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# Patriotic Bias and Institutional Coercion

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# Honors Project

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Title: Patriotic Bias and Institutional Coercion

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**Patriotic Bias and Institutional Coercion**

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### **Abstract**

This thesis in political philosophy considers justifications for a bias towards compatriots in the allocation of resources. I reject arguments in support of national partiality that appeal to the intrinsic value of the nation as well as those based on analogies between the nation and the family. Instead I offer an impartial defense of the existence of special duties towards conationals as fellow participants in a nation state, based on the account offered by Michael Blake. The use of political power by the state gives rise to a greater degree of concern for the needs of compatriots than for the needs of foreigners. I extend Blake's argument by claiming the existence of a global basic structure, which is coercive in nature. This basic structure gives rise to a concern for distributive justice globally.

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## Introduction

National borders occupy a curious position in political philosophy and ethics. Their existence and location is often the result of mere historical accident. Yet, despite this arbitrary nature, the nation states defined by these borders are often chosen as the primary actors in theories of international relations. In Ethics, there is a tension between the fact that citizenship seems morally arbitrary, insofar as it is usually bestowed upon persons at birth, and on the other hand the moral obligations that participation in a particular society seem to give rise to. In the context of global poverty national borders take on another moral dimension since they often, as Michael Blake puts it, “divide not simply one jurisdiction from another, but the rich from the poor as well” (Michael Blake, 2001). Given the grim facts of poverty in many parts of the world, the question of what is owed to compatriots and foreigners respectively becomes more urgent, as the latter group will frequently be found to be in dire need of help.

This thesis explores the grounds on which we are justified and obligated to prioritize the needs of compatriots over foreigners. It will consider different justifications of such a patriotic bias. I understand this bias as a permission and obligation to prioritize the needs of compatriots over other persons in a substantial way that will lead to a significantly differential allocation of resources between the two groups. Weaker forms of priority, such as an obligation to grant small favors to compatriots in general, will not count as a true patriotic bias. This definition can of course be disputed, but given the strong patriotic biases by which most nations seem to operate in the global arena, I do not think that this sets an unrealistically high standard. After all, it is this strong form of bias that stands in need of justification and qualification.

In chapter 1 I explore the attempt by Richard Miller to establish a patriotic bias from a universalist point of view. He attempts to provide an account of patriotic priority that does not appeal to nationalistic sentiments in order to make it acceptable to cosmopolitan philosophers. Such philosophers believe that human beings are ‘the only

relevant moral unit” and are often thought to be unable to defend views that would prioritize compatriots over foreigners since they consider citizenship to be a morally irrelevant fact about persons. Whilst a valiant attempt, Miller’s argument is characteristic of cosmopolitan defenses of patriotic bias in that it ultimately fails to find sufficiently compelling grounds for a bias. He appeals to the notion of equal respect, which turns out to be uninformative in establishing a reason for bias and he does not give us sufficient guidance in defining the limits of patriotic favoritism. His argument does point us in the direction of Michael Blake’s account found in chapter 3.

The cosmopolitan difficulties with justifying a patriotic bias lead many to reject it as a useful philosophy of international relations. Instead, they revert to more traditional arguments for patriotic priority based on the intrinsic value of the nation or the relationship amongst compatriots. Chapter 2 considers two arguments of this kind by David Miller and Jeff McMahan respectively. David Miller proposes a patriotic bias that consists of the special duties that we owe to compatriots. These duties are based on the intrinsic value of the relationship that we share with our compatriots. I contend that such duties indeed exist, but that they are relatively weak in nature and can easily be superseded by other duties and concerns in a way a patriotic bias cannot. Jeff McMahan argues that a duty of gratitude is owed to the nation for endowing its members with the benefits of culture, language and a historical context within which they can situate themselves. This argument from gratitude is familiar from arguments in philosophy of law, and suffers from a similar flaw as those arguments: the fact that a debt of gratitude exists does not necessitate that such a debt be discharged through any particular duty. It is thus less than obvious that this gratitude needs to be expressed in the form of patriotic favoritism. Arguments based on intrinsic value thus support some intuition as to why we ought to be favorable to our compatriots, but they fail to uphold a strong patriotic bias.

This thesis argues that such a robust bias can only be derived from a political conception of the nation as a state. Chapter 3 builds on the argument by Michael Blake

that it is the fact of state coercion that gives rise to a concern for distributive justice. Blake argues for the importance of personal autonomy. Coercion of any form infringes on this autonomy and thus stands in need of justification. For Blake, such justification can only come in the form of hypothetical consent. One should be able to have given consent to the coercion to which one is subject; even if one may disagree with the execution of it in specific cases. The domestic legal system has profound effects on the life prospects of all citizens. Of particular concern are the prospects of the least advantaged in society. Blake argues that this group can only accept the legal system if it incorporates a substantial degree of concern for the relative standards of living of all citizens. It is this concern that constitutes the patriotic bias, as it is a concern that is only owed to compatriots and not to persons in general.

I agree with Blake's claim that it is the existence of institutional coercion that gives rise to a concern with inequality of life prospects on the domestic level. However, I contend that such institutional coercion also occurs on a global scale and that a theory of patriotic bias needs to take into account the realities of globalization. I argue for the existence of a global basic structure that is coercive in nature. This structure significantly affects the lives of many around the globe and infringes substantially upon their autonomy. I argue that, if we accept Blake's argument, we are then also committed to a concern for the relative deprivation of the persons subject to this global structure. The patriotic bias is nevertheless still upheld, since the severity of coercion on the domestic level is greater than that of the global level by degrees and much more is thus owed to compatriots than to foreigners.

### **Context and scope**

Some notes on the context and scope of this thesis are in order. The debate concerning patriotic bias is one that cuts across many different schools of thought in political philosophy. This thesis is concerned with formulating a patriotic bias within the

context of liberal political theory, which has its origins in the writings of Kant and Rousseau. The challenges, objections and alternative views in this thesis are therefore ones that respond to this tradition and which predominantly use framework provided by John Rawls. This tradition still presents us with a wide and varied literature, with vastly differing views ranging from the radical global egalitarianism proposed by some cosmopolitan thinkers such as Peter Singer, to those with more nationalistic sentiments such as David Miller. It does mean that schools of thought such as utilitarianism, which uses an entirely different framework, are outside of the scope of the present discussion.

The degree of abstraction from the particularities of political practice and political systems is another important methodological choice in political philosophy. John Rawls largely practices what he calls “ideal theory” (Rawls, 2001, p. 13), which represents one of the most abstract forms of political philosophy. Although grounded in Rawlsian thought, this thesis takes a less abstract approach. For example, it will consider the existence of nation states and domestic and global institutions not simply as given, but as facts that a theory of patriotic bias necessarily needs to take into account.

### **Use of terms**

A few terms in the paper deserve some extra defining as they depart from common usage. An important distinction is that between the nation and the state. Although these are used interchangeably in everyday speech, the literature uses them to refer to two different entities. The nation is used to denote a group of persons who consider themselves to be part of the same nation, a historical entity with its own culture. The nation does not necessarily coincide with any political entity and may in fact not have any such political embodiment at all. The state, on the other hand, is a purely political entity, characterized by a central government and a set of institutions that are shared by its citizens. Though the nation and the state may coincide, this is by no means necessary and they can exist completely independently of one another.

Another question often asked with regard to this debate is: “a bias in what?” This is indeed an important question as there are many ways in which we can privilege some persons over others. In general, I will consider the patriotic bias to consist of a duty to have extra concern for the needs of compatriots and a duty to allocate greater resources in order to help them meet those needs. Being biased to someone is taking a greater interest in promoting their life prospects.

Throughout the paper I will frequently appeal to concepts and phrases from John Rawls. Chapter 1 includes a section in which a rudimentary explanation of some of these ideas is given. They will be further elaborated on in chapter 3, which includes a reinterpretation of Rawlsian theory.

## 1. Patriotic Bias Based on Equal Respect

The concept of a patriotic bias provides a difficult puzzle for those with cosmopolitan sympathies. Whilst representing a wide variety of views, all cosmopolitans adhere to a belief in the intrinsic, equal worth of all persons. Such a belief in equal moral worth seems *prima facie* at odds with favoring compatriots over foreigners. After all, how could arbitrary characteristics such as nationality and citizenship be grounds for favoring some persons over others? Cosmopolitans often struggle with the competing intuitions about, on the one hand, having equal concern and respect for all, and on the other hand, being partial to one's conationals. One approach used to accommodate both these intuitions is by taking a universal principle that applies to all persons equally, and showing that proper compliance with such a principle requires different things for compatriots and foreigners. This chapter will look at one such approach, offered by Richard Miller.

An analogy may help clarify how arguments of this sort generally work. Say, there is a universal principle which states that I have to water the plants in my apartment sufficiently. Proper compliance with such a rule would then require me to give more water to my orchid than to my cactus, since what is sufficient for each may differ. Naturally, people pursuing the "universal principle" approach do not argue that compatriots and foreigners have different levels of sufficiency. What the example illustrates is how a universal principle, applied to objects of equal worth, may require us to act differently depending on particular circumstances, characteristics and needs. Authors who follow this approach will thus attempt to show that a universal principle may generate different duties to different people depending on specific features about them, and the relationship in which we stand to them.

In this chapter I will focus on an argument of this type given by Richard Miller. In his contribution to the anthology *The Political Philosophy of Cosmopolitanism*, entitled

“Cosmopolitan Respect and Patriotic Concern”, he provides a universalist defense of a patriotic bias. He takes the principle that we owe equal respect to all persons, and attempts to show that this gives rise to different duties towards compatriots and foreigners. Our compatriots are our co-participants in society, and since such participation is often unchosen and accompanied by certain burdens, respectful treatment of them requires greater duties than respectful treatment of foreigners. The patriotic bias is made up of those duties. They are obligations that we owe to our conationals in order to show them respect and maintain social trust. Conversely, the failure to uphold the duties that comprise the patriotic bias entails the disrespectful treatment of our compatriots and thus a violation of the principle of equal respect. According to Miller’s account, it is thus wrong not to favor compatriots. Miller’s specific focus here is the duty to prioritize fellow nationals in the allocation of tax-financed aid, but the same argument seems to support other forms of favoritism as well.

In this chapter I argue against the position put forward by Richard Miller. I will begin with an exposition of his argument. I will explain Miller’s parameters of what it means to show equal respect and examine the strong patriotic bias that he derives from this. I will then provide my own critique, focusing firstly on what I hold to be an improper framing of the issue, followed by a more fundamental criticism of the notion of equal respect used by Miller. I will show his definition of equal respect to be uninformative and anemic. It radically underdetermines the required degree of partiality towards compatriots and provides poor guidance in determining what is owed to compatriots and foreigners respectively.

Political philosophy is hugely influenced by the writings of John Rawls, and a rudimentary understanding of Rawlsian terminology and thought is therefore necessary for a proper appreciation of Miller’s argument. Although Miller does not defend a Rawlsian position, his argument is clearly informed by concepts introduced by Rawls. To

this end, I provide a brief explanation of concepts found in Rawls (2001). This explanation will also provide the reader with a good background for the discussion of state coercion in chapter 3.

### **A Universalist Bias**

In his paper, Miller aims to provide “a universalist justification of the patriotic bias in aid” (Miller, 2005, p 127). Universalism here refers to a position similar to cosmopolitanism, which takes human beings as ‘the relevant unit of moral concern’. It is mainly defined in contrast to what Miller calls particularism, which is a view that ascribes intrinsic value to communities of persons such as nations. For particularists, the defense of patriotism is usually based on some notion that it benefits the community or the nation state. Chapter 2 discusses at length two particularist arguments, by David Miller and Jeff McMahan respectively.

Richard Miller adopts the universalist view that all and only persons have intrinsic moral value. As stated above, this commits him to the use of universal principle that applies to all persons. The principle he uses is that of equal respect, which is often used in the literature. At first sight, such a principle seems uncontroversial. The opposite, after all, would be that we owe less respect to some rather than others. Respect, however, is commonly thought of as related to dignity, something all humans are entitled to. Showing someone respect means recognizing their dignity. Differing the degree of respect shown to person A and person B would then suggest that A has more or less dignity than B, or that A’s dignity is to be recognized to a greater extent than B’s. Concepts such as respect and dignity remain, however, unhappily vague. Miller thus needs to define equal respect in more concrete terms if it is to support his argument for a patriotic bias.

This bias, he points out, consists of two separate biases: an attention bias and a budgetary bias. Both of these need to be established if the patriotic bias is to be justified. To establish the attention bias he has to prove that we are justified and indeed obligated

to pay more attention to the needs of our compatriots than to the needs of foreigners. The budgetary bias is the working out of this attention bias in terms of assigning aid and simply means that the majority of our tax-financed aid is indeed spent on compatriots. He recognizes that he has to establish the attention bias before he can claim the budgetary bias.

### **The Principle of Equal Respect**

In establishing the principle of equal respect, Miller makes an appropriate distinction between respect and concern. Whereas most of the literature conflates these two terms, he defines them separately. Concern, for Miller, applies to personal relationships such as between family members, friends etc and signifies a deep level of caring for the well being of others. I think Miller rightly restricts this type of sympathy to those who we are personally acquainted with. As an example, he states that although he owes equal respect to his daughter and the girl across the street, he is not required to have the same level of concern for the latter. I think this is a sensible distinction and it clarifies the task at hand: since concern covers all persons that we stand in a personal relationship to, the principle of respect is the one that will regulate our dealings with strangers domestically and abroad.

