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András Miklós, *University of Rochester*

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Nationalist Criticisms of Cosmopolitan Justice

András Miklós
Harvard University

Abstract. This paper critically evaluates some central arguments offered by nationalists against stringent international requirements of justice. The first part considers and rejects Michael Walzer's argument against international justice relying on a view about the social meanings of goods. The refutation points out, first, that Walzer's thesis is not true as an empirical matter, and, second, it is not an attractive normative position since it is biased towards certain conceptions of the good. The second part of the paper considers non-relativistic arguments for national partiality. It distinguishes between instrumental and intrinsic arguments and argues that neither form is capable of justifying the nationalist thesis. Instrumental arguments would have to rely on implausible empirical premises to justify national partiality. Intrinsic arguments either would have to invoke a view of the impersonal value of national self-determination that is unacceptable to liberals, or need to come up with a justification showing how the intrinsic goods produced by political communities are capable of overriding claims of outsiders.

Key words: global justice, nationalism, relativism, national self-determination.

Recent debates about international justice raise several related questions. Are there any distributive requirements applying internationally? If there are, are these requirements grounded in justice, or in some other moral notion? Are international distributive requirements the same as those that apply domestically, or different?

In this paper I examine a group of positions that either answer the question about the existence of distributive requirements cutting across borders in the negative, or claim that even if there are international distributive requirements, these are weaker and different in kind than the requirements of domestic justice. To adopt Henry Shue's phrase, these theories advocate the thesis that "compatriots take priority" (1996, 132). That is, they draw a stark contrast between principles of justice regulating domestic affairs and principles for regulating international affairs. The priority thesis does not claim that the interests of foreigners should not be taken into account at all for the purposes of determining distributive requirements: its distinguishing feature is that it takes account of their interests and the interests of compatriots in a different way (Beitz 1983, 593). Its advocates provide various accounts of what this difference consists in, with radically different theoretical backgrounds. In this paper I propose to distinguish between three kinds of arguments that have been offered in the literature for the priority thesis. One type of argument given by nationalists for special domestic distributive requirements rests on a relativistic view of justice, whereas the other two emphasize special benefits generated by national political communities. The paper is organized as follows. I first consider and reject Michael Walzer's argument against international distributive requirements relying on a special view about the social meanings of goods. The refutation points out, first, that Walzer's thesis is not true as an empirical matter, and, second, it is not an attractive normative position since it is biased towards certain conceptions of the good. The second part

of the paper considers non-relativistic arguments for national partiality. It distinguishes between arguments emphasizing the instrumental and intrinsic value of national attachments respectively, and argues that neither form is capable of justifying the nationalist thesis. Instrumental arguments would have to rely on implausible empirical premises if they wanted to establish the priority thesis. Intrinsic arguments, on the other hand, either would have to invoke a view of the impersonal value of national self-determination that is unacceptable to liberals, or need to come up with a justification showing how the intrinsic goods produced by political communities are capable of overriding claims of outsiders. Before I present the arguments, however, I briefly sketch the cosmopolitan outlook nationalists argue against.

I. INDIVIDUALIST MORAL UNIVERSALISM AND COSMOPOLITAN JUSTICE

Cosmopolitan liberalism rests on the premise that all humans are of equal worth and their lives and well-being are equally important from the point of view of justice. This general outlook is thought by cosmopolitans to justify certain requirements on the design of institutions, on the actions of individuals, and on the distribution of resources, so as to give an equal consideration to the interests of all humans. I do not here discuss the content of these requirements, however, let me briefly mention some of the characteristics of the underlying general moral stance only to contrast it with some nationalist theories that attack these.

The ground for the cosmopolitan outlook is a general individualist moral universalism, which has the following defining features.[1] It is individualistic, holding that only individual human beings have ultimate value. It is universal, in the sense that the status as a bearer of ultimate moral value extends to every human being, and it does so equally: each human being has equal moral value. Finally, the validity of this outlook is general, holding that individuals are of ultimate moral value for everyone. In virtue of these characteristics this outlook rules out attaching non-derivative value to institutions, political communities, culture, or relationships, and it also forbids weighting the value of individuals differently on the basis of features such as race, sex, or ethnicity.

On the basis of this general moral stance, cosmopolitans hold the thesis that there are international principles of distributive justice that are justified in a way that is continuous with the justification of domestic distributive principles. Furthermore, some normative features of individuals and the relations among them make it the case that international distributive principles roughly resemble domestic principles of justice we are familiar with from liberal theories of justice.

Arguments offered by nationalists often proceed by attacking one or several of the three main features of this moral stance, i.e. individualism, universality, and generality.

1] This characterization follows the description made by Thomas Pogge (2002, 169) and Brian Barry (1999, 35-6).

The next section considers one such argument. However, it is important to note that this strategy is not necessary for nationalists: as we shall see later there are attempts to justify the nationalist thesis which are compatible with individualistic moral universalism.

II. RELATIVISM ABOUT JUSTICE

The Argument from the Social Meanings of Goods

The first type of argument voiced by nationalists rejects the universal scope of moral individualism that underlies cosmopolitan theories of justice. The scope of moral principles has been seen as limited by some communitarian theorists on the basis of a relativistic view of morality.[2] In this section I am going to focus on Michael Walzer's version of the argument, as he is specifically concerned with distributive justice. Focusing on principles of justice that are supposed to guide the distribution of various goods in societies, he argues that such principles are not intelligible in abstraction from existing political communities. Principles of justice valid for a given political community are defined by the shared understandings of the members of the community. A given set of principles of justice applies to a political community where members' shared understandings imply this set. As Walzer states this claim: "All distributions are just or unjust relative to the social meanings of the goods at stake", and he thinks these social meanings, as well as distributive principles they imply, are relative to particular cultures (1983, 9).

