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PRIORITY FOR COMPATRIOTS: COMMENTARY ON *GLOBALIZATION AND JUSTICE*

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1.

In his stimulating and provocative collection of essays, *Globalization and Justice*,[1] Kai Nielsen (2003b) defends a cosmopolitan account of global justice. On the cosmopolitan view, as Nielsen understands it, individuals are entitled to equal consideration regardless of citizenship or nationality and global institutions should be arranged in such a way that each person's interest is given equal consideration. Nielsen's defense of cosmopolitan justice in this collection will be of no surprise to readers familiar with his socialist egalitarian commitments. Indeed, the internationalism underlying socialism, Nielsen would argue, naturally entails the cosmopolitan account of justice (e.g., chs. 5 and 6).

Yet in recent years, Nielsen has become increasingly interested in the question of nationalism, and is an active proponent of the position commonly referred to as "liberal nationalism."[2] But here an apparent tension arises between Nielsen's defense of both cosmopolitanism and nationalism. It is a common perception that nationalism is diametrically at odds with the international egalitarianism that underpins the cosmopolitan theme in *Globalization and Justice*. One obvious reason for this

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[1] References to this work will be given in parenthesis in the text.

[2] See for example, Nielsen (2002, 2003a).

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common perception is that central to any meaningful notion of nationalism is the idea that compatriots are entitled to special consideration from each other. Adapting from Henry Shue, we can call this the "compatriots take priority" thesis or the *priority thesis* (p. 282). The priority thesis seems to run against the cosmopolitan idea that all individuals are to be given equal consideration regardless of nationality. Given Nielsen's professed normative commitments to both nationalism and cosmopolitanism, it is of interest to examine how Nielsen plans to negotiate these potentially contradictory sets of commitments.[3]

2.

In the work under discussion, Nielsen expresses a rather strong suspicion of the priority thesis. In a chapter entitled "Global Justice, Power and the Logic of Capitalism," Nielsen points out that some fellow cosmopolitans – he singles out Charles Beitz and Henry Shue – although of the view that priority for compatriots as conventionally practiced cannot in the end be justified, nonetheless give the priority thesis more due than it deserves (pp. 282–83). Beitz and Shue, according to Nielsen, treat the priority thesis as a claim to be entertained within *ideal theory*.[4] That is, in their view, an ideal theory has to begin from the fact that it is reasonable and indeed expected that persons do form particular and special ties and commitments, including nationally based ones. Of course, for Beitz and Shue, the demands of global justice will define the permissible bounds of nationalism, but an ideal theory that takes no notice at all of these commitments is not a theory of justice constructed for the social political world as we know it.

In contrast, Nielsen adopts the view that the priority for compatriots is something that we should confine to *non-ideal theory*. Ideally, such parochialism will be transcended in a global socialist order, and indeed it is the task of justice to struggle against local attachments that get in the way of the realization of justice. (Here, Nielsen's socialist internationalism is evident.) The practice of giving priority to compatriots for Nielsen is not part of any defensible commonsense morality once basic socioeconomic and political facts about the world are acknowledged (e.g., p. 292). The priority thesis on his view presents a challenge for how we are to achieve

[3] My comments are thus limited to just one aspect of Nielsen's book, and so do no justice to the way Nielsen adroitly traverses different topics in globalization in his wide-ranging book. For discussions on other key aspects of Nielsen's book, see Mandle's and Reidy's essays in this symposium.

[4] I will not discuss Nielsen's characterization of Shue and Beitz. What I am interested in is the substance of Nielsen's position, that priority for compatriots must be seen as a shortcoming that justice should overcome, rather than as a feature of commonsense morality that justice should accommodate and reflect.

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justice, but it does not present a basic point of data that our theory of justice must take into consideration. The priority thesis reflects non-compliance with justice; it should not be a factor to be taken into account when determining the demands and scope of ideal justice.

To put the contrast in another way, rather than seeing priority for compatriots as a reasonable form of human organization and expression that should inform how we are to conceive of global justice, Nielsen prefers to treat priority for compatriots as a human failing that should not influence how justice ideally should be conceived. Ideal theory sets our aspiration, our goal; and for Nielsen, how this goal or aspiration is set should not be limited or complicated by the practice of priority for compatriots.