The equal respect that we owe to strangers has two parameters; two conditions that have to be satisfied:

- 1) "One avoids moral wrongness just in case one conforms to some set of rules for living by which one could express equal respect for all" (Miller, 2005, p. 132)
- 2) "A choice is wrong just in case it violates every set of shared rules of conduct to which everyone could be freely and rationally committed without anyone's violating his or her own self-respect."(Miller, 2005, p. 132)

The phrasing of these parameters is somewhat confusing, but in a nutshell they provide two conditions under which equal respect is violated. Under the first rule, it is

morally wrong to choose a method of administering tax-financed aid that does not show equal respect for all. An example of this would be to withhold aid from a family living below the poverty line, while at the same time providing financial assistance to middle income families. The second parameter claims that it is wrong to choose a way of distributing aid that some persons could not self-respectfully accept. To use an example, if you and I were to start a lawn mowing business and I suggested that, even though we put in the same amount of work, I should get all the money, then that would not be an arrangement that you could self-respectfully accept.

The distinction may be easier understood by rephrasing it as the difference between respect outward and respect inward; respect for others and self-respect. The respect outward is both a duty and a right to treat others in a respectful manner. Respect inward is the respect one owes to oneself. It gives one the right to reject a set of shared rules if one feels that one cannot do so without giving up self-respect. Any administration of tax-financed aid has to express and satisfy both forms of respect.

### **Rawlsian Intermezzo**

At this point I think it will be beneficial to elucidate some concepts from John Rawls that are implicit in much of Miller's further discussion. Although Miller is not defending anything like a Rawlsian position, much of political philosophy is steeped in the tradition started by Rawls and it is therefore useful to have a basic understanding of some of the background concepts informing this discussion. Many of these concepts will also feature in the discussion of the coercive nature of the state in chapter 3.

Rawls conceives of society as "a fair system of cooperation" among free and equal citizens (Rawls, 2001, p.14). This fairness is necessary for Rawls because one does not choose what society one is born into, and exiting a society is extremely difficult if not impossible. Society is thus unlike other forms of association such as local communities, schools, clubs, church congregations etc. where membership can be given up if one is

asked to uphold rules and practices that one is unwilling to support. The unchosen and inescapable nature of national membership gives rise to more stringent duties of fairness. Following the contractarian tradition in political philosophy, Rawls desires a society that every member could have freely chosen to participate in. This requirement ensures that all members are treated fairly.<sup>1</sup>

To figure out the rules by which such a society would be governed, Rawls introduces the thought experiment of the Original Position. He imagines representatives of the different groups in society coming together behind a ‘veil of ignorance’, which strips them of all knowledge of their particular characteristics and place in society. The purpose of this veil is to remove from the participant any information that could give them an unfair bargaining advantage over others. Rawls argues that under these circumstances of uncertainty people will be risk averse and choose rules for their society that are fair and quite strongly egalitarian, just in case they end up at the bottom of the social ladder. For example, they would not choose a society in which a certain group is excluded from political participation, since they do not know the probability that they will be in this group.

One of the rules they will choose, according to Rawls, is the Difference Principle. This principle requires that “social and economic inequalities [...] are to be to the greatest benefit of the least-advantaged members of society” (Rawls, 2001, p. 43). The Difference Principle will feature heavily in Chapter 3 when we discuss Michael Blake’s argument from state coercion and is an important part of Rawlsian thought. Rawls’s concern with the least-advantaged group in society makes sense: given the coercive nature of the state and the near impossibility of exiting society, it is the worst off group that is most likely to feel trapped in a system that they would not voluntarily uphold. Miller’s concern for compatriots seems to largely focus on this group as well, and for similar reasons.

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<sup>1</sup> In chapter 3, Michael Blake will reject this common idea that Rawls is concerned with the terms of fair cooperation. He argues that coercion, not cooperation, is the driving force behind distributive justice.

For our present discussion I will focus on people being badly off in economic and social terms, in terms of their access to the means to improve their lives, since this is Miller's focus as well. Rawls himself considers the much larger category of "primary goods", which includes certain freedoms and access to institutions, as well as economic means. In Chapter 3, the discussion will be broadened to include primary goods.

In addition to social inequality, Rawls is deeply concerned with the political power given to the state and the rules and limitations that ought to apply to it. For Rawls, "political power is always coercive power applied by the state and its apparatus of enforcement" (Rawls, 2001, p. 40). As citizens we participate in the creation of laws, which the state then enforces in our name. At the same time, we are also subject to these laws and they can be coercively enforced upon us. The state owes justification to its citizens for the use of political power on both these grounds. When it uses its political power, it owes a justification to the people in whose name it does so; and at the same time justification is owed to those who this coercive power is used against.

A detailed discussion of the role of state coercion, its place in Rawls, and its implications for a patriotic bias, will occur in chapter 3 when Michael Blake's argument is presented. His view relies on a reinterpretation of Rawlsian thought as it is briefly sketched here. Again, Richard Miller does not expressly appeal to any particular parts of Rawls, so a more detailed discussion of these ideas is not in order. However, I do think that his discussion takes place against a Rawlsian backdrop and that some familiarity with concepts from Rawls will aid the reader in understanding Miller's concerns.

### **Loss of Social Trust**

Returning to Miller's argument, he claims that a failure to prioritize compatriots would entail a violation of the principle of equal respect. This violation comes about in two ways. First, without a patriotic bias, tax-financed aid is distributed in a way that does not express respect to all. Specifically, the least-advantaged members of society are not

treated respectfully by their fellow citizens. This goes against the first parameter of equal respect that I stated above. The idea here seems to be that by not paying extra attention to the needs of disadvantaged compatriots we are treating them disrespectfully, which the first parameter holds to be wrong.

The second way in which a breach of equal respect comes about is through the inability of the least-advantaged group in society to self-respectfully accept such an unequal allocation of tax-financed aid. Put differently, the least well off members of society could not choose a use of tax-financed aid that did not prioritize them and at the same time maintain their self-respect. The sacrifice required of them would be too large, the inequalities faced too stark. Since an allocation is imposed on them that they could not self-respectfully accept, parameter 2 of equal respect is violated and the allocation is thus wrong. It is important to note here that the priority that Miller requires is a very strong one:

[P]riority does not totally exclude support for foreign aid in the presence of relevant domestic burdens. Still, until domestic political arrangements have done as much as they can [...] to eliminate serious burdens of domestic inequality of life-prospects, there should be no significant sacrifice of this goal in order to help disadvantaged foreigners. (Miller, 2005, p. 134)

To put the consequences of this patriotic bias in context, Miller presents us with three persons who present the three main stakeholders in the outcome of this discussion. Kevin is a corporate lawyer living in Manhattan. Carla lives in the South Bronx and earns a meager living cleaning other people's apartments. Khalid, finally, collects scrap metal and lives in a slum in Dacca, Bangladesh. Miller maintains that the patriotic bias and its consequences can be self-respectfully accepted by all three. As we stated above, Carla, as a member of the least-advantaged group in society, can self-respectfully accept a situation in which she is prioritized to the extent that Miller suggests in the statement above. Kevin also upholds the principle of equal respect since he is treating Carla in a

respectful manner. Khalid, according to Miller, can also self-respectfully accept the patriotic bias that Kevin and Carla adhere to since he understands that both value the social trust that would be lost without such a bias. Kevin and Carla are also assumed to be treating Khalid respectfully, although Miller does not go into detail as to why that would be the case.

Naturally such a bias is a very convenient view for rich societies to hold since it reduces their obligations to foreign aid significantly. As Thomas Nagel points out in “The Problem of Global Justice,” however, the fact that a theory is convenient doesn’t make it false (Nagel, 2005, p. 126).

There is, however, another reason to be suspicious about Miller’s patriotic bias as based on the principle of equal respect. Note that changes in Khalid’s level of deprivation do not change the bias. Miller chooses to think of him as a scrap metal collector in Bangladesh, but we could just as easily imagine him as living in a refugee camp in Chad, or working 70 hours a week in a coal mine in Brazil, and Miller’s bias would remain unaffected. Also note that Khalid does not feature anywhere in Miller’s argument prior to the establishment of the patriotic bias. The fact that Khalid’s circumstances are not being taken into account at all makes it at the very least unlikely that he is being shown equal respect.

Deciding on the extent of a patriotic bias that is supposed to show equal respect to all, can hardly be done without looking at the needs of foreigners, especially given the severity of global poverty. Although the facts of global poverty cannot, in and of themselves, decide the debate about patriotic bias, they can help pull it into focus. Thomas Pogge estimates that in the 15 years following the Cold War, 270 million people died from poverty related causes, an average of 18 million a year (Pogge, 2005, p. 92). Against the backdrop of these grim facts, a theory that does not take into account the needs of the global poor can hardly claim to express equal respect for all.

In the next section I will present two criticisms of Miller's argument. The first focuses on a framing issue that I think skews the debate and misrepresents the trade-offs involved in reallocation of tax-financed aid. The second criticism is far more fundamental and proves that the principle of equal respect used by Miller is uninformative and stands in need of a better definition.

### **Framing**

My claim here is that Miller gets the strong bias that he wants through the way he frames the reallocation of tax-financed aid. In short, my contention is that Miller implicitly assumes the amount of tax-financed aid to be fixed, or determined at a point prior to the patriotic bias discussion. By doing this, any imagined change to the allocation of this aid becomes a zero-sum game between Carla and Khalid. The amount of aid is set, so any aid to Khalid will have to come out of tax money reserved for Carla. This places undue tension on the allocation decision as we are forced to choose between two persons clearly in need. Certainly, in absolute terms Khalid is worse off than Carla, but on the other hand Carla is forced to participate in a society with people like Kevin, which raises concerns of fairness domestically. The radically unequal income distribution in the United States only further aids Miller's argument.

The point is that this is an incorrect framing of the question. If we are really concerned with equal respect for all, we should not take tax aid as given, but rather as a function of the needs of Carla and Khalid and what is owed to them on account of this respect. If, for the sake of argument, we take Kevin as the sole taxpayer, then the tax rate imposed on him should be set at a level at which both Carla and Khalid can self-respectfully accept the amount of aid they receive. Framing the question in this way, I think Miller may still be justified in claiming that more is owed to compatriots on account of the coercive nature of the state. However, the amount owed to Khalid is likely to be much higher than what he has in mind. Thinking about the reallocation of aid in this

way also makes more sense if we view it from Khalid's perspective. He is more likely to think of himself as being owed some type of aid by Kevin rather than by Carla, since Kevin is in a position to improve Khalid's life significantly, at little cost to himself.

### **What is Equal Respect?**

This then raises the question of how much domestic and foreign aid would be sufficient for the satisfaction of the principle of equal respect and whether Kevin could self-respectfully accept such a tax burden. This is where the limitations of Miller's account become clearly visible, because the definition of equal respect that he uses is completely uninformative on this matter. It seems to me that Khalid could not self-respectfully accept the bias proposed by Miller, but how much would foreign aid have to increase for that to change? And if we found this amount, how could we tell if the tax burden required is one that Kevin could self-respectfully accept?

The account heavily relies on a thorough understanding of what respect means, but Miller fails to provide such an understanding. Our own intuitive understanding of respect, which suffices for most other purposes, is insufficient here, as shown by the difficulty of determining when the principle of equal respect is violated or upheld. The uninformative nature of the equal respect principle stems from the fact that Miller defines it in terms of respect. If we look again at the two parameters discussed above, we notice that they largely constitute an elucidation of the concept of equal respect. Miller effectively breaks it down into two components: respect-towards and self-respect. Parameters one and two deal with those respectively. However, the meaning and import of these components remains unhappily vague. In order to be an informative basis for a patriotic bias, the principle of respect needs to be defined in terms other than respect. Miller fails to provide such a definition and we are thus left uncertain about whether the principle provides sufficient grounds for patriotic priority.

The account can of course be remedied if a more substantial definition of equal respect is provided. This strikes me, however, as an incredibly difficult task. Concepts such as respect are useful because of their intuitive appeal and the fact that we share a basic understanding of them. However, they also tend to evade exact definition, which is exactly what Miller needs. It thus seems unlikely that the account given here can be improved as to support the patriotic bias.

### **Conclusion**

In this chapter I have shown that Richard Miller's argument for a patriotic bias rests on an uninformative definition of the principle of equal respect. Due to the indeterminate nature of this principle, it is unclear what sort of patriotic bias can be justified. Whether different allocations of tax-financed aid show equal respect for all becomes a matter of speculation and personal interpretations of human psychology.

Miller's idea of an impartial principle that applies differently to different people depending on particular characteristics is nevertheless a promising one. In chapter 3 I will discuss Michael Blake who also takes this approach. The difference between the two is that Blake provides a solid grounding of his argument in political theory and facts about our domestic society and its institutions. He appeals to autonomy, rather than respect, which has a much more determinate definition that will allow it to ground a patriotic bias.