Let us spell out the argument in more detail. First, distributive justice in Walzer's view is concerned with the distribution of social goods: *all* goods whose distribution needs to be guided by justice are social goods (1983, 7). Next, the meaning as well as the value of goods justice is in the business of distributing are defined by the understandings of the communities whose goods they are. This is a result of the conjunction of two ideas Walzer holds. On one hand, he views goods as having no "brute" natural meanings, thus he holds that they get their meanings through a social process of interpretation (Walzer 1983, 7-8).[3] On the other hand, the meanings of goods in Walzer's view differ across societies Walzer (1983, 8). Importantly, Walzer equates societies whose members share an understanding of goods with political communities: he thinks members of political communities share a language, historical consciousness, and culture to a sufficiently large extent to ensure that they make up distinct distributive communities. In addition, Walzer believes that the meaning of a good and its distributive criterion go together: there are no criteria for distributing social goods that are independent of the very meanings of the goods as they are understood in a society. The conclusion of this line of thought is that distributive criteria are inherently social as well. Furthermore, since the place where the

2] Alisdair MacIntyre, Charles Taylor, and Michael Walzer are perhaps the most prominent representatives of this relativistic stance. See MacIntyre 1985, Taylor 1989, Walzer 1983.

3] For this formulation see Mulhall and Swift 1992, 132.

meanings as well as the distributive criteria of goods are defined is a cultural community, there is no way to find principles for international justice since there is no equivalent for an interpretive community at the international level. Consequently, there are no requirements of justice that apply across political communities.

It might be countered that even if at present goods with which justice is concerned, and the principles of justice that should guide their distribution, vary across cultures, we may come up with a list of abstract goods that are general enough to be applicable internationally for purposes of defining a just distribution. Rawlsian primary goods would be an example. If we could come up with such a list, there could be consensus on principles of global justice which would govern the distribution of primary goods globally, which in turn would be translated into distributive arrangements concerning more specific goods by individual societies in accordance with their shared understandings of these goods. Walzer denies this possibility, however: he believes it is impossible to come up with a list of goods that, on the one hand make the same sense in all cultures and, on the other hand, are concrete enough to be able to serve as a standards for distribution. To recall, he thinks distributive principles are always relative to concrete goods with specific meanings, and the farther abstract goods are removed from these concrete ones the less determinate the standards guiding their distribution will be.

Having defined goods and distributive principles attached to them by reference to cultures, Walzer's theory goes on by presupposing an almost complete identity between cultural and political communities. It rests on a view of political communities where each or at least most members agree on the meaning and value of goods, as well as the way they should be distributed. In effect, Walzer presupposes that members of political communities agree in their conceptions of the good. Presupposing this, and holding that there is no way to come up with distributive principles for global justice employing more abstract goods, Walzer's theory takes nation-states as the exclusive domain for distributive justice. The global institutional structure in its current form consists of a number of nation-states, and the argument from the social meanings of goods implies that there are no international distributive requirements prescribing a different set of institutions to replace or supplement this structure.

Walzer's theory of justice can be criticized from a number of directions. For instance, it can be criticized in its general form as a version of cultural relativism about moral principles, using arguments that have been leveled against several communitarian authors such as Alasdair MacIntyre, Charles Taylor, or Michael Sandel, who hold in one form or another relativist views about morality. I do not discuss these general criticisms of moral relativism and will rather focus on criticizing Walzer's specific version of it since it may have greater initial plausibility, given its focus on differences between distributive principles across societies.

I understand Walzer's theory as having a more limited scope than the theories presented by other communitarians that confine rational discourse about all moral principles to cultural communities with shared understandings. Walzer's theory focuses on distributive justice, a field that is much more controversial than some other areas of morality, such as basic human rights. It has proved a lot easier for states to agree on the acceptance and interpretation of rights against torture, genocide, rights to freedom of speech, religion, or association, than to reach even minimal agreement on issues of distributive justice. This might be thought to create a prima facie case for Walzer's distributive pluralism. A strategy defending Walzer's relativism about justice might then proceed by drawing a distinction between basic human rights about which there is a prospect for international agreement, and requirements of distributive justice that are inescapably limited to domestic societies.

Let us see if this more limited Walzerian thesis is defensible. I am now going to present three arguments against it which, in my opinion, are sufficient to undermine the thesis.

Questioning the Contrast between Global Disagreement and Domestic Consensus

The first argument, offered by Allen Buchanan, proceeds by questioning the extent and permanence of global distributive disagreement on which Walzer builds his skeptical thesis about the possibility of reaching consensus concerning principles of global justice (Buchanan 2004, 204-5). The argument is of empirical nature: it aims to show that the supposed contrast between a largely homogenous public opinion about matters of domestic distributive justice and a globe characterized by irresolvable disagreement about matters of global justice is false.

It is obvious that political communities are not homogenous in the moral values of their members: in liberal democracies at least, members deeply disagree about moral issues, and disagreement is especially intractable with regard to issues of distributive justice. This makes the assumption about the existence of a contrast between domestic and international societies ungrounded. Also, there seems to be little reason to believe that domestic disagreement is more likely to be resolved than the international one in the long run. A claim that this is so should at least be supported by empirical evidence, which neither Walzer nor other communitarians manage to supply (Buchanan 2004, 204). We still seem to be in an early phase of international interdependence and cultural interaction, and it seems premature to conclude on the basis of a somewhat greater level of international disagreement about distributive justice that – in contrast with domestic disagreement – international disputes are less likely to have rational resolution. We can see this the most clearly when we consider the evolution and growing acceptance of international human rights standards: at the beginning of the 20th Century it would have seemed entirely unrealistic to expect states to give up significant portions of their sovereignty by subscrib-

ing to international human rights norms, which they nevertheless did in the course of the second half of the century.