According to Nielsen, many who take national commitments to present a legitimate complication for global justice adopt a two-stage approach to global justice – first, they determine what obligations individuals owe to compatriots, and then they determine what individuals owe to strangers. On this approach, it would be natural to say that the just demands of compatriots can legitimately limit what is owed as a matter of justice to strangers; or, at the very least, these demands may influence how people are to understand the extent of their duties of justice beyond borders. For if we must begin first with an account of our local obligations, our account of global obligations will be limited and determined by reference to what we owe first to compatriots. Nielsen's worry, presumably, is that, on this bottom-up approach, justice extended globally is justice attenuated.

In response, Nielsen argues that given "the facts of interdependence and dominance" this two-stage conceptualization is indefensible (p. 285). The global economy is not only characterized by a deep interdependence between national economies but, very crucially for Nielsen, also by the fact of economic and political domination. We can't begin to think of our obligations at home until we first determine what we in fact do *rightly have* with which to distribute locally. Once key facts about persistent background global injustice are brought to light, Nielsen argues, seemingly perplexing and challenging issues such as that of priority for compatriots will turn out "to be idle problems [that] we need not come to grips with in thinking about global justice" (p. 283). They are "idle problems" because they should have no hold on us under conditions of ideal theory where full compliance and background conditions of justice are assumed. To construct an ideal theory of justice while taking account of the priority thesis is to hold justice hostage to existing human weaknesses.

Hence the phenomenon of globalization is central to Nielsen's understanding of the problem at hand. Globalization has meant the progressing interconnectedness and dependency of national economies; but in its current neoliberal form, globalization has also permitted and resulted in the more effective domination of some over others. Greater

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dependency of weaker economies on more powerful ones also means that weaker economies are more easily motivated or even coerced into accepting conditions of interaction (trade etc.) that are to the advantage of the more powerful. Nielsen makes it plain that it is not economic globalization *per se* that he finds objectionable, but the terms of globalization (pp. 33–34). It is the neoliberal ideology underpinning the current global economy that has resulted in the weak and disadvantaged being further exploited.

Nielsen makes a plausible point. If the fact of global imbalance of power and the fact of domination mean that some societies are able to unfairly acquire more than their share of the world's wealth, then the priority thesis loses much of its moral persuasion. If the resources a group of individuals wants to allocate among their fellows are resources that are not rightly theirs in the first place – because these have been unjustly acquired – then it makes no sense to say that what they owe to each other may limit what they owe to others. This would be akin in some sense to saying that a band of thieves may legitimately distribute their plunder among themselves before determining what they owe to others in society (including those whom they have robbed). One cannot simply refuse to do what justice requires by saying that this would force them to give up resources that are not justly theirs.

Yet Nielsen's analysis only shows that priority for compatriots is not acceptable under (present) conditions of global injustice. It does not show that priority for compatriots as such is morally objectionable. Indeed, if the formation and sustaining of special and local attachments are integral to a meaningful and well-lived human life, any theory of justice that fails to take seriously such commitments is a *reductio ad absurdum*. National attachments present a relevant data-point when we are theorizing about global justice in the following way: any conception of global justice that does not allow sufficient space for the realization and development of national ties and commitments will be a theory of justice that has no hold on human beings. It will have no hold on us because it fails to give sufficient consideration to the special ties and commitments that individuals must develop to live meaningful lives. The aim of justice is not to undermine the good for individuals but to facilitate it in a fair manner. Forms of special attachments that are commonly taken to be part of any rewarding human life include the ties of friendship, kinship, and so on. Take the special ties of friendship and kinship. The onus is on any moral theory, if it wants to be taken seriously, to show that the special concern of friendship and kinship can be accounted for within its theoretical structure. What makes this of philosophical interest is that we ordinarily also think that morality ideally should be impartial and universalistic; and hence there is straightaway an apparent tension that needs to be settled. It is hence just too quick for a cosmopolitan to altogether dismiss the idea of special concern, including

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priority for compatriots, if she wants to her position to be taken seriously by human beings as they are.