The failure of universalist defenses of patriotic priority such as the one provided by Richard Miller have led many to seek justifications for a bias in other areas. In the next chapter we will turn our attention to two arguments based on the intrinsic value of nationality and the nation state. These types of argument are often compelling as they appeal to many of the intuitions we have about the value we place on being a member of a particular nation.

## **2. Arguments from Intrinsic Value**

Arguments for national partiality often justify such partiality by claiming that the nation or the relationship among conationals is intrinsically valuable. According to authors who defend this view, something of value would be lost by not favoring one's nation or conationals over other nations or foreigners. This chapter will look at two arguments that I think represent the two most common types of "intrinsicity arguments". The first argument to be considered is by David Miller, and defends the value of the relationship among compatriots. He relies on a common analogy between the nation and the family to defend owing special duties to one's conationals that one does not owe to persons in general. The second is by Jeff McMahan, who locates the value which partiality is to defend in the nation itself. He argues that the nation is owed "duties of gratitude" (McMahan, 1997) for providing one with a culture, values, language and heritage. Just as one has duties to one's parents for receiving a certain upbringing, one has duties to one's nation for being given a cultural context in which to understand the world. I will consider these arguments in turn, and show why I find them deficient for supporting partiality.

### **Special Duties Towards Compatriots**

In his paper "Reasonable Partiality towards Compatriots", David Miller gives us three conditions that groups ought to satisfy if they are to ground special duties. The nation is clearly the group that Miller is most interested here, but the conditions apply to all groups, and any group that satisfies them can be said to ground special duties. Having such special duties towards certain persons means that one shows some form of partiality to them. After all, they are owed duties that one does not have to people in general. The three conditions for being able to ground special duties are:

- 1) The relationship between the group members is intrinsically valuable;
- 2) The special duties are an essential part of the relationship;

3) The existence of the relationship is not premised on the unjust treatment of others.

Miller uses the relationship among friends and the relationship amongst family members as paradigm cases. Friendships and family ties are generally considered to give rise to special duties that are not owed to people at large, and being partial to one's friends or family members is considered to be both acceptable and desirable. Miller takes the three conditions to be satisfied by friendship and familial ties and argues that it is by virtue of satisfying these criteria that we usually think of them as justifying partiality. As such they present necessary and sufficient conditions for grounding special duties. I will discuss these conditions in reverse order, starting with the condition of "no inherent injustice". The discussion will ultimately focus on the condition of intrinsic value.

The condition of "no inherent injustice" claims that no attachments that inherently involve injustice can ground special duties. We can easily think of examples of groups which would be kept from grounding special duties because of this reason. It seems contrary to common sense that racist groups like the Ku Klux Klan would ground special duties, or, as Miller states, that there are special obligations amongst Mafia members simply by virtue of being in the Mafia. This does not mean that one cannot incur obligations to fellow Mafiosi; it does mean that such obligations cannot arise simply from membership. To use Miller's example, one can have a duty to go to a fellow Mafia member's wedding if one has agreed to attend (Miller, 2005, p. 66).

Racist and criminal groups aside, the question of whether a group inherently involves injustice is not always easy to answer. Nations, as groups, are no exception to this. It is an uncontroversial fact that nations sometimes commit injustices. The important distinction for Miller is "between groups founded on injustice, so to speak, and groups which contingently may act in unjust ways." (Miller, 2005, p. 67) The mere fact that nations are agents of inequality and unequal treatment does not make them unjust. If it were, then asking whether one can owe partiality to conationals would beg the question. Saying that treating people unequally is always unjust rules out any form of partiality.

Miller argues that such a claim would also make families unjust, since for example, wealthy families will, by being partial to their own members, increase and perpetuate inequalities. Although taxation places limits on the extent to which wealth and other advantages can be bestowed upon family members, we do not think of familial partiality as being inherently unjust. I think Miller is justified in claiming that nations here mirror the behavior of families. They confer advantages upon their members, but it is the extent of these advantages rather than the act of bestowing them that is unjust in certain cases. Much more can and will be said about the extent to which special duties can be justified, but I think the claim that nations are not “founded on injustice” (Miller, 2005, p. 67) is a defensible one.

Miller’s second condition is that the special duties that the relationship grounds have to be an essential part of the relationship. Without such duties, the relationship cannot be said to exist. The paradigm case here is that of friendship. Partiality towards friends is an integral part of what it means to be a friend. There is certainly much more to friendship than mere favoritism, but it seems difficult to imagine saying that a person is a friend, whilst refusing to acknowledge that one has certain duties to this person that one does not have to others.

Miller argues that special duties towards conationals are necessary for having a desirable kind of national relationship. He argues that such special duties underpin the very things we value in national relationships such as social justice and deliberative democracy. If conationals were not partial to one another in this way, they would lack the motivation to set up the kind of political institutions and practices that we think of as desirable aspects of being part of a nation. If, for example, the Danish were not partial to their fellow Danes, they would be unable to set up the kind of social and political systems that we would think of as virtuous aspects of Denmark.

I think this argument leaves much to be desired. The analogy that Miller proposes relies heavily on an acceptance of national relationships as intrinsically valuable. The

argument for duties of friendship is easy to accept for two reasons. First, we think of friendships as intrinsically valuable and in fact constitutive of a good human life. A life without friends would be impoverished, if not unbearable. Second, it is easy to see how partiality is a necessary condition for friendship. It is difficult to imagine that I would not visit my friend in the hospital if she were very ill, even though I do not have such duties to other sick people. Neither of these two reasons comes as intuitively for nationality. It is not *prima facie* obvious that nationality is constitutive of a good human life, or that it requires partiality in order to be maintained. We thus turn to the question of whether the national relationship has intrinsic value.

Miller argues for the intrinsic value of the national relationship by drawing an analogy between friendship and nationality. He first distinguishes between relationships that have intrinsic value and relationships that have merely instrumental value. Note that the distinction is not between relationships that are only intrinsically or only instrumentally valuable. Intrinsically valuable relationships will almost always have instrumental value, as can be seen from the benefits of having friends.

To tease out the difference between these two types of relationships, Miller contrasts friendships with business ventures. Friendships have intrinsic value, as opposed to business partnerships, which only have instrumental value. He gives the example of a group of co-workers who form a syndicate to own a racehorse. Although such a syndicate has instrumental value to those involved in it, it has no intrinsic value. If the co-workers were to end the syndicate, nothing would be lost in addition to the instrumental value. This does not mean that instrumental relationships cannot give rise to duties at all. Duties of fairness may be owed to fellow members of the syndicate, like splitting the winnings evenly and taking one's turn driving the horse to races. However, there is no duty to keep the partnership itself in existence. Friendships, on the other hand, do carry a duty to be maintained for their own sake:

Friendship [...] creates open-ended duties to support and help one's friends, to keep the relationship alive by staying in touch, and so forth, and the grounds for these are that a valuable form of relationship would be lost if these duties weren't acknowledged and acted upon. (Miller, 2005, p. 65)

Miller argues that, like friendship and family ties, relationships among compatriots are intrinsically valuable. He recognizes that nationality also has tremendous instrumental value, but for Miller this value is "parasitic on its intrinsic value" (Miller, 2005, p. 67). In order for the benefits of nationality to arise, compatriots must first "believe that their association is valuable for its own sake, and be committed to preserving it over time" (Miller, 2005, p. 67). The instrumental value of membership of a nation is thus only possible when the members see their relationship as intrinsically valuable first.

Miller argues that this is indeed the case for most people who view themselves as part of a nation: "They would, for instance, profoundly regret the loss of their distinct national identity, even if they were guaranteed the other goods that nationality makes possible, stable democracy, social justice and so forth." (Miller, 2005, p.67). To understand this claim it is important to note that Miller distinguishes sharply between nations and states. A nation is a community, for which a state is neither a necessary or sufficient condition. National identity has five aspects:

1. The members consider themselves and each other as belonging to the nation;
2. It embodies historical continuity;
3. It is an active identity, its members act and make decisions that shape the nation;
4. It connects a group of people to a certain geographical location;
5. The people who identify with this identity have something in common, a set of characteristics.

(Paraphrased from Miller, 1995, p. 22-25)

It is beyond the scope of this thesis to critically assess this definition of national identity, but it is informative for understanding what it means when Miller talks about ‘the loss of one’s distinct national identity’. It does not mean that one simply loses one’s citizenship, as would be the case if nation were taken to be synonymous with the nation state. Rather, since one’s national identity includes beliefs about one’s culture, the historical tradition that one is part of, and the group one belongs to, a significant part of one’s personal identity would be lost along with it. Such a loss would indeed be a quite profound shock.

Even without a thorough analysis of what national identity entails, it is clear that people do value it. As Miller correctly points out, however, the fact that something is valued does not make it valuable. At this point he appeals to John Stuart Mill’s argument that “the sole evidence it is possible to produce that anything is desirable, is that people actually desire it” (Miller, 2005, p. 68). Recognizing the lack of entailment between “valued” and “valuable”, Miller concludes that the argument merely serves to shift the burden of proof to those who wish to deny the intrinsic value of nationality.

The fact that some members of nations do not view their nationality as intrinsically valuable does not, according to Miller, diminish the value of nationality. It may be the case that a large number of nationals hold cosmopolitan views and consider themselves as belonging to humanity as a whole, rather than a specific subset of it which their nation has, somewhat arbitrarily, picked out for them. Yet, according to Miller, the same is true of families, which can have members who do not value their familial ties. Just as those family members do not undermine the value of family ties in general, so do cosmopolitan nationals not undermine the value of nationality. In fact, Miller claims that:

These members have got it wrong - [...] they’re failing to recognize the value of something that does indeed have value, and we hope to show that their lives are impoverished by turning their backs on family ties. In the case of nations, people who deny the significance of national identity in circumstances where such an

identity is accessible to them are missing out on the opportunity to place their individual lives in the context of a collective project that has been handed down from generation to generation. [...] The issue here is not whether this is the highest human good [...] but whether it is one of the human goods that have intrinsic value (Miller, 2005, p. 68-69)

I agree that the rejection of family ties by individual family members does not mean that these ties do not have intrinsic value. However, the claim that they have got it wrong or are missing something strikes me as a strong one that Miller is not entitled to. The flaw in the argument arises from the fact that similar statements can be made quite easily about other aspects of human life that are valued by some. A very similar argument can be, and has been made about religious practice. Tolerant practitioners of many faiths will claim that those living atheist and agnostic lives are missing out; that their lives are impoverished because they fail to place themselves in a religious context with a rich tradition and a community that one can participate in and receive guidance from. Such a claim would clearly offend many atheists, who believe themselves to be living very fulfilling lives. In fact, they are likely to think of themselves as leading more fulfilling lives for their rejection of the supernatural, which causes them to seek and discover meaning elsewhere. Such impertinent claims about the value one ought to attach to religion are ones that Miller would likely reject. Yet he makes essentially the same claims about how one ought to value nationality. His claim does not just prefer national over cosmopolitan sympathies, he rejects the latter as misguided. Whereas feelings of national attachment are used to support the intrinsic value of national attachments, feelings of cosmopolitan attachment are discarded altogether.

Let us now get back to the analogy between family ties and friendship on the one hand and national attachments on the other. This is the analogy from which Miller wants

to derive the intrinsic value of the national relationship. If this relationship is similar enough to the one shared by friends and families, then by analogy it would have intrinsic value. I will argue that this is not the case. Miller conflates the ideas of national identity and national attachments, but once these are treated separately it becomes clear that the analogy no longer holds.

In his paper, Miller uses the terms national attachments, compatriot relationship, nationality and national identity interchangeably. I contend that the first two of these are different from the last two because they emphasize the relationship between persons in a way that the latter two do not. National attachments and compatriot relationship describe the relation in which members of a nation stand to one another. National identity and nationality, on the other hand, are concepts that apply to individual persons, rather than the bonds between them. They inform notions of the self and one's place in the world and in history. For example, a Russian has national attachments to other Russians by virtue of being conationals. This is a relational concept. On the other hand, her personal identity may be informed by the Russian national identity. She may understand herself and her place in the world as being informed by the Russian national character and she may take pride in certain historical achievements such as the space flight of Yuri Gagarin. Note that the influence of the national identity on the personal identity is determined by the individual and is not necessarily based in reality. For example, one may be a citizen of, say, the UK, but identify with Italian culture and national character. In this case, one's personal identity is informed by that national identity. By contrast, the relational concepts such as 'the compatriot relationship,' do not allow for such individual interpretation. To whom one stands in such a relationship is determined by external factors and is not open to personal interpretation.

Miller's focus is on the types of attachments and relationships that can support partiality, and thus ought to only be concerned with the terms that refer to the relationship between conationals. Furthermore, if the analogy is to hold, he cannot appeal to anything

beyond the relationship. It is the relationship between family members and between friends that is intrinsically valuable. If Miller thus wants to compare apples to apples, he has to limit himself in his discussion to the relationship between conationals. Including the importance of the nation or the national identity would break the analogy. As stated above, he does not apply this distinction and it thus becomes unclear whether the intrinsic value that he speaks of is derived from the relationship or from notions of national identity.