Increasing Reliance on International Principles of Distributive Justice

The second argument against Walzer's position builds on the first one. Not only can we question the pervasiveness of international disagreement about distributive principles, we can also make the positive point that considerations of distributive justice actually already figure in and increasingly pervade international law and discussions surrounding it. As Thomas Franck has shown, considerations of justice have been institutionalized by being included in a growing number of international norms. This fact indicates that there is some convergence about issues of justice on the international domain (Franck 1995). Franck in his treatise lists and discusses a number of areas where considerations of distributive justice play a prominent role. These include (1) multilateral lending institutions that provide subsidized loans and credits to support economic growth and reduce poverty in poorer countries; (2) multilateral environmental agreements imposing obligations on states to take into account the interests of citizens of other countries and future generations by the conservation of a fair share of natural resources; (3) multilateral compensatory and contingency financing (treaty-based commitments of wealthier states to compensate poorer trading partners for extreme levels of commodity price fluctuations); (4) multilateral treaties governing the exploitation of natural resources on seabed and continental shelves and the distribution of benefits flowing from their use; (5) treaties regulating the use of outer space and the Antarctic, regarding them as the "common heritage" of mankind (Franck 1995, discussed in Buchanan 2004, 205-6). The developments discussed by Franck indicate that in a number of well-circumscribed areas in international law there is a growing consensus not only on the importance of distributive justice but also on the judgment that certain distributive arrangements are clearly unjust. This makes a compelling case against skepticism about the possibility of reaching an international agreement on matters of distributive justice even if at present there is no consensus on everything that distributive justice is thought to require.

Of course, these considerations do not show that there is an international consensus on a full conception of distributive justice. But then nor is there such a consensus domestically. What Franck's findings show is that it is a mistake to believe that considerations of distributive justice play no role at all in the international domain, and that current disagreements make it impossible to make progress towards a growing consensus.

The Role of Goods in Distributive Justice

The third argument against Walzer's distributive pluralism targets his skepticism about the possibility of finding a set of abstract goods that, on one hand, are general enough to be applicable globally and, on the other hand, are specific enough to support a standard of distribution. I will show, first, that abstract goods such as resources are in-

deed capable of providing standards for an interpersonal valuation of goods that can be used for distribution. Second, I will argue that a liberal theory of justice cannot accept the Walzerian premise that all goods that are subject to distribution under principles of justice have in every culture their own inherent distributive criteria.

First, we can easily see that abstract goods can indeed be applied in measuring the value of resources across cultures if we consider the way markets actually work. Markets operate on the assumption that, within the limits of a permissible range of goods, "anything can be traded for anything". This idea is institutionalized in the use of money as a medium of exchange, making it possible for any pair of traders to trade goods even without having a clear idea about what goods they want to end up holding (Waldron 1995, 144). So as a matter of general fact markets do not operate in the fashion Walzer sees distributive spheres operating: for most individual goods it is not the case that they get distributed on the basis of specific criteria built into their meanings. Goods get distributed on markets on the basis of their worth to individual participants. Thus, lack of agreement about the value of a good across cultures is not a problem. Goods can be traded among market actors even when they differ in their valuation of the good they want to exchange. The operation of markets shows that it is possible to rely on some very abstract measure, such as money, in the interpersonal valuation of concrete goods that need to be distributed.

Now, it is Walzer's main objection to the use of market exchange for the distribution of various kinds of goods that in liberal democratic societies there are many kinds of social goods whose distribution is a matter of justice, making up as many "distributive spheres", in which distribution should be determined by their own criteria.[4] He considers market as one of these spheres, but he claims its role must be limited to the distribution of some kinds of goods. The danger Walzer sees in relying on market exchange for the distribution of a larger range of goods is that money has the tendency to become a dominant good, i.e. a good whose possession enables individuals having it to command a wide range of other goods whose distribution is inappropriately sensitive to variations in individual wealth (Walzer 1983, 22). Each of these goods, e.g. education, medical care, food, Walzer thinks, should have its own "distributive sphere", sufficiently insulated from money, which should be confined to its own sphere and should not determine the distribution of other goods.

There is much conceptual unclarity in Walzer's account. Jeremy Waldron argues that it is a mistake to regard money as a good, alongside with other goods: money is only the "representation of the commensurability of the meanings and values of other goods, not as a good with meaning or value in itself" (1995, 147). On the other hand, even though not a good, money does have a social meaning, which Walzer's account misrepresents, at least for liberal democratic societies. Money cannot be confined to its own sphere, since its social meaning is precisely that it can be exchanged to a whole range of goods (Waldron

4] It should be noted, however, that the objection is valid only in liberal democratic cultures. It does not apply in caste societies, for instance, where the distribution of all goods is determined by one single distributive criterion, viz. one's position in the caste hierarchy. See Walzer 1983, 27.