Nielsen may be rejecting the priority thesis only from the perspective of justice. That is, all he may be arguing is that from *the point of view of distributive justice* between nations, priority for conationals should not inform or influence the baseline distributive entitlements of each nation. Nielsen, most likely, can accept that priority for compatriots *within* the terms of global distributive justice is acceptable. But Nielsen's rejection of the priority thesis from the perspective of justice is what is troubling for nationalists, including liberal nationalists. On the nationalist view, a plausible and reasonable conception of global justice must be one that is able to provide sufficient space for the practice of priority for compatriots, and be able to account for this priority in an adequately satisfactory way. The issue is how the scope of justice is to be conceived and defined in light of this partiality, and Nielsen's claim is that priority for compatriots should play no role at all in how we are to conceive of global distributive justice. This priority is, after all, non-ideal in his analysis. The implication of Nielsen's position, it seems to me, is that if the independently arrived at global theory gives very little room within its terms for partial concern between compatriots, then so much the worse for this practice of partiality.[5]

Now, of course, one could deny that national ties are the sorts of ties that are morally significant like friendship ties or family ties. But I need not get into this debate for the present purpose. What is relevant is that a nationalist must affirm that nationality and national attachments are important goods. Nationalists have to accept that priority for compatriots is one of the local commitments that individuals do and must develop to live rewarding and rich lives. Thus Nielsen cannot treat priority for compatriots as a deficiency of justice that should not arise under ideal conditions without also rendering his account of nationalism quite bloodless.

The real challenge, then, for any self-described cosmopolitan nationalist, like Nielsen, is to show how he can defend the cosmopolitan ideal that individuals matter and that they matter equally, on the one hand, and the nationalist ideal that priority for compatriots is acceptable or even obligatory, on the other.

3.

Perhaps one can try to interpret Nielsen's discussion of the priority thesis in *Globalization and Justice* in light of his comments about national partiality

[5] See Scheffler (2001) for an account of cosmopolitan justice that treats priority for compatriots as among the basic desiderata that the construction of a global theory has to take note of. For national partiality and global distributive justice, see Miller (1995: ch. 3).

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elsewhere. In other writings, Nielsen does not say that national and local attachments fall outside the bounds of ideal-theory; rather he says that priority for compatriots is acceptable when it provides an effective division of labor for servicing the ends of global justice. On this account, the priority thesis is seen not as a deficiency, but as a practice that can be justified when giving compatriots priority effectively serves to promote the ends of cosmopolitan justice. Using the case of parental concern for one's own children to illustrate his point, Nielsen writes:

> if I look after the welfare of my child and you after your child and the neighbor down the block after her child, then, where our situations . . . are not radically different, the three children will be better off so cared for than if all three of us tried to look out for the welfare of all three children considering each of them equally. This is more obviously so when we generalize to the children of the whole society.[6]

By allowing, indeed even requiring, individuals to take special care of those whom they are best situated to look after, all things being equal, everyone's welfare can be best served.

On this reasoning, the priority one gives to those to whom one is specially related is to be understood to have only *instrumental* worth; it is just an efficient means of dividing up our moral labor to allocate special responsibilities among certain assigned individuals, so to speak, so as to best and most effectively discharge our impartial commitments to all. Under the right sorts of relationships and under the right background conditions, the person who is favored is *not* given special consideration because she is morally more worthy; she is favored only because this is how the ideal of equal concern for all persons can be most efficiently and effectively realized.

Thus, regarding national partiality, fellow nationals may be best situated or positioned to care for each other than for strangers. By allowing (and requiring) individuals and their national institutions to favor the interests of members over strangers, the needs of all persons can be best met. 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. The worth of national partiality is reduced to its efficiency in promoting the ends of global justice.[7]

However, this account of national partiality, while an improvement (from the nationalist point of view) from the first, is still unsatisfactory. Even though Nielsen does not dismiss the priority thesis as a deviation

[6] Nielsen (2003a: 443).

[7] Here Nielsen's position is like Robert Goodin's efficiency argument for conational partiality. See Goodin (1988).