To elucidate the difference between national attachments and national identity, it may be useful to draw a comparison. To return to our previous example of religious practice, the difference between national attachments and national identity can be compared to the difference between a community of believers and their faith. If I am Roman Catholic, I will have a certain form of attachment to other Catholics. I will also have an attachment to my faith. Although these two concepts are of course closely related, they are not the same. My faith informs my idea of self in the same way that national identity does. I would view myself as created by God, as an imperfect being, who is prone to sin and as living a life that will be judged on its merits after my death. All of these notions inform my idea of self. In the same way, being, say, a Frenchman, would allow me to situate myself in a historical tradition which includes the French revolution, the conquests of Napoleon Bonaparte, and defeat at the hands of the Axis powers in World War II to name just a few. All of this is quite distinct from the relationship I have to other Frenchmen. My attachment to them may certainly arise from being co-situated in this historical tradition, but it is not that which lends intrinsic value to the relationship.

For the sake of the analogy, the important comparison is thus between the relationship that pertains between friends and family members on the one hand, and compatriots on the other. For simplicity, I will refer to the first as “the personal relationship” and to the second as “the national relationship”. The argument for intrinsic value thus holds if the analogy between the personal and national relationship holds (i.e.

If they are similar enough along relevant dimensions), and if the personal relationship is intrinsically valuable. I will consider both these claims, starting with the latter.

The intrinsic value of the personal relationship arises from the fact that it is a necessary condition for living a good human life. A life without family or friends would be incredibly impoverished and may in fact be so painful as not to be worth living. When asked to imagine the worst thing that can happen to a person, people will frequently mention the abrupt loss of friends and family members. Although in such scenarios we are of course very much concerned with the fate that said acquaintances might meet, an important aspect of this intuition is that our lives would lose most of their value if these people were taken from it. Many penal systems reflect a similar understanding of the intrinsic value of friends and family through their choice of incarceration and solitary confinement as common forms of punishment.

Equally important is the fact that no other relationship can replace the personal relationship or act as a substitute for it. I could not be compensated for the absence of close friends and family with any type of other relationship such as the anonymous admiration of thousands or numerous lucrative business partnerships. The popular phenomenon of celebrity illustrates this concept well. Many world famous movie stars and musical performers suffer from a sense of deep isolation in the absence of friends and family to support them. The fact that millions of faceless fans around the globe cannot make up for this lack is testimony to the importance and uniqueness of the personal relationship in human life.

The irreplaceability of the personal relationship and its necessity for living a fully human life are, I believe, crucial for the justification of a strong bias towards friends and family. Our friends have such an important role in our life that we are permitted, and even obligated, to favor them to exceptional extents. Let's for example consider a scenario where Carla from Chapter 1, is caught in a fire in her apartment building. As she is trying to escape from the flames, she finds two unconscious people in the stairwell: the

first is her nephew who lives a few floors above her and who she has known since he was born; the second is a graduate student who lives on the same floor and who she has on occasion talked to in the elevator. She realizes that she will only be able to carry one of these boys down the stairs and out of the building before it collapses. In such a case, I do not think that Carla would commit any wrong by choosing to save her nephew over someone who is essentially a stranger to her. In fact, we would likely find it morally dubious if she did not choose to save her nephew. It nevertheless shows the extent of partiality that the personal relationship gives rise to. Of course, this example can be tweaked to the point where the choice between the two people becomes more morally ambiguous. However, our current purpose is to show the permitted partiality that pertains to choices between friends and family on the one hand and strangers on the other.

The national relationship does not give rise to a partiality that is even remotely as strong as that of the personal relationship, due to the fact that it is neither necessary for a fully human life, nor irreplaceable with regard to the role it plays. Whereas human beings have lived in families and communities for most of history, nations and national relationships are a relatively recent invention. Certainly, in many parts of the world nations and civilizations can be found dating back many thousands of years, but they were often the exception to the rule of communitarian living. Unless we are willing to commit to the claim that only persons who were part of nations lived fully human lives, we have to conclude that the national relationship does not play a necessary role in achieving a fully human life. As such, the national and personal relationships fail to be analogous in the way that Miller suggests they are.

This is not to say that the national relationship is not value giving. I agree with Miller that the relationship is one that plays an intrinsically valuable role in the lives of many. The national relationship creates a sense of belonging that is not included in the sense of national identity. It allows one to pick out other persons who may share similar cultural customs or just an allegiance to the same national sports team during the

Olympics. It provides a ground for forming relationships, something to bond over. It is not unique in this regard. Miller recognizes that “churches, or professional associations, or football supporters’ clubs” (Miller, 2005, p. 68) play a similar role. This statement deserves some qualification given the earlier distinction I established between for example the church and the church congregation. The role that the national relationship plays is that of pointing out a community where one may find persons with whom one has something valuable in common. Such a relationship can be value giving, even if one is not personally acquainted with all those that one stands in such a relationship to. Good examples of other relationships of this kind are college reunions and get togethers of large families. In both these cases one is unlikely to be personally acquainted with all individuals present, but may nevertheless derive value from a feeling of belonging and the joy of having something in common.

From the examples it becomes clear that whilst such attachments may ground special duties, the weight of these duties is considerably less than what Miller argues them to be. The national relationship falls in the category of “value giving relationships”, along with churches, sports supporters’ clubs and alma maters. We may be more predisposed to helping persons who we share these kinds of relationships with, and the fact that these relationships ground special duties may make us even obligated to do so. However, it seems that the favors one is obligated to grant to say, a fellow alumna, are quite minor. In any case, they are far less extensive than the special duties that Miller thinks we owe to our compatriots. Yet, given that the national relationship is similar in nature to that of the “alma mater relationship”, there are no grounds for such extensive duties. Immediate family and friendships do give rise to weighty special duties since they play a unique and crucial role the enjoyment of human life. Since no similar argument can be made for the relationship among compatriots, the duties that pertain to that relationship fall well short in terms of scope and degree of what is necessary for a patriotic bias.

Miller thus succeeds in establishing that the national relationship gives rise to special duties, but these are not duties that can establish a strong demand to favor compatriots politically and economically. At most, it requires us to be somewhat more partial to our conationals and to do them favors that we would not necessarily extend to other strangers. These special duties strike me as rather low ranking in the grand scheme of duties. They would certainly be trumped by duties of justice and duties of fairness and would be subject to restrictions in the same way that duties towards fellow football supporters are. They fail to uphold the degree of economic and political partiality perceived globally.

### **Duties of Gratitude**

In his contribution to the anthology *The Morality of Nationalism*, Jeff McMahan argues that it is not the relationship amongst compatriots that is valuable, but rather that the nation itself has intrinsic value that requires partiality in order to be protected. The article titled “The Limits to National Partiality” examines different defenses of partiality towards conationals. I will briefly outline these, but focus most of the discussion on McMahan’s claim that “duties of gratitude” are owed to the nation, which in turn translates to partiality towards one’s conationals.

I will argue that the importance of the nation to people’s identity and the cultural treasures gives rise to a debt of gratitude, but that it is unclear why this ought to lead to duties of gratitude. Insofar as they do exist, these duties of gratitude are also relatively weak compared to duties of justice and duties of fairness. They thus fail to uphold the kind of national partiality that we commonly think of such as benefiting one’s compatriots economically and politically.

The conception of nationalism that McMahan explores is what he calls a universalist nationalist one, which holds that “all people are morally entitled to value their own nation, to seek to ensure its self-determining character, and to show partiality to all its members” (McMahan, 1997, p. 108). It is defined in opposition to what he calls a radical particularist view of nationalism. Radical particularists believe that only their nation is worthy of partiality and that “other nations [...] suffer from a variety of defects, among which is a tendency to entertain delusions as to their own merits.” (McMahan, 1997, p. 108). Such a view falls outside of any debate concerning partiality, since our concern is the extent to which individual nations are justified in favoring their own nationals. As David Miller correctly points out, a radical nationalist view requires not just that the conationals of our own nation are partial to it, but would in fact require foreigners to also recognize our superiority and be partial to us. For the purposes of the paper, McMahan simply assumes that if any form of nationalism is defensible, it will be of a universalist nature, and thus ignores the radical particularist view.

For McMahan, the “insistence that members of the same nation - conationals - are in many contexts permitted or even required to be partial to one another” (McMahan, 1997, p. 109) is one of the defining characteristics of nationalism. Partiality is a necessary condition for nationalism, so if the former cannot be justified, the latter cannot either. It is difficult to conceive of a nationalism that would not demand that greater consideration is given to the needs of conationals, and if it didn't we would say that it is no longer an ideology that ought to be called nationalism. We would say that the movement is in fact mistaken about its own nature.

At this point it is useful to elucidate what McMahan means by nation and nationalism. A nation describes objective and subjective relations amongst people. On the objective side, people may share a language, history, culture, religion, ethnicity or a commitment to shared institutions. Most nations are united by some or several of these shared characteristics but no single characteristic or combination of them is necessary for

a nation to be said to exist. On the subjective side, however, it is necessary that most of the adult members of the nation to recognize one another as belonging to that nation. McMahan's definition is thus not as extensive as the one put forward by David Miller, although they share many of the same intuitions as well as an emphasis on mutual recognition between conationals. Nationalism, for McMahan, is simply "a cluster of beliefs about the normative significance of nations and nationality." (McMahan, 1997, p. 107-108) Examples of such beliefs are the desire for the nation to continue to exist and flourish and the idea that conationals can and ought to be partial to one another.

Such partiality inevitably clashes with our duties towards all human beings. McMahan points out that the fact that all persons have equal worth does not necessitate equal treatment. There may be other relevant factors about people that justify partiality to some and not others. Nationalism, however, also requires us to show greater concern for compatriots than foreigners, and this violates the principle that we ought to have equal concern for all.

McMahan thus echoes many of the points we have seen before about the tension between national partiality and global obligations and also about the similarities and differences between nationalism and other forms of partiality. The universalist nationalist position is one usually defended by people who hold liberal political views. But those same liberal views claim that there is a preeminent duty to respect the moral worth of others and that there is at least a prima facie duty to have equal concern and respect for others. Although, as we have seen in chapter 1, such duties of equal concern and respect are difficult to define, they do serve to remind us that one must have good reasons to give up a position of impartiality. The second point is that it is a contentious question what national partiality is most similar to. Like David Miller, many have argued that the relationship most closely resembles the one found in the family. Those who hold a cosmopolitan view of duties tend to draw a parallel between national and racial favoritism, pointing at the arbitrary nature of both. After all, both nationality and racial

identity are received at birth and depend largely on the accidental fact of who one's parents happen to be.

McMahan rejects the view of national partiality as lying on a continuum somewhere between familial and racial favoritism. He argues that "indeed, all the various special relationships that have been thought to justify departures from impartiality - love, friendship, parenthood, conationality, citizenship, and so on - seem *sui generis*; none is relevantly quite like the other." (McMahan, 1997, p. 112) The difficulty in comparing these relationships was one we already encountered in discussing David Miller's argument by analogy. I think McMahan is correct that this difficulty is not merely limited to comparing the nation to the family but goes for other relationships as well. Each seems to justify deviation from the standard of impartiality in a way that is specific to the characteristics of that relationship.

McMahan deals with another argument for partiality that is often made - before he turns to his own argument based on reciprocity and gratitude - namely that partiality is justified on the basis of shared commonalities. I think it is useful to briefly consider this argument and McMahan's critique of it as it is pertinent to the question of patriotic partiality and is often encountered in this debate; both in academic philosophy as well as in political discourse.

### **Argument from commonalities**

Conationality consists primarily in sharing certain commonalities with others, and it is often claimed that these commonalities are of intrinsic moral significance and that we are thus justified in favoring those who share these commonalities with us, in order to protect and maintain them. Members of a nation can share a language, culture, customs, history, religion, ethnicity and so on. It is in fact on the basis of these commonalities that we differentiate between compatriots and others. It also seems reasonable, as I stated above, that such commonalities are part of a national identity that people derive meaning

from in their everyday lives. The British may feel themselves united by their “stiff upper lip” and will appreciate indifference to adversity and peril in themselves as well as in their conationals.

Commonalities ought to have some value if they are to be the basis of partiality. According to McMahan, such commonalities will often demonstrate “shared values, ideals, commitments or even interests.” (McMahan, 1997, p. 125) In the example above, the British seem to consider their own imperviousness both as a matter of a shared value as well as an ideal. Commonalities based on either trivialities or shared injustices are clearly not considered to have value. The fact that one prefers skim milk over whole milk or that one holds a low opinion of another ethnic group can both be aspects that one has in common with others, but their trivial and unjust nature, respectively, rule them out as “commonalities of value”. Shared customs and cultural practices, on the other hand, are neither trivial nor inherently unjust and may therefore be commonalities of value. They may, in turn, also be “valued commonalities”, that is, they are traits that a person sees as part of their “national character” and which they value in both themselves and others. The British stiff upper lip is thus both a commonality of value and a valued commonality, but commonalities may also fall in one category but not the other.

McMahan argues that such commonalities can at the very most uphold permissible partiality, but not obligatory partiality. The first point is that the commonalities are not shared by a significant number of conationals. McMahan notes that this is almost inevitable since the “membership is often a matter of birth, with no screening or selection” (McMahan, 1997, p. 127). Thus although it may be true that the British are, on average, more impervious to adversity than members of other nations, there is a significant number of Britons who did not go about their business as usual during the Blitz, or who did not take the Tube the day after the London bombings and who may have found it undesirable that others did. Given such a weak correlation between the existence of valued commonalities or commonalities of value and their

incidence in the national population, favoring one's compatriots because they supposedly share such commonalities seems rather arbitrary. Furthermore, there may be foreigners who more closely conform to the national ideal than compatriots, yet even if it were known who these individuals were, they would not be beneficiaries of the same partiality that is reserved for compatriots.