1995: 147). Leaving aside these problems, I try to address Walzer's main motivation in objecting to market exchanges in the distribution of certain goods. The intuition behind Walzer's objection is the view that there are things money cannot, or rather should not, buy. Many of us consider it inappropriate to exchange public offices, court rulings, human body organs, or rights to basic liberties, for money.[5] However, all this shows is that market exchanges are allowed to take place only within a permissible range of goods, against the background of regulations making sure that justice or other moral requirements are not violated. In most cases exchange is prohibited because the goods or services featuring in them are themselves immoral. Murder is immoral, thus provision of murder for money is immoral.[6] There might be cases, however, when items ought not to be exchanged for money not because there is something wrong about the things that would be exchanged, but because there would be something wrong with exchanging them. Cases like this might include prostitution, or surrogate motherhood, where it might be thought that offering and receiving cash payments for securing consensual sex or bearing someone else's child is inappropriate. However, most blocks on exchange belong to the former group, and I will now argue that there is good reason to allow for exchanges for a broad range of goods. This argument, which I take to be the main objection to Walzer's view of the social meanings of goods, focuses on the value of market exchange as seen by a liberal theory of justice.

In a liberal theory of justice goods are not regarded as having their own distributive criteria built into their very meaning. On the contrary, people differ in their opinions about the value of certain goods since they have differing conceptions of the good, different ideas of what gives value to life, hence different preferences. Some would have more beauty products while others would rather choose to go on a hiking trip; some drink champagne while others prefer beer; some would want to go more often to opera while others would rather watch more TV. In each of these pairs of preferences some people would be willing to spend more of their resources on some goods rather than on others. If society decided to allocate concrete goods equally on the basis of a specific understanding of their value, some individuals would find that they are unfairly disadvantaged as compared to others. The reason for this is that justice is not only about the distribution of a given stock of goods: what products are available for distribution is also a question of justice. The kinds and the quality of resources to be distributed, and the kinds of activities prohibited or made possible, are also to be dealt with in accordance with justice. This implies that those goods distributive justice is concerned with should be valued in a way that takes account of the differing conceptions of the good people have, and takes account of them equally. In order to value a product someone consumes, in a manner that takes equal account of everyone's interests, we have to find a means to measure the costs to others of his consuming this product, i.e. the "cost in resources of material, labor, and capital

5] Although the list seems to be historically changeable, and there is certainly no consensus on some of its elements. Arguments about organ markets provide a good example of disagreement.

6] See Waldron 1995, 155-64 for an interesting analysis of the various cases belonging to this group.

that might have been applied to produce something different that somebody else wants" (Dworkin 1985, 194). Markets, at least in their ideal form, provide a way of measuring the value of one person's holdings of resources that reflect the true cost to others of her holding this amount of resources, hence they provide a standard for interpersonal comparison of resource levels that is not biased toward any conception of the good life. Considerations like this motivate Ronald Dworkin to take resources as the metric of distribution in his egalitarian theory of justice (2000). I do not here discuss the question whether we need the working of actual markets in order to define a just distribution, or we can find some other means, e.g. hypothetical markets, to achieve this.[7] Even if a theory of justice does not rely on actual markets, an equal concern for the well-being of everyone affected requires that we measure well-being for purposes of distributive justice in a way that is neutral across various conceptions of the good individuals hold.[8] This is why Rawls in his theory of justice proposes a list of "primary goods" as the metric of just distribution, rather than holding that goods ought to be distributed in a way that reflects their inherent distributive criteria as they are understood in a given society (1999a). Walzer's theory about the social meaning of goods and their distributive criteria is biased towards some conceptions of the good, hence it does not pay equal respect to the interests of all individuals among whom the problem of distribution arises.

To conclude, Walzer's requirement that goods are to be distributed in accordance with their social meanings is neither necessary for a theory of justice, nor is it desirable for a theory that aims to avoid favoring the preferences of some people at the expense of others. Justice requires that we measure individual well-being in terms of abstract goods, such as primary goods or resources, which provide an unbiased standard of interpersonal comparison. These abstract goods do not have inherent distributive criteria built into their meaning: their distribution should be guided by distributive principles we arrive at independently of the meanings of goods to individuals and communities.

III. PRIORITY TO COMPATRIOTS: THE NATIONALIST POSITION

Having argued against one position that confines requirements of distributive justice to domestic societies, I now turn to a second group of arguments against the cosmopolitan position. These arguments are not related to relativism about justice. In the remaining part of the paper I discuss the view that being involved in special relationships such as families, friendships, or national communities brings with it special distributive requirements. The main thesis of theoretical nationalism, a prominent doctrine advanced in various forms by contemporary authors, is that people are permitted or required to be partial to their own nations and fellow-nationals because they stand in a special relation-

7] I discuss this issue elsewhere. See Miklós 2009.

8] Unless otherwise specified, I use the term well-being in a broad sense, not denoting a welfarist view of distributive justice.

ship with them. This doctrine is about the form of ethical reasoning: it says that whatever people's interests consist in, we should care more about our fellow-nationals' interests than about other people's (Hurka 1997, 143). What forms of partiality nationalists have in mind and what degree of it they regard as acceptable is rarely specified. For clarification we can list a few characteristics of partiality, though the list is controversial not only among theorists but also when it comes to commonsense moral intuitions. First, positive duties owed to fellow-nationals are thought to be less easily overridden by considerations of cost to oneself than positive duties to citizens of other countries. Further, positive duties to fellow-nationals are often thought to take precedence over one's positive duties to outsiders in case of conflict. Next, the threshold at which a positive duty can override a universal negative duty may be lower if the positive duty is owed to a fellow-national. On the other hand, the threshold at which a universal positive duty can override a negative duty can be higher if the negative duty in question holds with regard to fellow-nationals.[9]

Whatever the exact form and degree nationalists think national partiality should take, its implication for global distributive justice is that distributive requirements applying within nations are more stringent and possibly different in kind than distributive obligations applying on the global domain. Justifications of this thesis have been attempted along the lines of two strategies: instrumental and intrinsic justifications of the value of national partiality.

