

REPLY TO KOK-CHOR TAN

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I

Kok-Chor Tan sets out clearly and perceptively what my views are on cosmopolitanism and nationalism. He gives in the first few pages of his essay on me a concise and incisive characterization of my views, and then proceeds to critique them. In doing so he points to an at-least-putative serious tension and perhaps even conflict in my views. Tan writes, "One serious point of conflict between cosmopolitan justice and nationalism concerns the impartiality central to the cosmopolitanism that Nielsen endorses and the partiality integral to nationalism." In the next paragraph he goes on to show how these two at least seemingly contradictory ideals—cosmopolitan impartiality and national partiality—can be harmonized without compromising the moral significance of either of these ideals. In particular, he rightly remarks that for a cosmopolitanism like mine, the reconciliation between nationalism and cosmopolitanism cannot come at the expense of the cosmopolitan ideal of impartial and equal consideration for all. Tan remarks, "In order to have his cake and eat it too [as I say I want to do], Nielsen must be able to show how a cosmopolitan can allow for conational partiality *without* surrendering the cosmopolitan commitment to global justice." Tan thinks it can and should be done, but he believes that my way of doing it fails. He endeavors to show (a) how it can be done and (b) how there are in my account resources I do not utilize for doing it.

However, first for the way in which he claims my argument fails. I present what Tan calls an efficiency argument for conational partiality. I try to show that it would be instrumentally valuable in a cosmopolitan world, or indeed in any world. I take, according to Tan, conational partiality to be morally sig-

nificant *only* to the extent that the exercise of this partiality in fact serves cosmopolitan ends. He goes on to add that the “efficiency argument, therefore, provides a *cosmopolitan justification* for national partiality and is thereby able to preserve the cosmopolitan ideal of equality—conational partiality is permitted (even required) because this is how cosmopolitan equality is best realized.” Tan says this argumentative strategy fails because it reduces “the worth of nationality to the *merely* instrumental one of realizing cosmopolitan ends, and this *reductivist* understanding of nationality undervalues and underappreciates the moral significance of national ties” (*italics mine*).

We should note first that we usually do favor those close to us and dear to us. This is a common feature of human life. An account of morality or justice that does “not allow *any* room *at all* for such partial concern would have little appeal for us.” I agree with that, but the point is (or so it seems to me) how, if at all, we can justify it and does that justification apply to conational partiality? “The challenge,” as Tan puts it, “for the cosmopolitan . . . is to show how special concern among conationals can be *morally* justified if what is morally required is that we treat *all* persons with *equal* consideration.” The efficiency argument goes that if, for example, the UK looks after its citizens, Luxembourg after its citizens, Denmark after its own, Switzerland after its own, Sweden after its own, Norway after its own, and so on, everyone will be better off than if each nation tries to look after the welfare of every nation. It is a generalization to nations of what families should do about children. It, of course, takes a *ceteris paribus* clause. But that is not exceptionable. All moral rules on principle, arguably, at least implicitly have such a clause. But Tan remarks that the priority given to conationals in my account has *only* instrumental worth. No person or nation is favored because she or it has more moral worth, assuming nations can have or fail to have moral worth; they favor themselves and their citizens, as Tan has I have it, only because that is the way equal concern for all persons or all nations can be most efficiently and effectively realized. As Tan puts it, paraphrasing me, “The cosmopolitan moral ideal that all individuals are to be given equal consideration is best achieved not by requiring everyone to care equally for everyone else, but via a division of labor that assigns responsibilities to specific units and institutions.”

Tan considers a number of arguments against the efficiency argument, but he takes the really serious one to be the following: The reduction of special obligations to a mere strategy for achieving global justice gives an unsatisfactory account of the moral significance of the special ties between conationals. Taking the worth of ties of nationality to be ultimately reducible to the instrumental one of promoting the greater good or servicing general principles misdescribes and undervalues the nature of such ties, just as one would undervalue and misdescribe the ties of friendship if one were to reduce the commitments between friends to mere strategies for realizing larger societal ends. National membership has for many people, perhaps most people, a value in itself, and for peoples before nation-states came into existence certain more local identities were also

valued for themselves. Tan gives powerful arguments for this, as have David Miller, Richard Miller, and Samuel Scheffler, and I accept these arguments.

However, in deploying what Tan calls the efficiency argument I need not be claiming, and was not claiming, that nationality has instrumental value *only*. I completely agree with Tan that for most people membership "in a national community is a good that is valued *for itself, for what it means to individuals, and is not merely valued for some impersonal goals*" (italics mine). Something can be valued for itself and still at the same time be instrumentally valuable. We (or most of us) value for itself nationality or some other local identity while still also attaching instrumental value to it. If the efficiency argument works one need not be reduced, as David Miller is, to asserting just "that the fact that a person is my conational is reason enough for showing him special concern." I think that is true. But suppose someone, say a Bernard Mandeville or William Godwin, found that unconvincing, regarded it just something like an intuition that may not be shared by everyone, then if successful, an efficiency argument would provide an additional argument and it need not deny the claims that Tan (as well as Miller and Scheffler) also make. And in deployment of the efficiency argument we need not, as I did not, make the *reductionist* claim that Tan attributes to me. I never tried to reduce "special obligations to conationals to a *mere strategy* for achieving global goals."