At the very most, commonalities can justify permissible partiality; they fail to uphold the obligatory partiality characteristic of nations. McMahan gives us the example of two philosophers who both value rational argument and excel at it. They thus share a commonality of value and a valued commonality. McMahan claims that it may then be reasonable for these philosophers to be partial to one another. However, it does not appear that a shared love for and excellence in rational argumentation would give rise to an obligation to favor one another. Since national partiality does seem to be obligatory, and yet even such a clear case of commonality fails to support any form of obligation, patriotic partiality cannot be based on commonalities.

### **Argument from Reciprocity and Gratitude**

McMahan recognizes two further sources of intrinsic value: the relationship between conationals and that between the conational and the nation. The first he recognizes as overlapping with the theory of political obligation which will be discussed at length in the next chapter. McMahan's concern is with the second source: the relationship that exists between the nation and a member of that nation. He contends that this relationship is one of gratitude: one owes partiality to one's nation because of the gifts it has received from it and to ensure that the nation will be able to continue to benefit its members in the future.

The nation endows its members with a culture, language and heritage that have incredible value for humans.

[It provides] the language in which one thinks and speaks, the intellectual and artistic heritage that informs one's sensibility and one's understanding of both oneself and the world, many of the values that give purpose to one's life and structure one's relations with others, numerous elements of the material and social infrastructures that make a decent life possible, and so on, almost indefinitely. (McMahan, 1997, p. 130).

It does indeed seem true that all these things are important aspects of our lives, and that for many of us we received these benefits in a national context.

McMahan argues that for these benefits, the nation is owed duties of gratitude. These are moral reasons to benefit and strengthen one's nation and culture in recognition of all one has received from them. In addition, by doing so, one can ensure that future generations may reap the same benefits from their national membership. Viewing one's nation or culture as deficient or inferior to other nations does not release one of this duty of gratitude. Rather, the duty of gratitude then becomes an obligation to improve the nation where one judges it to be imperfect. Important to emphasize here, is that the duty is primarily owed to the nation, not to conationals. It may well be the case that our duties of gratitude require us to also benefit our compatriots, but only if the nation itself is benefited by doing so.

McMahan recognizes that the argument he gives is a rather short and incomplete one, but I think it is worth considering as an argument for the intrinsic value of the nation state. When we think of the value of the nation, it is often in terms of this entity that contains within it a historical narrative of its people, a language, a set of customs and traditions and so on. It is synonymous with what I referred to as the "national identity" in my discussion of David Miller above. Such a national identity informs many people's lives and can provide guidance in finding their place in the world. People see themselves as Italians, Cambodians or Mexicans, and those national identities inform their personal identities. Given the importance that this national identity plays in people's lives, it

stands to reason that a duty may exist to maintain the nation and show gratitude for the role it plays in one's life. At the same time, anything less than a duty will not do, since the maintenance of a nation requires participation by all members or a majority at the very least. For example, let's say that all Cambodians value being Cambodian and the benefits this bestows upon them in terms of a heritage and a national history stretching back many centuries. Recognition of these benefits is, however, not enough for the continued flourishing of the nation. Cambodians must actively work to maintain their nation such that future generations can continue to participate in this national identity. This obviously creates a free rider problem as it leaves unspecified who is responsible for servicing and nourishing the nation in this way. A duty on all Cambodians is thus necessary to ensure that each does his or her fair share in maintaining the nation from which each has benefited. McMahan thus provides a good account of why the nation and its benefits are valuable, and why a duty is placed on all members of a nation to contribute to the continued existence of the nation.

There are some problems with the idea that duties of gratitude are owed to the nation. First, the nation does not seem to be unique in providing people with an identity and a way of seeing themselves in the world. Local cultures that have no desire to identify themselves as nations may nevertheless have a profound effect on how people understand themselves and others. A Minnesotan, for example, may attach a lot of value to her state identity and recognize the important role that this heritage plays in her life. Since Minnesota has no ambition to be a nation, the question thus becomes whether duties of gratitude are also owed to other groups that one identifies with. There do not seem to be any *prima facie* reasons for limiting these duties only to the nation state. On the other hand, such a proliferation of entities to which one owes duties of gratitude challenges the preeminent importance that McMahan places on the nation. A solution would be to limit these duties of gratitude only to nations, but it seems difficult to see on what grounds such a limitation could be justified. To get out of this problem, one could

argue that duties of gratitude are a matter of degree. National identity has a larger impact on people's individual identities and therefore gives rise to greater duties of gratitude. But as with the commonalities argument, this seems to be based on a statistical generalization that leaves out a significant number of the population. Many nationals attach greater value to their local culture than their national one. But it is not just a matter of subjective valuation. For example, a language can be shared by many nations, but a particular accent usually only pertains to a specific region. In terms of their linguistic heritage then, an Englishman from Yorkshire has received a more profound influence from his region with its unique accent than from the nation which has bestowed on him a language spoken by many around the globe.

This brings us to the next point, which is that many of the benefits that McMahan supposes one receives from one's nation can also be received from other sources. This makes it even more difficult to assess to whom duties of gratitude are properly owed. For example, I meet all of the requirements of being a Dutch national. I speak the language, grew up in the culture, and received primary and secondary education from the Dutch school system. However, my identity is also strongly influenced by being fluent in English and the access this gives me to the music, cinema, art and history in this language. From an objective point of view, removing the English language and its accompanying influences from my personal identity would leave an identity that is no longer mine. I am, in fact, very grateful for being the recipient of the benefits that the English language has bestowed on me, but it is unclear to whom I would owe duties of gratitude. I learned to speak English in three different countries, and am left with something of a transatlantic, second language speaker accent and knowledge of the history and culture of the United States, the United Kingdom, Singapore, and many other places. My own case is by no means unique and serves to demonstrate the difficulty in clarifying the source of the benefits one has received. As with local cultures and commonalities, there are again a large number of people for whom it is unclear whom

they ought to be grateful to. One way of solving this problem, of course, is by simply stating that one has duties of gratitude to the nation one is actually a member of; The Netherlands in my case. This solution, however, misses two important points. First, it forces people to perform duties of gratitude to an entity from which they did not receive significant benefits compared to other sources. Second, it would make people like me involuntary free riders on other nations<sup>2</sup>.

McMahan's argument also suffers from a logical flaw common to arguments that attempt to establish duties of gratitude. The move from, on the one hand, the existence of a debt of gratitude, towards a duty of gratitude on the other hand, requires further support. To put it differently, the fact that a Mexican has a debt of gratitude towards the Mexican nation does not say anything about how such a debt is to be paid. A duty of gratitude may indeed be owed, but the claim that this must take the form of partiality towards one's nation does not necessarily follow. The existence of a debt may give rise to some duty of gratitude, but gives no guidance as to how this duty ought to be discharged. To put it somewhat flippantly, there is no a priori reason why one couldn't just send a fruit basket instead.

The flaw is remedied to a minor degree by McMahan's claim that partiality is required for the continued existence of the nation. Nationals owe partiality towards the nation state out of gratitude, and it is due to this partiality that the nation can continue to flourish. This helps McMahan to some extent as he can at least argue that without the existence of a duty of partiality, the nation could no longer bestow its benefits upon its nationals and there would be no debt of gratitude to begin with. This is, however, a highly circular argument. At best it establishes an intuition that partiality is important and

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<sup>2</sup> This last point deserves clarification. I claimed earlier that it is difficult to identify a specific nation of which I am the beneficiary in addition to the Dutch nation. By McMahan's definition however, there has to be some nation that does serve as the trustee of these benefits. Be it the English, American, Singaporean or other nation or a combination of these, by not fulfilling duties of gratitude to members of these nations I am free riding on their efforts.

that a duty of partiality could reasonably exist to guarantee the future existence of the nation. It does not, however, establish that such a duty is born out of a debt of gratitude.

The idea of duties of gratitude does capture both an intuition about why many people desire to be partial to their own nation as well as the fact that nations require partiality in order to continue to flourish. How much partiality is required in order for a nation to flourish, is an empirical matter, and a difficult one at that. Additionally, because of the large number of people whose gratitude is dispersed or owed to a nation other than their own, the obligatory nature of duties of gratitude may be quite counterintuitive to some. Lastly, the argument that a duty of partiality is owed in order to satisfy a debt of gratitude towards the nation is incomplete and requires significant further support if it is to be upheld.

Both Miller and McMahan argue that we owe special duties to our nation or conationals, duties that we do not owe to persons or entities in general. In the case of David Miller, such duties are grounded in the intrinsic value of the national relationship. People derive value from the sense of belonging that the compatriot relationship provides. I contend that the compatriot relationship is not unique in this regard and that similar value-giving relationships such as clubs and professional associations give rise to similar special duties. Duties of this kind, however, fail to uphold a patriotic bias of the robust nature that Miller attempts to establish.

McMahan's account, based on duties of gratitude, is less conclusive. Although we may accept the intuition that a debt of gratitude is owed to the nation for bestowing on us a language and culture, it is unclear how such a debt is to be discharged. McMahan argues that a duty of gratitude, in the form of partiality to one's nation is required, but this does not follow from the existence of a debt of gratitude without further supporting argumentation. In addition, problems arise for those who can claim cultural heritage from

two or even several different nations. In such cases it is unclear to which nations a duty of gratitude is owed.

This chapter has shown that arguments based on intrinsic value can give rise to special duties towards compatriots, but that they fail to uphold a patriotic bias that would justify strongly favoring compatriots financially and politically. Whereas most developed societies manifest a concern with distributive justice and economic inequality within the borders of their nation, few show a concern of similar strength for foreigners or humanity at large. Such a differential treatment of compatriots and foreigners cannot be justified using Miller's special duties or McMahan's duties of gratitude. These duties are simply not robust enough to stand up against the prima facie duty of equal concern for all. This concern will be the subject of the next chapter, in which I explore Michael Blake's impartial defense of patriotic priority.

### **3. Patriotic Bias Based on State Coercion**

In the previous chapter, I showed that the two most used arguments that appeal to intrinsic value both fail to support the kind of patriotic bias that we perceive globally. This bias is one that favors compatriots' needs as well as political, economic and social interests. Similar needs and interests of foreigners encountered in the endeavor appear to be considered of less importance and are given less weight than those of compatriots.

The claim I advance in this chapter is that this degree of partiality can only be explained and justified if nationality is embodied by a political entity with institutions that are shared exclusively by members of the nation. Partiality arises from the coercive power that is exercised by this entity on its citizens. Such use of power by the citizens as a collective on one another, gives rise to duties of justification. Citizens owe each other reasonable justifications for the rules that they ask one another to conform to, when those rules can be enforced coercively.

The specific argument I will be using here is that given by Michael Blake in his paper "Distributive Justice, State Coercion, and Autonomy". He claims that if we are committed to autonomy for all human beings, we have a duty to justify coercion, as coercion is the violation of that autonomy. Such justification takes the form of hypothetical consent. Coercion, according to Blake, takes place only in the national arena where a broad legal system is enforced upon citizens. Greater justification is thus owed towards compatriots than foreigners, since the latter are not part of this coercive legal system. This justification takes the form of distributive justice, or, in other words, by alleviating relative deprivation in society. Below I will elucidate what is meant by these claims and how Blake arrives at this conclusion.

The argument given by Blake relies heavily on the political theory of justice as fairness presented by John Rawls. Acceptance of Rawls's ideas is not a necessary condition for agreement with the argument, but an understanding of it is and I will try to provide such background where I deem it necessary for a proper appreciation of the

claims made. Toward the end of his career, John Rawls also expressed his own theory of what an international liberal theory would look like. This account, presented in *Law of Peoples*, is much less demanding in terms of global duties than that given by Blake. Rather than trying to prove Rawls wrong, Blake attempts to show that his argument is compatible with Rawls's own position in *A Theory of Justice* and *Justice as Fairness: A Restatement*. I think Blake is successful in this attempt.

I will conclude this chapter with a critical assessment of Blake's argument. I will in particular challenge the claim that all institutional coercion is contained within nation states. I will appeal to Alan Buchanan to show that the view of nation states as Leibnizian monads is outdated and empirically incorrect. A global basic structure exists whose coercion infringes upon individual autonomy. Such coercion ought to give rise to concerns for the relative deprivation of all those subject to it.

### **State Coercion**

Blake defines his approach by drawing three distinctions which I will briefly discuss because they are informative for our discussion and because it helps place his argument in the context of the larger philosophical discussion on partiality.

The first distinction he draws is between absolute and relative deprivation. Absolute deprivation occurs when, without comparison to others, someone is considered to be badly off. Relative deprivation occurs when someone is badly off compared to someone else. This is of course a contentious issue since what it means to be "badly off" is open to much debate. Blake contends that although we may never be able to define what constitutes absolute deprivation, being unable to lead an autonomous life is a sufficient condition for being badly off in absolute terms. Since absolute deprivation interferes with leading an autonomous life, we ought to be concerned with all cases in which persons suffer from such deprivation since they are unable to lead a humanly good life. Relative deprivation, the difference between wealth holdings of people who are not

absolutely deprived, is a concern that, according to Blake, only attains moral significance when these people stand in a certain relationship to one another. Special circumstances have to prevail in order for relative deprivation to 'become an issue'.