Instrumental Justification

The instrumental justification starts from impartial moral principles, considering the interests of all humans equally. It proceeds by showing that partiality for conationals is justified since it has good effects impartially considered. One version of this strategy is represented by the route followed by Robert Goodin, who argues that fellow-nationals are better placed to look after the interests of one another, and are therefore required to give priority to one another's interests on universalistic grounds (1988). Goodin's strategy views special relations among compatriots as representing a useful convention where particularistic duties are viewed "as an administrative device for discharging our general duties more efficiently" (1988, 685). He regards such duties as cases of what he calls assigned responsibility, which he illustrates with the example of establishing a lifeguard on the beach: such a person is singled out to fulfill a general duty to rescue others in distress, since appointing one person as a lifeguard can overcome coordination problems that might be created by the presence of a larger number of people on the beach than the number required for fulfilling the duty of rescue. As a consequence, ordinary beachgoers are relieved of their duty to rescue others from the water (Goodin 1988, 680-1). By analogy, then, citizens of a state are thought to be relieved of their duties of justice towards citizens of other states, since these states are assigned responsibility for the interests of their own citizens. This justification of national partiality is instrumental because it proceeds by

9] This characterization is borrowed from Scheffler 2001, 52-3.

showing that a set of distributive rules incorporating national partiality is the best available setup for making sure that at the end of the day the justice is being promoted, taking the interests of all humans equally into account.

In their general form, instrumental justifications of national partiality are unlikely to succeed, for the following general reason. As we saw, they purport to justify the claim that, whatever people's interests consist in, we should give priority to our fellow-nationals' interests over those of others. However, as Charles Beitz argues against what he calls the consequentialist justification of the priority to compatriots view, it is implausible that such justifications can establish this general thesis since they would have to rely on implausible empirical assumptions (1983, 593). That is, they would have to presuppose a fair background distribution of resources against which states' taking care of the interests of their citizens might be justified. Given the hugely unequal current international distribution of resources and the tendency of free-market mechanisms to generate injustice without appropriate institutions maintaining background justice, more of international redistribution could bring about a better state of affairs from an impartial point of view. Now, Goodin recognizes that special responsibilities can be assigned to agents only against the background of a fair initial distribution of resources (1988, 685). It is very implausible to suppose that a setup where the Mozambiquean and the Swiss state are each exclusively responsible for the well-being of their own citizens produces the best overall state of affairs from an impartial point of view. However, an arrangement where each state would be allocated an equal initial per capita share of the earth's resources, and then left free to do whatever it can to perform its special responsibility for its citizens, would still be unjust if states are not self-sufficient. Liberals share the view that the operation of free markets tends to generate injustice unless it takes place against the background of just institutions correcting for unfavorable distributive effects. Thus, even in the domestic case, partiality in special relationships is regarded as permissible only if there are background institutions that implement the impartial requirements of justice. Individuals have a duty to create and uphold such institutions that maintain the conditions of impartiality, against the background of which communal projects and personal commitments can take place. Analogously, if such just global institutions are in place that maintain a fair background distribution and correct for unjust distributive effects of market transactions, there may indeed be legitimate forms of giving priority to fellow-nationals. However, this idea is different from what the priority thesis in its general form purports to establish, as it is silent about just background institutions.

Intrinsic Justifications

I now turn to intrinsic justifications of national partiality, which pose a more significant challenge to cosmopolitanism. Such justifications do not defend national partiality by pointing out its instrumental role in bringing about an overall desirable state of affairs, considering the interests of all humans equally. Rather, they claim that the relationship

between fellow-nationals is in itself sufficient to warrant special distributive requirements that do not apply among humans as such.

There are two basic rationales offered for the intrinsic importance of national partiality. One position regards some goods provided by nationhood as good impersonally, and justifies special duties among fellow-nationals by showing that they are necessary for securing these goods. The other strategy proceeds by showing that special relations between compatriots have a substantial effect on their lives. The importance of these relations comes from their effect on individual well-being and underwrites special distributive requirements.

Since the intrinsic defenses of national partiality are not cast in terms of a thesis about the scope of validity of ethical reasoning, those nationalists who want to maintain the special distributive status of relational facts need not subscribe to relativism. In one form, the nationalist doctrine is both non-relativistic and agent-relative. It is non-relativistic if it takes at least one ethical principle as having universal validity, namely the principle that special relations are of intrinsic importance, and carry with them special distributive requirements among participants. Members of every national community ought to be partial to their fellow-members, and not only in those cultures whose norms include a requirement of such partiality. On the other hand, the doctrine is agent-relative, since it prescribes partiality to one's own fellow-nationals: it does not demand that we should act so as to maximize the number of people being partial to their conationals. Therefore, this nationalist position has something in common with the relativistic argument about justice, namely that, when aiming to offer principles for regulating international affairs, it regards national distributive requirements as having an ethical status that is independent of their overall effects on the well-being of all humans.

In what follows I will present the impersonal and personal versions of defending partiality on the basis of the intrinsic significance of communal attachments, and will argue against each in turn. Treating them separately serves analytical purposes, though they are often not distinguished clearly in writings about nationalism.

