



Legitimate Partiality, Parents and Patriots

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I Introduction

In other work (Brighouse and Swift 2009) we have developed a way of approaching the issue of legitimate parental partiality; i.e. the question of the ways in which, and extent to which, parents may do things to, with and for their children that they are not required to do (and perhaps must not do) to, with or for other people's children. This contribution explores what happens when that methodology is applied to the issue of legitimate partiality towards compatriots.

The approach requires us to attend to the relationship-specificity of agents' prerogatives and responsibilities with respect to particular others, and to the particular goods that are realized by that specific kind of relationship. What kinds of partiality must one have in order to enjoy that kind of relationship and the 'relationship goods' that it distinctively provides? For us, particular features of the parent-child relationship, and particular ways in which that relationship contributes to well-being, can help to justify the expression of particular kinds of partiality. Some theorists take partiality towards members of one's family as essentially unproblematic, and justify partiality towards compatriots by analogy with it (Oldenquist 1982; Miller 1995).

Our emphasis on the specificity of relationships and the distinctive kinds of contribution they make to well-being puts us in a position to investigate the extent and limits of that analogy.

Two prefatory comments. First, we want to isolate the reasons for permitting partiality towards compatriots that derive from the value of the compatriot relationship. Individuals may have prerogatives of a more generally, perhaps even universally, permissive kind; in particular cases, these may justify actions by agents intended to favour their compatriots. For example, there may be prerogatives to pursue one's own projects, or to exercise discretion over the objects of one's charitable or altruistic endeavours, in ways that would license an individual's showing partiality towards her

compatriots. But those prerogatives, if any, are not justified by appeal to the value of the compatriot relationship and are not our concern here.

Second, the term ‘compatriot’ is ambiguous. Sometimes, compatriots are fellow nationals, those who share membership of a national community. Sometimes, they are fellow citizens, those who share membership of the same state or political community. Of course, these two relationships often overlap. Nations typically have historical connections to a particular territory, and seek to establish political rule over that territory in the form of a state. Moreover, influential strands of argument see much of the value of nationality as instrumental, as providing the kind of shared identity needed to underpin what are fundamentally civic goods of solidarity, social justice and democracy. As we will see, this overlap makes it hard to disentangle the distinct goods realized by the two relationships, and the distinct kinds of partiality susceptible to justification by appeal to them. Still, in principle we should take seriously the difference between those relating to one another as fellow nationals, on the one hand, and as members of the same polity, on the other. Differences in the goods the different relationships make available are sometimes obscured in the arguments of those defending compatriotic partiality. Here we want to try to isolate what in our terminology become “national relationship goods”.

This short paper has three short sections before concluding. First, we offer some general points about the value of relationship goods and how that value relates to questions of legitimate partiality. Second, we set out two sharp disanalogies between families and nations. Third, we consider the kinds of partiality that are susceptible to justification by appeal to the value of the national relationship. We conclude by emphasizing the limits of legitimate partiality to fellow nationals.

II Relationship Goods and Legitimate Partiality

First, suppose there are indeed distinctive goods made by possible for human beings by national relationships. It does not follow that, all things considered, it is good that there be such relationships. In the case of the family, we argue that, despite the costs and drawbacks that go with parent-child relationships of the kind that we describe,

human beings would indeed be worse off, much worse off, all things considered, in the absence of familial relationships. Parent-child relationships, in our view, are so central to human flourishing that, did they not exist, it would be necessary to invent them. Whether the same can be plausibly be claimed for relationships between compatriots will of course depend on one's view about the nature of the goods they make possible, and the relative weight of the goods and bads that attend the existence of such relationships.

Second, however valuable the national relationship, it's a further question whether one would be justified in doing what is needed to ensure national relationship goods for oneself and one's fellow nationals rather than devoting the same resources (time, energy, money) to facilitating others' provision of those same relationship goods to one another. It may be true that some degree of special treatment is inherent in very nature of the relationship itself; according to Samuel Scheffler (2001) the relationships we are talking about are partly constituted by some kind of special responsibilities - they simply would not be good-yielding relationships if their participants in no way regarded them as providing reasons for some kind of priority or special treatment. (See Keller (2011) for an opposing view.) Even if Scheffler is right, keeping in mind that the relationships in question are equally valuable for all should help us avoid over-simple inferences from the value or importance of the relationships to the degree or kinds of partiality that their participants may legitimately show one another.