The second distinction is between partial and impartial justificatory strategies, which we have seen examples of in Chapters 1 and 2 of this thesis. Impartial strategies, such as the one employed by Richard Miller, attempt to use a single principle and apply it to all persons. Partial strategies, such as the ones used by David Miller and Jeff McMahan, argue that reasons exist for favoring nationals over foreigners based on characteristics about the two. Blake deems the partial strategy to be unproductive, often ending in a tug of war between partialists and cosmopolitans. Instead he chooses to pursue an impartial strategy. The national partiality that he argues for thus has to arise from a difference in the way in which this impartial approach works out in different circumstances. "The strategy of the present article, then, is to begin with a principle which is globally impartial - which does not prefer the local to the foreign - and see whether the demands of that principle become more complex as circumstances become more complex" (Blake, 2001, p. 261)

The third distinction is between institutional and noninstitutional theory. Blake declares that he will take an institutional approach, thereby taking the institutions we currently have as given. This is different from the noninstitutional approach generally taken by John Rawls and others, in which the legitimacy of these institutions is examined. By taking an institutional approach, we do not claim that the existing institutions are justifiable. Rather it recognizes their importance and tries to work within their framework to find solutions to other problems. In the words of Anthony Appiah: "State institutions matter because they are both necessary to so many modern human purposes and because they have so great a potential for abuse." (Appiah in Blake, 2001, p. 263)

## **Autonomy**

The most important part of Blake's argument is the concept of autonomy. He views this as a necessary condition for living a good life and something that liberalism ought to protect. "A liberalism committed to the global protection of individual autonomy, I think, stands as a plausible candidate for a defensible and internally coherent liberalism." (Blake, 2001, p. 266) This kind of liberalism conforms to Blake's principle that "all human beings have the moral entitlement to exist as autonomous agents, and therefore have entitlements to those circumstances and conditions under which this is possible." (Blake, 2001, p. 267)

Autonomy may seem at first like an arbitrary choice, but it fits with much of the literature both in political philosophy and philosophy of human rights that derives from Kant. Human rights, for example, are commonly thought to protect human dignity, but since it is difficult to define what this really means, an appeal is often made to autonomy. Someone who lives an autonomous life can be said to have dignity, and human rights are thus aimed at protecting this autonomy.<sup>3</sup>

Autonomy means that people can devise their own plan in life and follow that plan, or, to use the translation from Greek, they are self-legislating. "Autonomous agents are understood to be part authors of their own lives; [they] are able to develop and pursue self-chosen goals and relationships." (Blake, 2001, p. 267) Rather than outlining Blake's account of autonomy in further detail, I will assume a general understanding of what constitutes an autonomous agent.

The crucial difference between compatriots and foreigners is the presence and absence of coercion, which violates autonomy. Blake defines coercion as follows:

An intentional action, designed to replace the chosen option with the choice of another. Coercion, we might therefore say, expresses a relationship of domination, violating the autonomy of the individual by replacing that individual's chosen

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<sup>3</sup> For an account of Human Rights based on autonomy, see James Griffin's *On Human Rights*

plans and pursuits with those of another. Let us say, therefore, that coercive proposals violate the autonomy of those against whom they are employed; they act so as to replace our own agency with that of another (Blake, 2001, p. 272)

Since autonomy is paramount to living a good human life, violations of it stand in need of justification. If someone forcefully replaces my plans with theirs, they owe me a justification for why they do so.

The nation state provides plentiful examples of this type of coercion, the most prominent of which are criminal and civil law. All laws depend for their strength on the fact that the state can enforce them upon individuals against their will. This threat of punishment is the first stage of coercion. If an individual fails to comply with the law, further steps may be taken to limit one's autonomy. The most vivid examples of these are of course incarceration and capital punishment, but monetary fines are also infringements upon a person's plans.

Such serious encroachment on autonomy requires justification. Finding an appropriate form for the justification of coercion is difficult however, since the person being coerced is likely not to accept it. Nevertheless, the only legitimate way in which autonomy can be taken away from someone is by consent. This does not need to be by direct consent, however, since a person convicted of, say, murder, will probably not consent to the corresponding punishment if given the choice. Blake thus proposes hypothetical consent as a condition that the justification of a coercive act needs to meet.

A person can be said to consent to coercion if he or she could not reasonably reject such coercion as a punishment for their actions. This form of consent comes from the contractarian tradition of political philosophy, but may require some further explanation. To elucidate we will use the example of John, a portfolio manager who has defrauded his investors and faces 5 years in prison. What it means for John to consent to this prison sentence is that at some earlier point in time and under specific conditions, he would not have rejected it as appropriate punishment for defrauding investors. At this

point, John could not yet have had the plan to steal money from his clients, and it may even require that John was not yet a portfolio manager. Simply put, the circumstances under which John is deciding whether to reject this punishment are ones under which he does not have a particular stake in the outcome. He considers the matter objectively. We take these circumstances as describing what John would reasonably agree to.

Using this kind of consent is common practice when we set up a system of rules. All players in a soccer game for example consent, *ex ante*, not to tackle anyone from behind, or face punishment. When one of the players does perform a tackle from behind, she can then be removed from the game. Such a coercive move is justified because explicit consent was given before the game. Hypothetical consent mirrors this by imagining an objective, *ex ante* situation, in which the person could have passed objective judgment. If this judgment is in line with the coercive action being performed, the action is justified.

Attention to the relative deprivation of compatriots arises from the application of hypothetical consent to society as a whole. The acceptance of a legal system - which includes among other things a penal code, civil law, and tax law - requires the hypothetical consent of every member of society since all are coerced by it. Blake argues that in this process, certain segments of society could reasonably reject this legal system if their relative deprivation was not taken into account. They would not be willing to agree to the obligations that the legal system imposes on them, without seeing their situation improved beyond the level of absolute deprivation.

The reader will at this point recognize the parallel between our current discussion and John Rawls's thought experiment of the Original Position, introduced in Chapter 1. Specifically, Blake argues for a reinterpretation of the Difference Principle. In Rawls, the Difference Principle is the consequence of bargaining under the conditions of uncertainty that prevail in the Original Position. Under such circumstances, rational choice dictates that people will attempt to minimize their exposure to unfavorable outcomes. People will

choose the Difference Principle since they do not know what probability they face of being part of the least-advantaged group in society. They follow, as Rawls claims, the maximin rule. A complete explanation of this rule is beyond the scope of our current discussion and furthermore quite unnecessary for our present purposes. It suffices to say that when one follows the maximin rule, one tries to choose from all the alternative scenarios the one whose worst outcome is the best compared to the worst outcome in all other scenarios. Say, if I had to choose between World A, in which the worst outcome is starvation, and World B, in which the worst outcome is having only basic necessities, the rule of maximin would guide me to choose World B, regardless of any other facts about A and B. Rawls furthermore argues it is rational to choose the maximin rule as a guide for decision making under the circumstances that prevail in the original position.<sup>4</sup>

Blake reinterprets the difference principle as a mechanism by which to gain reasonable consent from the least advantaged group in society. He claims that “the real purpose of the difference principle is to justify coercion to all those coerced, including the least advantaged.” (Blake, 2001, p. 283) Blake observes that whereas individual laws may simply require hypothetical consent in the form of a unanimous “yay!”, a similar process does not apply to the institution of a full legal system. Such a system profoundly affects people’s abilities to pursue their conception of the good, and its coercive nature by definition infringes upon the autonomy of individuals in the society. Put plainly, the legal system interferes with people’s livelihoods and autonomy, and it is this interference that makes relative deprivation a relevant concern. The position of the least advantaged members of society is thus not merely an unfortunate fact; it is the result of choices made when constructing the legal system. From a practical point of view, we should also be concerned with the effect of relative deprivation on autonomy. When great differences in wealth holdings exist in a country, ability to participate in the political process and have one’s opinions heard may also vary. Such variance is to some extent inevitable, but

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<sup>4</sup> For a more detailed discussion of the maximin rule and the conditions under which it rational to follow it see Rawls (2001), p. 94-100

should never become so extensive that the autonomy of the least advantaged becomes jeopardized.

It is important to note that the concern for relative deprivation that Blake argues for does not necessarily give rise to the Difference Principle. The principle is used because it is likely to a familiar principle of distributive justice and because Blake is generally working within a Rawlsian framework. Nevertheless, acceptance of Blake's argument does not require that one agrees with the strongly egalitarian demands of the Difference Principle. What it does establish is that some concern for relative deprivation is in order due to the coercive nature of the state and its legal system. The form that this concern ought to take is open to discussion.

Blake thus establishes that it is participation in a society, governed by a coercive legal system, which gives rise to concerns for relative deprivation. Compatriots engage with one another in such participation and thus ought to be concerned with differences in wealth and life prospects among themselves. According to Blake, we do not participate with foreigners in any type of coercive system and consequently no concern for relative deprivation on an international scale is required. We should be very concerned about foreigners who suffer absolute deprivation and have a duty to aid them in escaping this predicament. Beyond absolute deprivation, however, there is no duty upon us to expend resources to improve the standards of living of people outside of our society.

Blake concludes that a liberal impartial theory concerned with autonomy must have concern for the relative deprivation of compatriots, whilst concern for foreigners is limited to absolute deprivation. Autonomy is a necessary condition for pursuing one's conception of the good and living a fully human life. Within a society, such autonomy is constrained by the existence of a legal system. This legal system is enforced through the use of coercive power, which violates autonomy. Such coercion thus stands in *prima facie* need of justification. Justification is obtained if the person subject to coercion could

have hypothetically consented to it. Since the legal system imposed by any state profoundly shapes the life prospects of its citizens, the justification also needs to take into account the relative deprivation of the least advantaged. The least advantaged thus not only have to be able to give their hypothetical consent to the framework of laws and the accompanying coercion, but also to distribution of wealth that it produces as a consequence.

I believe this is a strong account for a patriotic bias in terms of duties. The bias ascertains a minimum level of concern for all humans, it recognizes the special duties incurred by being co-participants in a society, and it seems to resemble closely the kind of patriotic bias often encountered in international politics. At the same time, it articulates the basis of this bias in terms that are not cultural or ethnic, thereby allowing for multicultural states whose citizens may share different histories and cultures. Instead, it takes an impartial approach in which we have concern for the absolute deprivation of all persons, and then explores the extra duties that special relationships such as the national relationship may give rise to.

In what follows, I will consider two objections to Michael Blake's argument. The first asserts that Blake's reinterpretation of Rawlsian theory turns the Difference Principle into a method of buying consent from the least advantaged. The second objection questions Blake's assumption that institutional coercion only exists within the confines of the state. This criticism will mirror a similar critique of Rawls's Law of Peoples expressed by Allen Buchanan in "Rules for a Vanishing Westphalian World". I will argue that there is a global basic structure that is coercive in nature and that this global institutional coercion gives rise to a concern for the relative deprivation of all those subject to it.

### **The Difference Principle as a Bargaining Chip**

Blake's claim that the real purpose of the difference principle is to justify coercion is not one that most readers of Rawls will not immediately agree with. To them, the Difference Principle is part of the two principles of justice, both derived from the thought experiment of the Original Position. These two principles are a unit, a package deal which guarantees a just society, if you like. Taking the Difference Principle out of this context and bestowing on it the role of justifying coercion to the least advantaged, changes Rawlsian theory significantly. Instead of being an integral part of a set of rules that governs a fair and just society, the Difference Principle becomes a bargaining chip in societal negotiations.

In fact, on Blake's interpretation, the DP seems to turn into a way of buying consent from the least advantaged. He claims that our system of laws, taken as a whole, creates inequalities, and advantages some persons over others. Such a system would be unacceptable to those least advantaged by it, and we thus need to offer them an economic incentive to accept it. For utilitarians, this would be perfectly acceptable, since persons are compensated financially for disadvantages that they have to shoulder in other areas. The utility they derive from the legal system is lower than that of other groups in society, but it is consequently augmented by a limit placed on economic inequality under the DP. Rawls, however, proposes his theory in direct opposition to utilitarianism. Much of his work in *A Theory of Justice* and *Justice as Fairness: A Restatement* is aimed at rejecting utilitarian ideology as the basis for organizing society. In short, the trade-off that Blake proposes between disadvantage and financial compensation flies in the face of the Rawlsian theory it purports to be reinterpreting.

One possible retort to this is Blake's claim that the DP is not a necessary feature of his theory. It is merely one way of showing concern for the relative deprivation of compatriots, but as noted earlier, other principles may be substituted for it if one disagrees with the theoretical foundations of the DP. This response strikes me as

insufficient since the “bargaining chip objection” takes issue with the role that the DP plays, not with its content. It objects to the idea of buying consent from the least advantaged, for a legal system that they would otherwise not endorse. It does not object to the size of the bribe, so to speak. In any case, Blake himself also seems to see a need for further justification as he dedicates an entire section of his paper to further support his reinterpretation of the role of the Difference Principle.