The Impersonal Value of National Self-Determination

The first group of arguments holds that national partiality is justified partly because some goods provided by nationhood, such as the survival or flourishing of national culture, or national self-determination, are good impersonally and special duties among fellow-nationals are necessary for securing them. This strategy regards these goods as good impersonally in the sense that they are "not reducible to the goods of individual persons, or to goods located in individual persons' lives" (Hurka 1997, 144). One should show greater concern for the survival or flourishing of one's national culture, or national self-determination, not because this is a way of promoting the interests of one's conationals but because of the importance of these things in themselves.

This position goes against individualist moral universalism by holding that fundamental importance may attach to relations between persons, or persons and collectivities, without having to justify this importance by recourse to an equal consideration of the well-being of all individuals. Agents are viewed as already encumbered with definite duties and commitments to particular persons and groups, and it is claimed that these relational facts figure in moral reasoning as foundational elements (Miller 1995, 50-1). That is, in justifying moral requirements the normative force of these relationships does not derive from their being compatible with a set of basic principles considering the interests of all humans equally: their binding force is not endowed upon them by their effects on the well-being of individuals.

A number of impersonal goods have been associated with nationhood and thought to justify partial attitudes. For one, it has been argued by some communitarian authors, most straightforwardly perhaps by Charles Taylor, that the cultural survival of national groups and national minorities, e.g. the survival of French culture in Quebec, is good. It is a good not only in the sense of being good for Quebeckers as individual persons, but also good in itself. Francophone Quebeckers who now deeply care about the existence of a French culture in Quebec three generations from now do not necessarily believe that their great-grandchildren will lead better lives if they are born and raised in a French culture than what their lives would be as members of an English culture. Most probably these people would grant that after the lapse of a sufficiently long time the disappearance of French culture in Quebec would not make any specific person worse-off. If they continue to regard the survival of their culture as a good then, they must view it as an impersonal good in this sense: it would be a good thing if Francophone culture survived even if this would not be better for anybody (Taylor 1994, 58; Hurka 1997, 145). The implications of the importance of cultural survival for international distributive justice are not clear, however. As long as we do not think that the impersonal value of national cultures justifies more stringent national distributive requirements than those on the international domain, we can grant that national cultures are good impersonally without having to give up requirements of global justice.

To turn to another of these goods endorsed by nationalists as impartially valuable that is more immediately relevant to issues of international distributive justice, let us discuss the case of national self-determination. Arguing against international distributive demands of justice, nationalists claim that the self-determination or autonomy of national political societies is valuable in itself, and that principles regulating international affairs should respect national self-determination. For nationalists this value implies a division of labor between domestic principles of distributive justice and principles regulating international affairs. International principles should serve to maintain background conditions in which self-governing political societies can flourish, and take responsibility for their collective choices. No international distributive requirements are justified above those necessary for securing conditions of the existence of self-governing political communities, since additional requirements would violate national self-determination as expressed

in society's taking responsibility for its choices. The nationalist ideal is a world of self-governing societies, where nations manage their own affairs in their own political society in accordance with their culture and way of life. International redistribution would not respect the political autonomy of nations, thus applying principles of distributive justice on the global domain is not desirable.

David Miller supports this thesis with an example that seems on its face intuitively compelling. Suppose there is a decent but non-liberal society that respects most of the human rights of its residents, nonetheless it does not grant them some of the liberal civil and economic rights. Even liberals would not endorse intervention by other countries, for instance by military means or by way of economic sanctions, in the domestic affairs of such a society, Miller conjectures. This shows, he argues, that we respect the national self-determination of political societies, and he concludes that international redistribution similar in scope to that in liberal societies is ruled out because it would violate this value (Miller 1995, 77-8).

I leave aside the question how fine-tuned Miller's example is, however, it seems that it has much greater force in the case of military intervention than that of providing incentives for decent societies to become liberal. It seems to me that liberals would have no qualms about influencing political processes in non-democratic countries by providing economic incentives, such as offering the opportunity of participation in beneficial trade regimes, thus the force of the example may come from our reluctance to support coercion whenever other incentives are available, or from the possibility that military or economic sanctions would cause more harm than benefit.[10] Disregarding this complication, I first consider why it is unacceptable to regard national self-determination as impersonally good for purposes of determining distributive requirements. Next, I argue that if we view national self-determination as good for individuals, its value is unlikely to be able to justify the nationalist's claim for national partiality.

Objections to the Impersonal Interpretation

Liberals will object to viewing national self-determination as being impersonally valuable for purposes of justifying requirements of distributive justice. They reject this view on the basis of the individualist moral universalism that is at the core of liberalism. Liberalism rests on the premise that the moral justification of actions, policies and institutions should rest on an equal consideration of the interests of those individuals, and only those individuals, who are affected by them. It insists that a just regime cannot be a final end in itself; rather it is "something we ought to realize for the sake of individual human persons, who are the ultimate units of moral concern… Their well-being is the point of social institutions" (Pogge 1994, 210). It seems unlikely that a holistic view of the value of

10] Rawls disagrees. He claims that, for reasons of stability, international organizations should not offer their decent but non-liberal member peoples incentives to become liberal even in ideal theory (1999b, 84-5).

self-determination can figure in a theory of international justice that claims to be liberal. A distinctive point about liberalism is its insistence on referring ultimately to individual lives in justifying the content and scope of principles of justice and not supposing that "society is an organic whole with a life of its own distinct from and superior to that of all its members in relation to one another" (Rawls 1999a, 234). States can make normative demands on individuals and on other states only if these demands can be justified with reference to the equal consideration of the well-being of each individual concerned. In the face of the appeal of these considerations, the significance of people associating in communities with special bonds of sentiment and obligation between them cannot simply be assumed to be foundational, without the need for justification (Kuper 2000, 652).