Third, suppose it is true not only that national relationships make a distinctive contribution to well-being, and that certain kinds of partiality between fellow nationals are required for them to make the contribution, but also that the contribution they make is indeed very important. It does not follow that we may legitimately act in the ways needed for that contribution to be realised. To ask whether it is legitimate for someone to do something to, with or for her fellow nationals we need more than an account of the properties that such an action must have in order to be susceptible to justification by appeal to the value of the national relationship. Can, for example, contributing resources to national cultural projects, or a national public health service, or national defence, or simply complying with the tax laws as decided - less or more democratically - by one's fellow citizens be justified by appeal specifically to the

value of *national* relationships? We need also a substantive position on the nature and extent of people's duties to *others* in circumstances of that kind. No account of the value of relationships with compatriots, and of the actions that can be justified by appeal to that value, can, by itself, yield a view about what compatriots may and may not legitimately do to, with, and for one another in any particular circumstances. Perhaps, in a world where some lack what they need for mere survival, the provision, for oneself and one's compatriots, of the goods derived from relationships with compatriots exceeds the bounds of legitimate partiality. Perhaps, if background distributions are unjust by some independent standard, those with more than their just share have a duty to divest themselves of their unjust surplus before devoting any of it to the claims on them that arise from special relationships.

Finally, however, how valuable national relationship goods are *is* relevant to all things considered practical judgements to the extent that agents are choosing between actions that help to realize *those* goods and actions that help to realize *other* goods. This is true irrespective of whether the agent is contributing to the production of those goods for himself and his compatriots, or for members of other nations. On our account, which we do not have space to rehearse here, familial relationship goods are extremely important: whether one is acting partially to realize them for oneself and the members of one's family, or seeking to facilitate their realization for others, that importance means they should have a good deal of weight, relative to other considerations, in one's practical deliberations. How valuable national relationship goods are will similarly make a difference to their weight in all things considered judgements about what to do.

III Why Nations are not like Families

Here are two crucial disanalogies between the nation and the family. First, a weighty reason for there to be families, a reason for children to be raised by parents with responsibility for them, is the particular value that comes, both to children and adults, from that fiduciary relationship. Children, born entirely helpless and vulnerable, grow up with the benefit of initially sensing, and then coming to understand, that there are particular adults charged with the task of meeting their most basic needs and, as they

grow up, discharging more complex and emotionally demanding duties of care. Adults benefit from playing that fiduciary role. By its very nature, the fiduciary relationship will entail important kinds of partiality. Only if national relationships are the precondition of basic order and security, which we doubt, do such relationships yield anything like an equivalently deep and fundamental ground for partiality.

Second, when all goes well, parents and children love one another. To love someone is to care that their lives go better rather than worse – to care about that more than one cares about the well-being of a stranger. There is a particular value to being the person who brings it about that one’s loved ones lives do indeed go better rather than worse, and to having one’s well-being promoted by someone who loves one, so distinctive familial relationship goods are indeed realized when family members act on that motivation. Even in the case of the family, though, we regard that consideration, though real, as weak. It is secondary to, and parasitic on, the value of the relationship itself. Although fellow nationals can doubtless develop something that we might think of as affection for one another, and doubtless it can be valuable to promote the well-being of those for whom one feels affection, we cannot regard that value as having anything like the weight of that in the case of the family. Fellow nationals do not love each other; the chances are they don’t even know each other.

IV National Relationship Goods

What kinds of partiality towards fellow nationals are indeed susceptible to justification by appeal to the value of the national relationship? Taking David Miller’s influential defence of nationality as what can be no more than an exploratory pilot study, we start by identifying claims about the specific contribution to well-being made by that relationship.

So what are nations, and what goods do national relationships contribute to human lives? For Miller (2000:30-31), a nation is “a community constituted by mutual belief, extended in history, active in character, connected to a particular territory, and thought to be marked off from other communities by its members’ distinct traits”. According to Miller (2005:68-69), “...people who deny the significance of national

identities 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, involving among other things the shaping of the physical environment in which they live, and whose future they could help to determine, by political participation and in other ways”.

It is striking how many of these characteristics and goods might describe and be realized by (a) members of a political community and (b) members of a single global political community. We do not have space to explore the latter possibility; clearly a lot turns on how we read phrases like “particular territory” - is the planet earth one of those? – and “members’ distinct traits” - might these be traits be distinctive of human beings? But the former is key to our understanding of what national relationship goods are. For theorists like Miller, national identity is important primarily because, for him, it is a precondition for the achievement of *political* goods – the nation provides the affective and motivational basis for people to realize political goods in their lives. Sometimes, as in the passage quoted, those goods are conceived procedurally, with the emphasis simply on the value of membership of a particular kind of collective project. Sometimes, such as when arguing that a sense of national identity is needed to underpin egalitarian redistribution and social justice, Miller offers a more specific and substantive vision.ⁱ

The difference between these two ways of thinking about political goods will, of course, have implications for the kinds of partiality that participants in the relevant political relationships might be able to justify. There are other ways of conceiving those goods also.ⁱⁱ But however conceived, and purely as a conceptual and terminological matter, if claims of the kind that Miller makes are true then we would indeed regard those goods as “national relationship goods”. They are goods that explain why national relationships are valuable, albeit instrumentally so. So, for those who emphasize the political aspect of nationality, we need to keep in mind two kinds of partiality that might be justified by appeal to the value of national relationships: there is the kind needed for members of a political community to realize the goods made possible by their political relationship; and there is the kind needed to foster the sense of shared identity that, it is claimed, is the precondition of people enjoying that kind of political relationship.