In this section, Blake emphasizes Rawls’s concern with coercion and the role that the principles of justice play in addressing that concern. The direct link between the justification of coercion and the principles of justice, one of which is the DP, is important for Blake to establish since it would vindicate his interpretation of Rawls. The claim that Rawls is concerned with the justification of coercion strikes me as a truism. Most political philosophers, such as Hobbes, Locke and Rousseau, dedicated a vast part of their work to finding justifications for the use of power by government. Rawls is no exception to this rule. Blake then claims this focus on coercion is what gives rise to concern for relative deprivation:

Rawls intends his principles of justice to hold only within a set of individuals who share coercive political institutions, since those institutions stand in need of justification through the use of public reason. In this, I suggest, state coercion has been recognized by Rawls as the precondition for a legitimate concern with relative distributive shares. (Blake, 2001, p. 287)

Blake proves that Rawls would agree to limiting the concern for relative well-being to compatriots, and that it is the presence of coercion within the nation state that gives rise to differentiation between compatriots and foreigners. Coercion infringes upon individual autonomy, which then in turn gives rise to concerns of distributive justice. The Difference Principle is needed to make sure that the least advantaged group in society can exercise its autonomy and is not dominated in society by the more advantaged groups who may accumulate wealth over time.

I think this explanation goes some way towards assuaging fears about buying off the least advantaged group, but fails to address the bargaining chip objection fully. Blake creatively reinterprets Rawls in way that still fits with Rawls's own theory and at the same time neatly ties together the fact of coercion and the need to protect the autonomy of the least-advantaged through distributive justice. However, there is still a gap between establishing a need for distributive justice, and the form that this takes. I think this gap can be bridged by interpreting the concern for relative deprivation more broadly as a concern about life prospects, rather than a worry about different wealth holdings.

### **Primary Goods**

I think Blake's account can be brought in line with Rawls's use of the Difference Principle if we take the concern for relative deprivation to be a concern about the allocation of primary goods, rather than mere economic inequality. His focus on economic inequality is a logical one, as the vast differences in wealth globally are often the catalyst for discussions about patriotic bias. He thus frames his discussion of the DP in similarly economic terms, through phrases such as "the material egalitarianism of the form expressed in the difference principle." (Blake, 2001, p. 283) Such a step, however, narrows the scope of the DP tremendously compared to how Rawls intended it.

For Rawls, the Difference Principle regulates the differences that can exist between groups in society in terms of their possession of primary goods: "the inequalities to which the difference principle applies are differences in citizens' (reasonable) expectations of primary goods over a complete life." (Rawls, 2001, p. 59) These primary goods are of five different kinds:

1. Basic rights and liberties, such as freedom of thought and liberty of conscience,
2. Freedom of movement and free choice of occupation against a background of diverse opportunities,
3. Powers and prerogatives of offices and positions of authority and responsibility,

4. Income and wealth, understood as all-purpose means for achieving one's goals,
5. The social bases of self-respect. (Rawls, 2001, p. 58-59)

It is clear from this list that the difference principle is indeed concerned with economic inequality, but also with many other aspects of the lives of citizens. It is reasonable to expect that any decent legal system will guarantee the first kind of primary good equally for all its citizens, but the same cannot be said about the four other kinds.

The concern for relative deprivation that Blake advocates ought not to focus merely on differences in income, but address inequality in primary goods. This will allow it to accommodate the bargaining chip objection. Rather than compensating the least advantaged with extra income, their position in society is protected in a holistic manner, and they are shielded from inequalities along several dimensions. Obtaining consent in this manner will be more palatable to Rawlsians and others who view the Difference Principle as a principle of justice, rather than a bribe. The autonomy of the least advantaged is also protected more effectively over time, as nepotism and the inheritance of wealth and benefits are curbed. It is easy to see how excessive inequalities in some of the primary goods listed above can lead to an unequal ability to participate in the political process, which in turn compromises the autonomy of the least advantaged. Differences in wealth and income of course play a very important part in this, a fact recognized by Blake, but other factors are equally important. For example, a person who cannot freely choose her occupation against a background of diverse opportunities has her autonomy compromised in a similar way as when her comparatively low wealth holdings give her a significantly smaller chance of pursuing her conception of the good. In both cases, this person is not badly off in absolute terms, but her autonomy is jeopardized by the facts that she faces worse life prospects compared to her compatriots.

This appeal to primary goods does have implications for Blake's claims about absolute deprivation. It makes sense that if we measure relative deprivation as differences in the (expected) holding of primary goods; absolute deprivation ought to be measured as

possessing less than a certain minimum of primary goods. It is unclear whether Blake himself would be willing to commit to establishing such a minimum, as his discussion of absolute deprivation is rather short. He relies on the idea that absolute deprivation is difficult to define, but that 'we know it when we see it.' Insofar as he does describe absolute deprivation, the account is concentrated on wealth holdings. Again, this is not surprising as the most salient difference between the "global least advantaged" and the rest of us is indeed the radical difference in economic means, but poverty is a much more holistic concept that involves a lack of autonomy in many areas of one's life.

### **The Capabilities Approach**

A good candidate for defining such an absolute minimum of primary goods is the capabilities approach, developed by Amartya Sen and Martha Nussbaum. This approach defines a set of human functional capabilities: things that human beings ought to be free and able to do. These capabilities are entitlements: every human being has a right to them. They include the ability to live a human life of normal length; the ability to have good health; and the ability to move freely; to name just three of the total of ten central capabilities. (Nussbaum, 2000, p. 78) Nussbaum argues that having these capabilities is a necessary condition for living a fully human life (Nussbaum, 2005, p. 210).

At first sight, these capabilities may strike us as very similar to human rights. This observation is correct, but it is important to emphasize that they are distinct from human rights practice in at least two fundamental ways. First, what is measured is ability, not right. A person living in a state that does not guarantee any human rights may still be said to have certain capabilities. For example, the government may not recognize its responsibility to provide for the security of person, which means that this person lacks security of person as a right. It can nevertheless empirically be the case that this person does enjoy security of person, for instance through protection by a locally organized militia or international peacekeepers. In this case, the person can be said to have this as a

capability. Alternatively, a person who has access to health care but chooses not to make use of this on religious grounds is also considered to have the capability to live in good health. In short, whether a person has a legal right to something or whether that person chooses to make use of certain facilities does not necessarily bear on whether that person can be said to have a certain capability. The second way in which the capabilities approach differs from human rights is that it is more expansive and covers a wider range of issues that affect human life. For example, in contrast to the Universal Declaration of Human Rights, the capabilities approach also covers the ability to have meaningful relationships and give expression to one's emotions.

Although Michael Blake does not phrase his commitment to the prevention of absolute deprivation as a pursuit of capabilities, I think the capabilities approach fits well with the reinterpretation of Blake's theory I have given here. Blake himself recognizes that a concern for absolute deprivation could take the form of a commitment to an expanded version of human rights (Blake, 2001, p. 294). He also asserts that such a concern could commit wealthy states to quite onerous duties to alleviate suffering globally. Given these two claims, a commitment to the capabilities approach seems to fit well. It would require roughly the same amount of effort on the part of wealthy states as Blake argues for, and would cover similar aspects of human life as Blake's expanded version of human rights is likely to. It is thus neither more onerous nor more expansive than the approach Blake already defends, while defining the goals and desired outcomes much more concretely.

To summarize, I claim that Michael Blake's account of a patriotic bias can be defended against the bargaining chip objection. Taken at face value, Blake's account does seem to suggest that the least advantaged group in society is to be compensated financially, so that they too can give their hypothetical consent to the legal system. Such a utilitarian manner of compensating the least advantaged would break with Rawlsian

tradition. I argue that if we interpret the concern for relative deprivation to be a concern with the distribution of primary goods, rather than economic wealth, Rawls's project of establishing a just society can be saved. On such an interpretation, the difference principle is a concern with maintaining inequalities that can be justified to all. It also protects the ability of the least advantaged to participate effectively in the political process and pursue their conception of the good, thereby safeguarding their autonomy. An understanding of deprivation as referring to primary goods does require us to reinterpret absolute deprivation in terms of primary goods as well. I have suggested that the capabilities approach developed by Sen and Nussbaum offers us a way of understanding what the threshold of absolute deprivation may look like.

I will now move on to discuss a second objection to Michael Blake, which takes issue with his assumption that no institutional coercion takes place on the global level.

### **The Existence of Global Institutional Coercion**

Michael Blake's argument that concern for relative deprivation is owed to compatriots but not to foreigners relies heavily on the claim that all forms of legal coercion occur within state borders. In other words, there are no global institutions that are engaged in coercion against individuals. Blake states "[t]here is no ongoing coercion of the sort observed in the domestic arena in the international legal arena." (Blake, 2001, p. 280). However, if it is institutional coercion that gives rise to concerns of distributive justice, and no such concern is owed to persons globally, then Blake is committed to the stronger view that there exists no institutional coercion on the global level.

The second objection asserts that Blake is correct in claiming that state coercion on the domestic level is unmatched by coercion on the global level, but that he is not entitled to the stronger claim that the global arena is devoid of any institutional coercion. In this section I will appeal to a similar criticism raised by Allen Buchanan in his response to John Rawls's *Law of Peoples*. In this book, Rawls claims that it is the basic

structure that gives rise to duties of justification domestically, and that the absence of a global basic structure frees us from having similar duties towards foreigners. The basic structure is a term coined by Rawls which refers to the set of institutions and laws that regulates society. For the sake of clarity, I will take the basic structure to be synonymous with the legal system that Blake is concerned with. It is thus also a coercive system. Buchanan asserts that there is a global basic structure, which undermines Rawls's position in *Law of Peoples*, and, for our purposes, Michael Blake's distinction between the concern owed to compatriots and foreigners.

If we can establish the existence of a global coercive system, then by his own logic, Blake is committed to at least some degree of concern for the relative deprivation of foreigners. Such a demand for concern for the relative welfare of foreigners is common in the cosmopolitan literature. Before moving on to the objection raised by Buchanan, I therefore want to show how Blake manages to address the two most common arguments made by cosmopolitans for such concern. His rebuttals to both these arguments are particularly strong and help to provide a background for how he may address the "global coercion objection".

### **Citizenship as a Morally Irrelevant Characteristic**

The first argument often made by cosmopolitans in favor of a universal concern for relative deprivation is the fact that state borders and citizenship are arbitrary facts about the world. The fact that a person was born on one side of a border rather than another, or born to parents with certain citizenship, is arbitrary in the sense that they did nothing to deserve this. An analogy is often made between citizenship and race or ethnicity to then prove that such arbitrary facts about a person ought to be morally irrelevant. In the same way that we should not favor certain persons over others based on the color of their skin, we should not have different duties to persons with citizenship A than to persons with citizenship B.

Blake's account counters this argument effectively by emphasizing that although the fact of citizenship may be accidental or arbitrary, its consequences are real and not morally irrelevant. The mere fact that one finds oneself in a particular state, participating in a coercive system with certain individuals, does not diminish the duties one has as a member of that society. It is in fact that unchosen nature of citizenship combined with the coercive nature of the state that gives rise to such a strong need for justification. Blake illustrates this with a parable about two autarkic states: wealthy and developed Borduria and less wealthy and less developed Syldavia. These nations have just found out about each other's existence, and Blake asks us to imagine the reaction of the Bordurians when a Syldavian envoy visits and demands a reallocation of resources between Borduria and his own country. It seems reasonable that the Bordurians should be allowed to reject such a demand, given that no one in Syldavia is absolutely deprived. The reason that the Bordurians can reject the Syldavian envoy's demands is that the Bordurians do not participate in a coercive system with the Syldavians, and thus do not need to show a concern for the relative deprivation of the Syldavians. This illustration I think helps build the intuition that morally arbitrary facts such as being a Bordurian or Syldavian, can give rise to morally significant duties. Blake thus refutes the argument that we ought to have a concern for the relative deprivation of all due to the arbitrary nature of citizenship.

### **Trade as the Basis for a Global System of Cooperation**

The second argument used by cosmopolitans to establish a universal concern for relative deprivation is that international trade unites us in a system of cooperation. They then draw an analogy between this global system of cooperation and the domestic society in which compatriots engage in cooperative production. Since Rawls views the domestic society as a "fair system of cooperation" (Rawls, 2001, p. 14), they argue that similar principles of justice apply to both the domestic and global system of cooperation. One variation of this line of argument has been presented by both Charles Beitz in his Political

*Theory and International Relations*. He emphasizes the degree of global cooperation and the duties that this ought to give rise to. The existence of such cooperation is a matter we will return to later. The point made by cosmopolitans is that the mere fact of cooperation gives rise to a concern for the relative deprivation of our collaborators.

Blake's reinterpretation of Rawls identifies coercion as the necessary and sufficient condition for such a concern: "Coercion, not cooperation, is the *sine qua non* of distributive justice, making relevant principles of relative deprivation" (Blake, 2001, p. 289). This reinterpretation provides him with a strong position against the traditional reading of Rawls, which views the cooperative nature of society as the origin of distributive justice. The merits of Blake's take on Rawls have already been discussed in detail above, but one advantage has not yet been discussed which is relevant here.