This normative individualist view applies at the level of the justification of moral principles in general, and principles of justice in particular. It is compatible, however, with viewing some goods as communal in the sense that their content is specific to certain groups. For instance, some goods are culturally generated and might not exist outside the relevant culture. Access to internet may be regarded as a good in societies at a given level of technical development, possessing a culture that relies heavily on this form of communication.[11] Other cultures may not attach similar value to it. In this sense many goods are generated by groups, and have to be viewed in a holistic manner. However, we have to distinguish between this ontological sense of holism and its normative or justificatory sense. Even though the goods that need to be distributed may not be interpreted at the individual level, principles for justifying their distribution must ultimately take into account only the interests of individuals.

Nevertheless, the value of self-determination may be seen as analogous to other values that are not individualistic, not only in the sense that they are generated at the communal level, but also in the sense that their value does not ultimately derive from their value to individuals. The insight behind regarding national self-determination as impersonally good is that we do recognize that people value certain kinds of relations in a manner that goes beyond their being instrumental to promoting the good of individuals. Proponents of the impersonal value of national self-determination see political bonds analogously. The conception of the good that lies behind their doctrine has at its core an insistence that social bonds in general and the relationship between citizens in political communities in particular are valuable in themselves, over and above their value as means to promoting the interests of individuals. This view of the good life is not identical with the conceptual charge leveled against liberalism by communitarians such as Michael Sandel, that liberalism rests on a mistaken view of the person, failing to see the importance of constitutive attachments in forming individual identity and interests (1982). The present claim is not so much about the conceptual incoherence of abstracting from particular attachments when justifying a conception of justice, as about the substantive content of this conception. Since national self-determination is viewed by this version of nationalism as an im-

11] I owe this example to János Kis.

personal good, its advocates think it should be reflected in the way political communities relate to their members and to other political communities. Distributive justice should on this view be the business of self-governing political communities while principles regulating international affairs should make sure to maintain the conditions necessary for the working of self-governing political communities.

Liberals reject the view that political bonds should be viewed as representing some communal good over and above the interests of individuals when justifying principles of justice. Viewing national community or culture as an impersonal good is inappropriate for a just political regime. As we have seen, the reason for this is normative individualism that is at the core of liberal political principles. It is true that people are members of several communities, such as families, religious faiths etc. As members of such communities they might have conceptions of the good that regard their relations with fellow-members as an impersonal good: for instance they might believe that they ought to view family ties as inherently good, apart from the value they contribute to the lives of family members. However, liberals argue, political community should not be viewed like this for public justification. The principles that are supposed to guide the political organization of society and the distribution of resources should be based on an impartial consideration of the good of individuals only. Political institutions determine citizens' rights and duties, and regulate and enforce the distribution of resources among persons with competing claims to them. Hence it would be unfair for them to privilege any one conception of the good. While there might be views that regard it as inherently good for the life of a human being to be devoted to participation in political life, and see political activity as an impersonal good in the sense of not being reducible to the value it contributes to individual well-being, it is inappropriate to organize political institutions and structure distribution in accordance with this view of political life. Doing so would amount to privileging one specific conception of the good over others under circumstances when people differ in their conceptions of the good. These considerations give us compelling reason to reject the version of the nationalist argument that is based on the impersonal value of national self-determination.

National Self-Determination and Individual Well-Being

I now turn to a reformulation of the nationalist argument on the basis of the significance of national self-determination for individual well-being.

Nationalists sometimes argue for the importance of national self-determination and the special distributive requirements flowing from it by pointing out that people value participation in the public and civic life of their political society, as well as being attached to their particular culture. As John Rawls argues, one function of political societies is to maintain their members' proper self-respect as participants in their society's history and culture (1999b, 34). Rawls finds this function justified since, as he puts it, "in this way belonging to a particular political society, and being at home in its civic and social world, gains expression and fulfillment" (1999b, 111). Let us try to spell out the argument behind this claim. First, it assumes that national or cultural groups are important for the self-re-

spect of their members. On one interpretation along the lines of an argument put forward by Avishai Margalit and Joseph Raz, national or cultural groups are important since they provide "an anchor for their [members'] self-identification and secure sense of belonging" (1994, 133). That is, members' well-being is bound up with the flourishing of the national or cultural group with which they identify or belong in a crucial way. The next step in the argument is to show that national self-determination, i.e. political communities having the right to make decisions about their communal good and life, is a necessary constituent of national flourishing. Finally, for the argument to succeed, the importance of national belonging or flourishing to their members' well-being should be sufficiently weighty to justify a claim to national self-government.

This argument for the importance of national self-determination is thought by nationalists to imply the ideal of a world of self-governing societies, where peoples manage their own affairs in their own political society in accordance with their culture and way of life. An important aspect of national self-determination so understood is national sovereignty over distributive matters. Since international redistribution would not respect the political autonomy of peoples, nationalists argue, applying principles of distributive justice at the global domain is not desirable.

This argument combines considerations of society's taking responsibility for its collective choices with stressing the importance of its members' self-respect as self-governing participants in society's history and culture. For the sake of argument, I leave aside important problems with holding individuals accountable for the choices of the majority or governing elites of their societies.[12] Instead, I now focus on the question "Is the value of self-determination for members of political communities likely to justify the nationalist's restriction of the scope of principles of distributive justice to nation-states?"