II

However, I have come to believe something else that Tan also sees, namely, that the efficiency argument will not work where it is most needed. If we all lived in a rich and stable world of relatively equally wealthy and relatively equally powerful nations—say, Luxembourg, Holland, Sweden, Switzerland, Norway, and Finland constituted the world—it might, just might, work. But where we have, as we do, those nations plus Niger, Haiti, the Ivory Coast, Sierra Leone, and so on, it will not work. Where we have what Rawls calls "burdened peoples"—and we have plenty of them—they cannot, even with considerable effort, pull themselves up by their own bootstraps; they need help from the outside. The serious question is: Is this just a matter of compassion or fellow feeling or is it *also* a matter of justice? I argue that it is the latter.

Tan argues for the priority of cosmopolitan justice over national claims in essentially Rawlsian terms. He takes it, as I do too, "that a successful reconciliation of cosmopolitanism and nationalism must not only be able to preserve the egalitarianism of the cosmopolitan view, but must also be able to *properly account* for the moral independence of national ties."

How does he do it? We should, he tells us, think about the very rationale of justice: its scope and its purpose. We should treat, he tells us, "[c]osmopolitan principles of justice . . . [as] the *limiting conditions* for partial concern rather than the *justificatory bases* for such concern." This is a bit of a mouthful; what it comes

to is that “cosmopolitan impartiality speaks to the background conditions within which people interact.” Justice most centrally has to do with the basic structure of society—the central political and legal institutions of society. “So long as people act within the rules of a just basic structure, they are not required to further explain themselves.” Tan, congruently with Rawls’s account, gives this a particular twist. Working with this conception of justice we can justifiably, he argues, “hold that national partiality is permissible *for whatever reason* within the terms established by cosmopolitan justice.” People, Tan tells us, “are permitted to promote national goals . . . [that] favor their conationals even when the showing of this favoritism does not maximize global good or promote greater equality, so long as the rules of global justice permit it.” He adds that if cosmopolitan distributive principles serve to determine what rightly belongs to whom, then when people pursue national goals within the terms of cosmopolitan justice, they are using resources that are rightly theirs to do with what they wish. But what do the rules of global justice permit?

There is a point to saying that it is impartiality at the level of global institutional design, not impartiality across the board, that the cosmopolitan must defend. “[T]he cosmopolitan demand for impartiality is limited in its focus—it applies not to people’s actions and choices directly, but to the background conditions against which people interact.” Tan concludes this as follows: “[A]lthough cosmopolitan impartiality *constrains* national partiality, national partiality need not be explained [or justified] solely in terms of cosmopolitan impartiality . . . or be reducible ultimately to cosmopolitan terms. Constraintability and reducibility are two different properties, and cosmopolitan nationalists need only insist on the *constrainability* of nationalism, not its reducibility to cosmopolitan principles” (italics mine). Put otherwise, whether or not any national partiality is justified is determined by whether it is in *accordance* with global cosmopolitan principles of justice for the basic structure. Two or more conflicting claims concerning national priority may all be in accordance with cosmological global principles of justice. They come to individual preferences or ethical convictions that individuals have. But both being compatible with the principles of justice for the social structure, though not compatible with each other as a matter of justice, either may be chosen. Just keep within the limits of the law and you will not here be doing anything wrong, anything unjust. Moreover, we can agree that justice must be important. Indeed that is what Ludwig Wittgenstein would call a grammatical remark. We can also agree with Tan that “only within the rules of a global order regulated by impartial principles may nationalist pursuits, including the giving of special concern to conationals, be legitimate.” But *when* is favoring conationals justified? Such favoring must be constrained by the principles of cosmopolitan justice. But that seems to me only to be a necessary but not a *sufficient* condition for deciding when conational priority is justified. A lot of different and sometimes conflicting actions are compatible with the impartial principles of justice.

Consider the following:

1. Is it right for me to give away my income to the needy in the third world to such an extent that not only myself but my spouse and children are reduced to consuming beans and corn, some salad, and water and sometimes milk?
2. Should I sell the family home and take very frugal living quarters while donating the savings gained to helping out the needy in the third world?
3. Should I refuse to pay for my children's university education while giving what I would save to the immiserated people in foreign lands?
4. My daughter, let us say, is very talented and works very hard and wants to study art history at Harvard or Oxford. Should I foot her education (assuming I can) or should I send her instead to a good Canadian institution where the expenses are much lower and give money otherwise earmarked for her education to the immiserated people of the world?
5. A very close friend of mine comes on very hard times through no fault of his own. The bank will not lend him money given his state of affairs. He asks me for a loan. Should I give it to him or use that money to lessen the starvation in the world?
6. Should I, a national of a rich capitalist democracy, buy an expensive salmon fishing fly rod and take a trip (also expensive) to Iceland to go salmon fishing (something I love), rather than transferring the money to the immiserated in the third world?
7. Should a retired couple of reasonable but modest means take an expensive world cruise, something they very much always wanted to do and have been saving for for a long time, particularly when it is probably the last time they will be able to travel or should they transfer the money to aid the immiserated of the third world?
8. Should a very rich person—but still a person who pays fairly her taxes and supports progressive tax schemes—purchase a small jet and hire a crew to take her expeditiously where she wants to go or should she transfer the money required for that to the immiserated of the third world?