Many readings of Rawls focus on the idea of "society as a fair system of cooperation". It is the coming together of persons as free and equal citizens and their cooperation in the productive process that gives rise to duties of reciprocity. The Difference Principle is the expression of this reciprocity, an interpretation that Rawls underwrites (Rawls, 2001, p. 122-124). However, this line of reasoning runs into a serious problem when we consider the case of the mentally and physically disabled. After all, if reciprocity is contingent on cooperation, then those who are unable to participate in the productive process cannot be beneficiaries of reciprocity. To go short, the difference principle would not apply to them. This is certainly a very objectionable outcome, and the problem has been raised by many of Rawls's critics<sup>5</sup>

Blake's assertion that his account, which emphasizes coercion, solves this problem strikes me as correct. After all, all citizens are coerced by the legal system, including the physically and mentally disabled. Certainly one would expect that the legal system will provide special provisions for them, but they are subject to its coercive aspects nonetheless. This being the case, they are also entitled to concern for their relative

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<sup>5</sup> For one such account, see Robert Goodin, "What is So Special about Our Fellow Countrymen?"

deprivation from their compatriots. Blake's account thus provides a solution to a problem that the cosmopolitan account cannot solve.

### **The Global Basic Structure**

We now turn back to the main objection, which claims that a global basic structure does exist and is indeed coercive. This point is raised by Allen Buchanan in his criticism of Rawls's Law of Peoples<sup>6</sup>. He accuses Rawls of presenting a Westphalian view of international relations, in which "[s]tates are conceived of (1) as more or less economically self-sufficient units that are also distributionally autonomous and (2) as politically homogenous, unified actors." (Buchanan, 2000, p. 701). Buchanan argues that such a view of states as Leibnizian monads does not reflect the reality of international relations. I think a similar criticism can be leveled at Blake regarding his parable of the two states Borduria and Sylvania. In particular the first point, that states are economically self-sufficient and distributionally autonomous, applies well to these two fictional nations. And when Blake introduces trade between Borduria and Sylvania, it is again of a Westphalian nature. Buchanan describes this attitude towards trade as follows:

[Trade relations are] conceived of as consensual, discrete bilateral arrangements, bargains struck as it were de novo, episodic departures from the state of nature, understood as a noninstitutional, non-cooperative status quo (Buchanan, 2000, p. 702)

This description does not match the kind of trade relations we find in today's world. Nations do not engage in trade as an exception to the rule of autarky. Trade is the default and barriers to trade such as tariffs and quotas are constantly subject to scrutiny and require well-argued justification from any nation that chooses to impose them.

Buchanan then goes on to argue that a global basic structure does exist, largely as a consequence of the fact that our world is integrated through international trade. This

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<sup>6</sup> See Allen Buchanan, 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World'

global basic structure made up of economic agreements such as the GATT (now part of the WTO framework) and NAFTA, but also of institutions such as the IMF and the World Bank, and “the increasing global system of private property rights, including intellectual property rights” (Buchanan, 2000, p. 706) of which the TRIPS agreement is an example. I think this list can be further augmented through the inclusion of institutions such as the International Criminal Court and supranational organizations, of which the European Union is the prime example. All these separate elements of the global basic structure are rather different in nature, but the important point is that they all, in part, determine the prospects of individuals globally. They affect life prospects and often do so in a coercive manner. As such, they infringe upon the autonomy of all individuals subject to them.

The TRIPS agreement is a good example of this. Economic progress is in no small part driven by innovative ideas. Having an international agreement that protects such ideas and that can enforce the copyright attached to them has a significant impact on the distribution of technology across the globe. TRIPS thus impacts the life prospects, both of the people whose intellectual property it protects as well as those who stand to benefit from its application. It affects the way that American recording artists distribute their music, and the way that billions of people globally get to enjoy that music.

I take it that the previous two paragraphs have sufficiently established the existence of a global basic structure whose coercive actions affect the life prospects of individuals the world over. By Blake’s own rules then, this ought to give rise to some degree of concern for the relative deprivation of the individuals thus affected. What degree of concern is in order will depend on how the global basic structure compares to the domestic basic structure in terms of its level of coercion. It seems clear that state coercion in the domestic case more profoundly infringes upon citizens’ autonomy than do global institutions on the autonomy of individuals. Consequently, a greater concern for the relative deprivation of compatriots is in order. However, my goal here is not to define

the degree of concern for the relative deprivation of foreigners but to defend the claim that such a concern is in order at all. I believe that the discussion above has sufficiently shown that, in light of the existence of a global basic structure that is coercive, consistency would demand that Michael Blake agrees with that claim.

The resultant spectrum of concern, contingent on the exposure to both domestic and global coercive systems, offers a more complex account of whose relative deprivation we ought to be concerned with and to what degree. I think it stands to reason that a correlation ought to exist between the degree of coercion exercised, and the degree of concern owed, but the specific relationship between these two remains to be defined. Nevertheless, a spectrum approach is more fitting for a world that is characterized by various international institutions and agreements that directly affect the lives of individuals. Insofar as it ever was, the world is no longer divided neatly into monadic nation states, who affect each other only through wars and alliances. The global basic structure, made up of trade agreements, supranational organizations and international institutions, affects the lives of persons irrespective of their citizenship and interferes with their autonomy. For this, a concern for relative deprivation is owed.

### **Conclusion**

In this chapter I have outlined Michael Blake's argument for a patriotic bias based on the fact of state coercion. He argues that a liberal political theory ought to be concerned with the autonomy of persons. Coercion, such as that exercised by the legal system on its subjects, is an infringement on that autonomy and therefore stands in need of justification. Such justification is obtained through the hypothetical consent of all of those who are subject to the coercion. However, given the extent and degree to which the legal system, taken as a whole, affects the life prospects of individual citizens, the least advantaged group could not consent to such coercion unless special concern is given to their level of relative deprivation compared to their more advantaged compatriots. By

contrast, a concern for absolute deprivation is owed to all persons irrespective of our relationship to them. This establishes the kind of patriotic bias that corresponds more closely in strength to the one found in international politics than the biases previously argued for by David Miller and Jeff McMahan.

The concern for deprivation, as I have argued, ought to be one that focuses not just on economic wealth. To escape the bargaining chip objection, I reinterpret Blake as being concerned with a person's reasonable expectations of primary goods over her lifetime. Such primary goods are necessary for the pursuit of one's conception of the good. Since primary goods are a rather vague concept, I furthermore suggested an understanding of relative deprivation as based on capabilities, which seem to give concrete form to the basic index of primary goods necessary for a fully human life.

Blake's assumption that no significant institutional coercion occurs on the global level does not correspond to reality. When the effects of trade agreements, supranational organizations and international institutions are taken into account, we find that a global basic structure does exist. The coercive nature of this basic structure should, by Blake's own logic, lead to some degree of concern for the relative deprivation of those affected by it. Blake's binary model, in which there is concern for the relative deprivation of compatriots and the absolute deprivation of all, is replaced by a view that concern for relative deprivation is owed in proportion to the degree of coercion that persons are subject to.

I am aware that such a complex view of what is owed to foreigners and compatriots may be less attractive than the clear distinction in obligations towards those two groups that Blake offers. However, political philosophy cannot continue to rely on a Westphalian worldview if it is to make a valuable contribution to political thought and practice. Abstraction serves a useful role when it leads us to see a problem more clearly, but when it causes us to see the world in a factually incorrect way it ceases to be helpful, convenient though such a view may be. Rather than continuing down the path of

Westphalianism, it is time to focus our energies on formulating a theory of concern and obligation that takes into account the global basic structure that has increased significantly in both scope and coerciveness over the past three decades. Such a theory has the potential to serve as a useful guide for policy makers in a world of ever-increasing interconnectedness.

## Conclusion

The question of why we are allowed to favor our compatriots and to what extent is an essential component of a coherent view of global ethics and international political philosophy. In this thesis I have defended such a bias on the basis of state coercion. As free and equal citizens we participate in the creation of laws, and we sanction the state to enforce these laws through its use of political power. Such political power is always coercive, and thus requires a form of hypothetical consent. We must have been able to consent to the legal system and the consequences that it has on our life prospects. Since the structure of this legal system will inevitably be more favorable to some groups in society than others, we are particularly concerned with those least advantaged by this system. We ought to be concerned with their relative deprivation and ensure that they can effectively participate in civic society and political life. Only if such effective participation is guaranteed can we be sure that the autonomy of the least advantaged is protected.

A coherent theory of patriotic bias, must, however, do away with the oversimplification of nations as Westphalian actors. Ever increasing global economic interaction and the disappearance of barriers to trade are driving the creation of international agreements and institutions to govern them. This global basic structure, which extends well beyond the economic sphere, affects the opportunities and life prospects of millions globally. Such coercion on a global level needs to give rise to a concern for the relative deprivation of those who participate with us in this global structure. If such concern is not given, the globally disadvantaged will be in a position in which they are unable to represent themselves effectively on the global political stage. This would in turn mean that the global basic structure infringes upon the autonomy of the globally disadvantaged and makes them participants in a system that they cannot give their hypothetical consent to.

The spectrum view of concern, which relates our duty to reduce inequality to the degree of institutional coercion, is of course a more complex one than what we traditionally think of in the context of a patriotic bias. I believe the current account still maintains some characteristic features of the traditional view. Most importantly, there is still a substantial difference in the duties and concern owed to compatriots and foreigners, and a patriotic bias thus exists. Unless the coerciveness of the global structure increases tremendously as to approximate the degree of coercion found within the nation state, this bias will remain. The complexity arises from the question of how much concern we ought to have for the relative deprivation of foreigners with whom we participate in these global coercive systems. A conclusive answer to that question falls beyond the scope of this thesis, but further development of thought in this area may help us determine appropriate levels of concern. At the present, a view of international obligations based on a spectrum of concern may be difficult to conceptualize, but it is nevertheless what is needed in a world with so many layers of cooperation and coercion. I believe that more informative answers can and will be found, but only if political philosophy comes to terms with the existence of the global basic structure and is willing to recognize its implications.

This thesis has also provided a rebuttal of some of the nationalistic arguments for patriotic priority. Although there is certainly intrinsic value in both the compatriot relationship and the nation as a locus for language, culture and history; such intrinsic value cannot be the basis for a patriotic bias. As the discussion of David Miller demonstrated, the special duties we owe to our compatriots as part of the compatriot relationship are similar to those we owe to members of our debate team, mosque, supporters' club or any other form of human organization. They provide reasons to be extra kind to our conationals, but not grounds for prioritizing their needs or having a greater concern for their life prospects.

I believe that this thesis provides a position that both cosmopolitans and liberal thinkers sympathetic to nationalist sentiments can converge on. Its impartial starting

point, combined with an appreciation of the domestic basic structure and the duties it gives rise to, define a reasonable equilibrium between our obligations to humanity as a whole and our obligations towards people that we stand in a special relationship to. The approach argued for here, which conceives of the degree concern for the needs of foreigners as a spectrum presents, I believe, a fruitful direction for future work. Its complexity is only matched by that of the globalized world for which it wants to provide guidance.

### Bibliography

- Beitz, C. R. (1979). *Political Theory and International Relations*. Princeton, N.J: Princeton University Press.
- Blake, M. (2001). Distributive justice, state coercion, and autonomy. *Philosophy and Public Affairs*, 30(3), pp. 257-296.
- Buchanan, A. (January 01, 2000). Rawls's Law of Peoples: Rules for a Vanished Westphalian World. *Ethics*, 110, 4, 697-721.
- Goodin, R. E. (1988). What is So Special about Our Fellow Countrymen?. *Ethics*, 98, 4, 663-686
- Griffin, J. (2008). *On human rights*. Oxford: Oxford University Press.
- McMahan, J. (1997). The Limits of National Partiality. In R. McKim & J. McMahan (Eds.), *The Morality of Nationalism* (pp. 107-138)
- Miller, D. (1995). *On nationality*. Oxford: Clarendon Press
- Miller, D. (2005). Reasonable Partiality towards Compatriots. *Ethical Theory and Moral Practice*, 8, 2, pp. 63-81.
- Miller, R.W. (2005). Cosmopolitan respect and patriotic concern. In G. Brock, & H. Brighouse (Eds.), *The Political Philosophy of Cosmopolitanism* (pp. 127-147). Cambridge: Cambridge University Press.
- Nagel, T. (2005). The Problem of Global Justice. *Philosophy and Public Affairs*, 33, 2, pp. 113-147.
- Nussbaum, M. C. (2000). *Women and human development: The capabilities approach*. Cambridge: Cambridge University Press.
- Nussbaum M. (2005). Beyond the social contract: capabilities and global justice  
In G. Brock, & H. Brighouse (Eds.), *The Political Philosophy of Cosmopolitanism* (pp. 127-147). Cambridge: Cambridge University Press.

Pogge, T. W. M. (2002). A cosmopolitan perspective on the global economic order.

In G. Brock, & H. Brighouse (Eds.), *The Political Philosophy of Cosmopolitanism* (pp. 127-147). Cambridge: Cambridge University Press.

Rawls, J. (1999). *The law of peoples: With, The idea of public reason revisited*. Cambridge, Mass: Harvard University Press.

Rawls, J. (2001). *Justice as fairness: A restatement*. Cambridge, Mass: Harvard University Press.