Miller's mention of "the opportunity to place their individual lives in the context of a collective project that has been handed down from generation to generation" raises another issue. Families sometimes also see themselves in this way, and it might seem that devoting time, energy and other resources to a distinctively national or familial intergenerational project would count as partiality of the kind that could be justified by appeal to the value of the national or familial relationship. If so, this would mean that the *content* of a nation's project would make a difference to the kind and amount of partiality its members might show one another. A nation whose members' identity was constituted partly by its commitment to something like the UK's National Health Service would then be able to invoke their *nationality* as reason to give, and vote that all members should give, resources to that project.ⁱⁱⁱ In the case of the family, our focus on the value of the intimate parent-child relationship effectively rejects the analogous argument. Parents' projects (which may have been inherited from their parents, and so on) may indeed influence the terms on which family life is conducted but only in so far as that's genuinely necessary for the intimate, personal, familial relationship to exist. The relationship is defined in other terms; we think of it as a relationship whose value can entirely be explained without mention of the opportunity it affords individuals to "place their lives in the context of a collective project that has been handed down from generation to generation".

Suppose that Miller is right on this point. Attention might then turn to the variety of ways in which individuals can "place their lives in the context of" such intergenerational projects. One can do *that* without endorsing the project or aiding its realisation. Indeed, one can think of what one has national reason partially to do - what one owes one's fellow nationals in particular - as being precisely to explain why their traditional national project(s), and perhaps some key elements of the national identity, should be reconceived. One can have a distinctively valuable relationship with one's fellow nationals by discussing with them how the nation can best respond to its circumstances, and best meet the constraints of acting within the legitimate demands of others. So, for example, there are ways of affirming one's identity as a member of a nation historically connected with a particular territory which involve trying to persuade one's fellow nationals that the nation's traditional territorial claims

cannot be sustained, perhaps, but not necessarily, by emphasizing alternative strands in the nation's history.^{iv}

V Conclusion

We make no claim that our 'relationship goods' approach to the issue of legitimate partiality is the only, let alone the best, way of thinking about the topic. That approach has not yet been subjected to the kind of criticism by others that would allow us to assess its merits and demerits. Still, its application to the issue of "family values" and parental partiality has been suggestive enough, we hope, to warrant this exploratory extension of the method to a different kind of relationship – that between fellow nationals.

We started with some general observations about the relation between relationship goods and the kinds of partiality that might be justified by appeal to their value. The main point here was to emphasize the gap between the claim that (i) particular kinds of partiality between participants in a relationship are needed for that relationship to yield its distinctive contribution to their well-being, and the claim that (ii) it is, all things considered in the circumstances, legitimate for individuals to act partially in those particular ways. Even if national relationship goods were very valuable, we'd still need to know the opportunity cost of their production as far as other goods are concerned, and why an individual could legitimately pursue them for herself and her fellow nationals rather than helping others to realize them.

Of course the value of national relationship goods, and what kinds of partiality are susceptible to justification by appeal to them, depends on what those goods are. Here, the connection, if any, between national relationships and political relationships is crucial. For us, the most plausible candidates for what are sometimes presented as very important benefits of nationality are in fact goods of political association. To what extent do the goods of political relationship - and there are various accounts of what those might be – depend for their realization on relationships based on shared nationality? Only if national relationships are needed to underpin the basic political goods of order and security can fellow nationals be regarded as owing one another

fundamental duties anything like as important as those owed by parents to their children. We doubt that they are, but even if they were we are very sceptical that that consideration could be invoked to justify the kinds of partiality that fellow nationals currently tend to show one another.

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ⁱ Philippe Van Parijs (1993) offers a distinctive, characteristically subtle, and transitional version of this approach. Having articulated a "limited" conception of patriotism requiring only that patriots "refuse to pull out of their society for the sake of collecting higher post-tax incomes elsewhere", and despite believing global

maximin to be the only coherent long-term ideal, he suggests that "patriotic commitments would provide a welcome help to relieve pressure on each country's (or each region's or each federation's) redistributive set-up in the long interim period that is bound to elapse before sufficiently powerful interpersonal transfer systems can be introduced at the global level" (329-330).

ⁱⁱ We think of Bernard Williams (2005) as offering another account of the distinctively political goods

ⁱⁱⁱ Cf. Thomas Hurka (1997: 153): "In the 1960's Canadians created a national health care system that continues to provide high-quality medical care to all citizens regardless of their ability to pay. The benefit the medicare system provides to each individual...is still substantial, and one Canadians have provided together. Canadians derive equally substantial benefits from many other aspects of their political activity."

^{iv} Cf Judith Butler's (2011) account of Amnon Raz-Krakotzkin as arguing that "the exilic is proper to Judaism and even to Jewishness, and that Zionism errs in thinking that exile must be overcome through the invocation of the Law of Return, or indeed, the popular notion of 'birthright'. Exile may in fact be a point of departure for thinking about cohabitation and for bringing diasporic values back to that region".