These examples, with greater or lesser severity, all have the same thrust. All of them, except perhaps the last, whatever answer is given, could be in accordance with egalitarian and cosmopolitan principles of global justice where it is applied to *institutions* only. Yet our intuitions vary about them (except, perhaps, for the last one). But it is also the case that most of us do not have very strong intuitions here and we are unsure about how to answer some of them and, however we come down concerning them, for all of them they could be in accordance with global principles of justice *for the basic structure of societies*. Yet do they not raise questions of individual justice about which we can disagree but still want to answer if that can be done? Indeed we would like to give, if we can, something like an objective answer or an intersubjective answer, and indeed some *might* better go into wide reflective equilibria than others. They are not just a matter of brute choice where decision is king. They

are matters of reflective endorsement. Could I really justify—take as just—the trip to Iceland given the extent of starvation, malnutrition, and misery in the world, even if it was in all likelihood my last fishing expedition and even if I have paid my taxes faithfully and have supported progressive tax schemes and Thomas Pogge’s global poverty eradication scheme? Moreover, is this not a question of fairness and not merely of compassion, about caring about the wretched of the earth? After all, as Pogge points out, we in the rich societies are the benefactors of societies that exploited severely people in the third world. Do we not *owe* them something—indeed, something very considerable? Without British, Belgian, and French imperialism and colonialism the citizens of these imperialist societies would not be as well off as they are, and the same thing holds for the new form of imperialism of the United States. Isn’t some payback morally obligatory, and indeed for individuals and not just states?

Consider the simpler case I used in discussing Richard Miller. Suppose I live in San Diego and am a bank clerk and I know someone who has a similar job in Tijuana but lives in rather impoverished conditions compared with mine. I realize, if I reflect for just a moment, that it is just an accident of history that we are on different sides of the border. Should I transfer money from my account into his, or should I give the money to a similarly low-paid worker in the United States? I, of course, could keep the money for myself without violating the rules of institutional justice. But does not the question of what is the fair thing for me to do—the thing I should do if I would be maximally just in my behavior—arise concerning whether I keep the money for myself, give it to my friend in Tijuana, or give it to a compatriot (assuming either would take it)? Is it just a matter of my being charitable or not? Are there not issues of justice here that have little to do with the basic structure of society? And the issue here is in part whether or when to give conditionals priority. Is there any escape from just an existentialist choice in such situations? And even if this last bit is too strong, do we not have problems of justice that are not about the basic structure of society? Or if we stick with acting justly in accordance with what justice is in accordance with the basic structure of society, have we done all that justice can require us to do?

Now, if there were societies in the world that came close to exemplifying Rawls’s ideal theory of justice as fairness, and if we were *talking only about domestic justice* in those societies, we could *perhaps* forget about problems of “individual justice” as distinct from charity. There would (again perhaps) not be any people who would act unjustly if they acted in accordance with those principles for institutional justice. Justice—I don’t say anything about the rest of morality or ethics—would not require anything more of them. And if we could extend something like Rawls’s principles for the basic structures of a society to something like the basic political and social structures of the world as a whole, we could perhaps turn the same trick too. But we can’t, and we know not how to set about doing it. We are not even clear about what it would be to talk about the basic social structure of the world as a whole. Yet are there

not issues of justice here? We have good reason to believe that conational preference should sometimes take pride of place. But at other times we are extensively, if not completely, at sea here. And there are some times when we know that a global principle of justice or at least global considerations take pride of place over purely domestic ones. Particular ties indeed have moral significance, and not just instrumentally. It is also the case that Tan, in contending that while particular ties are morally relevant in their own right, is also right in saying they ought to be balanced against other morally significant claims. Yes indeed, but how? Maybe we have no criteria here but perhaps we, if we reflect scrupulously, can get what Wittgenstein calls “agreement in judgments” about particular cases going case by case? It is not the sort of thing that most philosophers want but perhaps that is all we can get!¹

NOTE

1. For powerful arguments, particularly against G. A. Cohen, and for sticking to a Rawlsian conception where questions of justice apply to questions concerning the basic structure of society, see Tan, “Boundary Making and Equal Concern,” *Metaphilosophy* 36 (2005): 50–67. There are cutting-edge issues here between Rawls’s way of viewing things and Cohen’s—to say nothing of the rich literature that has grown out of these issues, something that is not at all a matter of a tempest in a teapot. I remain very unsure whether I have got it sorted out properly. This applies to the way I have resisted Tan in the last few pages.