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from justice on this interpretation, treating national belonging and commitments as only instrumentally valuable defies how most nationalists understand the moral significance of national attachments. For most theorists, national membership and attachments are not only valued instrumentally; they are themselves things to be valued. Indeed, for most ordinary people, nationality can have non-instrumental value because it is constitutive of their personal well-being and conception of the good human life. Membership in a national community is a good that can be valued for itself, for what *it* means to individuals, and not merely valued instrumentally because it furthers some impersonal goals. Indeed, part of what gives meaning and worth to a shared national membership is the sense of solidarity and fellow-feeling among members, and the belief that they owe each other special consideration that they do not owe to outsiders. To regard nationality as *only* instrumentally valuable is to empty it of much of its meaning and force, contrary to the understanding of ordinary men and women. At any rate, it is certainly not how most nationalist theorists understand the moral significance of nationality and national ties.

For example, David Miller holds that the fact that a person is my conational is *reason enough* for showing her special concern. Nothing more needs to be said, just as the fact that a person is my brother is reason enough that I treat him in a special way. Indeed, nothing more should be said, if the fraternal relationship is indeed one that I have reasons to value.[8] Contrary to the efficiency argument, there is an independent moral worth to special relationships that cannot be entirely reduced to general principles or cosmopolitan ends. To say that I should favor my conational (all things being equal) because this is how more good can be done (if everyone were to prefer their fellows under similar situations) is to be guilty of "having one thought too many" to recall Bernard William's jibe.[9]

Now to treat a relationship as non-instrumental in this sense is to accept that the relationship *itself* can be the source of obligations and commitments. Samuel Scheffler writes that "to attach non-instrumental value to my relationship with a particular person just is, in part, to see that person as a source of special claims in virtue of the relationship between us."[10] Thus the moral basis of national partiality is not entirely reducible to some general (e.g., cosmopolitan) principle or goal; rather a person's special relationship with her fellow nationals can independently provide her (and others so related) with reasons for action. Nationality can be said thus to have a certain "normative independence." National affiliation can provide its own groundings for special obligations or concern without reference to some higher good or more general principle.

[8] Miller (1995: ch. 3).
[9] Williams (1981: 18).
[10] Scheffler (2001: 100).

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No further justification or explanation is necessary, or available. The special relationship between fellow nationals itself supplies the *non-reducible* basis of obligation.

I do not assume that the nationalist position on the moral significance of such ties is uncontroversial. My point is that this is how nationalists, including liberal nationalists, understand and conceive of such ties. Thus a cosmopolitan nationalist who takes the value of nationality to be reducible to cosmopolitan principles affirms a form of nationalism which most ordinary people would not recognize and which most nationalist theorists would reject as false.

In short, on either interpretation, Nielsen adopts a cosmopolitan position that, following Scheffler, we can call "extreme cosmopolitanism."[11] On one of the interpretations, priority for compatriots is seen as a failure of compliance, a deviation from ideal theory; on the other, priority for compatriots is reducible to cosmopolitan goals or principles, morally worthy only in as far as this priority effectively promotes global justice or good. Either way, nationalists will complain that national attachments are not given due consideration and properly appreciated.

The challenge for anyone wanting to defend a cosmopolitan position that takes nationalism seriously is to show how the moral significance of national attachments can be endorsed without surrendering the cosmopolitan commitment to equal respect and concern for all persons. Reducing the priority thesis to a strategy or means for achieving cosmopolitan equal respect is one way of reconciling the two positions; but it is not a reconciliation approach that properly accounts for the moral significance of nationality that underlies most conceptions of nationalism (including liberal ones).[12]

Characteristically, Nielsen's work is complex and rich, drawing together different and diverse strands of philosophical positions. Nielsen performs, with a flourish, the quintessentially philosophical task of reconciling apparently contradictory commitments, and my discussion of nationalism and cosmopolitanism touches on just one of these attempts in *Globalization and Justice*. I am not sure, however, if Nielsen's treatment of nationalism fully succeeds for the reasons I have offered above. I offer these remarks as an ardent supporter of Nielsen's overall project, and I look forward to his response and clarification.

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[11] Ibid. (115–19).
[12] I explore this question in Tan (2004).

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