under examination.

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¹ . The locus classicus of libertarian advocacy is still Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

² . My focus here is on two excellent essays—Richard Miller “Cosmopolitan Respect and Patriotic Concern,” *Philosophy and*

Public Affairs 27 (1998) pp. 202-224; and Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs*, 30 (2001), pp. 257-296. For criticism of these writings (and more) very much in the spirit of this essay, see Kok-Chor Tan, "Patriotic Obligations," *The Monist* 86 (2003), pp. 434-453.

³ . Significant formulations of egalitarian justice include John Rawls, *A Theory of Justice*, revised ed. (Cambridge, MA: Harvard University Press, 1999); Amartya Sen, *Inequality Reconsidered* (Cambridge, MA: Harvard University Press, 1991); and Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000).

⁴ . Mention of "proportionality" here just points to a topic that needs to be addressed. What is appropriate proportionality? Act-consequentialism holds that force and violence and the threat of these evils should be deployed just in case doing so produces the best outcome all things considered. Violence is proportionate on this view if and only if it produces a better outcome, even if only by a tiny jot, than would any alternative act that refrains from violence. The defense of act-consequentialism lies beyond the scope of this essay.

⁵ . See Thomas Hurka, "The Justification of National Partiality," in Robert McKim and Jeff McMahan (eds.), *The Morality of Nationalism* (Oxford and New York: Oxford University Press, 1997), pp. 139-157. See also Samuel Scheffler, "Relationships and Responsibilities," in his *Boundaries and Allegiances* (Oxford and New York: Oxford University Press, 2001); also Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), chapter 5. For criticism, see Richard Arneson, "Consequentialism vs. Special-Ties Partiality," *The Monist* 86 (2003), pp. 382-401.

⁶ . See Amartya Sen, "Equality of What?," reprinted in Sterling McMurrin (ed.), *Tanner Lectures on Human Values*, vol. 1 (Salt Lake City: University of Utah Press, 1980); also John Rawls, "Social Unity and Primary Goods," reprinted in his *Collected Papers*, ed. Samuel Freeman (Cambridge : Harvard University Press, 1999), pp. 359-387; also G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 89 (1989), pp. 906-944; also the references in footnote 3 of this essay.

⁷ . To clarify: I suggest that the "what should be distributed" question has less practical significance than the issue, whether justice obligations have global or restricted scope. Of course there is also the "What form should the distribution take" question—should the principle of distribution be equalize, maximin, prioritize,

maximize-the-aggregate, or something else entirely—and this issue sometimes has clear policy implications. I am indebted to Peter Vallentyne for this phrasing of the two questions. The scope issue that is my focus in the text can be seen as an aspect of “what form should the distribution take.”

⁸ . As characterized in John Rawls, *A Theory of Justice*, pp. 72 and 132-133. See also Amartya Sen, *Collective Choice and Social Welfare* (San Francisco: Holden-Day, Inc., 1970), p. 138n; also Sen, “Rawls versus Bentham: an Axiomatic Examination of the Pure Distribution Problem,” reprinted in Norman Daniels (ed.), *Reading Rawls* (New York, Basic Books, n.d.), pp. 283-292.

⁹ . Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 90. See also Nozick’s references to the relevant work by Hart and Rawls. Nozick of course is quoting the principle of fairness as a preliminary to demolishing it.

¹⁰ . The main critic is A. John Simmons. See his “The Principle of Fair Play,” in his *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), pp. 101-142. A recent discussion is in Garrett Cullity, “Moral Free Riding,” *Philosophy and Public Affairs* 24 (1995), pp. 3-34. The defense of the principle of fairness in the text draw from Arneson, “The

Principle of Fairness and Free-Rider Problems, *Ethics* 92 (1982), pp. 616-633.

¹¹ . In this connection, see Samuel Scheffler's discussion of the "distributive objection" in his "Families, Nations, and Strangers," reprinted in his *Boundaries and Allegiances* (Oxford and New York: Oxford University Press, 2001), pp. 66-81.

¹² . Clarification: I deny that coercing someone automatically puts one under special obligations to that person. Coercion is an act to be assessed like any other (according to its consequences, I would hold). But I do not argue in this essay against the claim that it can matter morally whether one does or allows harm to others, as deontologists hold. Nor is it the case that global justice duties entirely consist of duties to aid distant needy strangers. A deontologist will pay special heed to duties to refrain from harming distant needy strangers (in certain ways that violate rights). Consider in this connection the agricultural subsidies that the U.S. and European governments lavish on their farmers, which enable them to compete on unfair terms with poor farmers in developing nations. "Reducing these subsidies and removing agricultural trade barriers is [sic] one of the most important things that rich countries can do for millions of people to escape poverty all over the world," said Ian Goldin, the World Bank's vice president for external affairs.

“It’s not an exaggeration to say that rich countries’ agricultural policies lead to starvation.” Quoted from Elizabeth Becker, “Western Farmers Fear Third-World Challenge to Subsidies,” *New York Times*, Tuesday, September 9, 2003, p. A8.

¹³ . Miller, “Cosmopolitan Respect and Patriotic Concern,” p. 210.

¹⁴ . T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), chapters 4-5.

¹⁵ . Miller, “Cosmopolitan Respect and Patriotic Concern,” p. 215.

¹⁶ . We can also accept that some forms of priority for friends and others to whom one has special ties are morally permissible. What I deny in this essay is that **patriotic** priority is acceptable. Merely being co-residents of the same country does not suffice to establish a special tie that warrants partiality. Nor can individuals acquire such obligations merely by voluntarily asserting them

¹⁷ . One might entertain the thought that the poor who live in proximity to the rich and superrich suffer from relative deprivation that renders them objectively worse off than distant others who are materially more poor. But this sort of consideration, whether correct or incorrect, has no tendency to justify patriotic priority. To the extent relative deprivation really does make one worse off according to the proper measure of people’s condition, to that

extent the global egalitarian justice function would already properly adjust for this factor.

¹⁸ . Recall that this essay does not take a stand as to how demanding such pure beneficence requirements to aid the needy are. My claim is that whatever their size, one cannot whittle them into smaller size by instituting coercion to benefit oneself and then claim one now has a strict duty to compensate the coerced that trumps the beneficence obligation.

¹⁹ . Michael Blake develops this line of thought in his "Distributive Justice, State Coercion, and Autonomy."

²⁰ . Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), chap. 14, p. 374. On the notion of autonomy, see also George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge University Press, 1997), chapters 3 and 4.

²¹ . See Robert Nozick, "Coercion," reprinted in his *Socratic Puzzles* (Cambridge: Harvard University Press, 1997), pp. 15-44.