To recall, in this section we are examining an individualist interpretation of the claim that the political self-determination of national societies warrants special domestic distributive requirements. If nationalists stick to the premise of individualism, according to which principles of justice should ultimately consider the interests of individuals affected by social institutions, they can try to salvage the point in two ways.

The first way to proceed in an argument for nationalism on an individualist ground is by incorporating communal self-determination among the goods individuals strive to attain. The argument would be that since self-respect is an important element of one's well-being and since communal self-determination is an essential means of nurturing individual self-respect, individuals have a right to participation in the political life of their political society. This construal of the value of self-determination would be in line with the Rawlsian aspiration that "we want to account for the social values, for the intrinsic good of institutional, community, and associative activities, by a conception of justice that in its theoretical basis is individualistic" (Rawls 1999a, 233-4). To the extent that collective

12] I consider the soundness of this assumption elsewhere (Miklós 2006).

entities have any moral importance, it is derivative, i.e. it must be justified by reference to the interests of individuals.

However, this defense would take us back to the instrumental case for national partiality. Instrumental defenses are problematic for the general reason noted earlier, and we can easily see how the argument from the value of self-determination is vulnerable to a specific version of that criticism. It runs as follows. If political self-determination is an important means of maintaining one's self-respect, every individual is presumed to have an equal claim to this good, as well as to other goods that are important for other reasons. Hence, liberals will object that the individual good of self-determination is unlikely to override claims of justice to all other goods by individuals, members of the same nation, or non-members. Resources are presumed to be important instruments for realizing individual life plans, and individualist moral universalism demands that the interests of all individuals be taken equally into account when justifying principles governing their distribution. Therefore nationalists should show that promoting one's self-respect by self-determination through one's political society is so much more valuable for individuals than claims to other goods by non-members that it is capable of overriding large international distributive inequalities. If they fail to show this, the value of political self-determination to inhabitants of a rich country cannot override claims of inhabitants of poorer countries to a fair global background distribution. Given the large current global differences in wealth, however, it would be a highly implausible assumption to make, and even nationalists themselves do not make it. Since the value of political self-determination is incapable of overriding outsiders' distributive claims, principles of international justice will continue to apply, and considerations of the good of self-determination figure as only one element in a theory of international justice.

There is another route nationalists can take in their defense of national partiality on the ground of moral individualism. This is not an instrumental argument that proceeds by showing that having a right to national self-determination promotes the interests of each individual, thus it needs to be secured in order to bring about a higher level of overall well-being in the world. Instead, it focuses on the intrinsic importance of special relationships within national communities. It claims that special relationships can generate special distributive requirements, because they bring about some good or goods for the individuals taking part in them, which call for their own criteria for distribution. National self-determination is justified not because it will have good effects impartially considered by taking equally into account people's preference for governing their lives through communal decisions, but because it reflects a special relationship in which members stand with one another. Thus, in this argument the focus is not on the overall effects of special relations but on the division of benefits and burdens arising within these relationships.

Thomas Hurka has put forward a version of this argument for national partiality. He argues that nations are intrinsically valuable because fellow-nationals as members of

a scheme of political institutions are jointly creating some goods. To take one of his examples, Canadian identity is valuable because Canadians have created and maintained political institutions ensuring the rule of law, liberty and security of citizens, and also social security such as universal health care (Hurka 1997, 152-3). A common history of fellow-nationals involving the joint creation and provision of such goods brings about a special relationship which is valuable and sufficient to justify differential distributive requirements among them (Hurka 1997, 152).

This account of the intrinsic value of special relationships among fellow-nationals is problematic, however. To begin with, Hurka himself recognizes that it blurs the distinction between membership in nations conceived as cultural communities, and membership in nations as politically organized groups. These two types of relationship need to be distinguished, however: nations as political communities essentially embody a common set of laws and institutions regulating a system of cooperation, whereas nations conceived as cultural communities do not. Many nationalists make the unjustified inference, on the basis of their equivocating on two different meanings of the term "nation", from the value of national self-determination among *fellow-nationals* to the requirement of partiality for *fellow-citizens*. However, this requirement obviously does not follow, given that the two groups do not coincide. If we consider goods produced by political communities, on the other hand, justifying the obligations owed by members to one another with reference to goods produced by them does not ground these obligations in the associative nature of the relationship, but in some other moral principle or principles. The force of Hurka's examples of the Canadian welfare system and the rule of law more plausibly comes from a conception of members as recipients of benefits of political cooperation, with an obligation of fair play as the grounding moral principle, or from conception of members as participants in and subjects of a just institutional scheme, where the grounding principle is a duty to support and comply with just institutions. In either of these cases, the force of the argument that we have obligations to the nation derives from the fact that we are subject to institutions characterizing politically embodied nations.[13] In other words, political obligation in such cases is not genuinely associative.

If this is the argument, however, and it is indeed the mutual benefits produced by cooperation or the justice of political institutions that make nations intrinsically significant for justice, then it remains to be seen how the benefits produced justify partiality for fellow-citizens. The argument, as we have seen, is expected to fit the general tenor of individualist moral universalism according to which the justice of institutions or the acceptability of actions depends on their effects on individual lives impartially considered. This stance makes a prima facie case for some justice-based global distributive requirements. However, Hurka provides no argument from the joint production of benefits to a requirement of partiality to fellow-citizens. Recently there have been attempts to fill out

13] See the argument made by Margaret Moore in 2001, 36-7.

the missing element in the argument and to justify special domestic distributive requirements on the basis of a relational account of distributive justice. For lack of space, I leave it to a different occasion to discuss that position.

andras_miklos@hms.harvard.edu

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