

Comment on Martha Nussbaum's "Purified Patriotism"

Patriotism is generally thought to require a special attachment to the particular: to one's own country and to one's fellow citizens. It is therefore thought to be opposed to cosmopolitanism, which encourages us to think of ourselves as citizens of the world. Professor Nussbaum has boldly argued that cosmopolitanism is not *opposed* to patriotism but *requires* it. This is an important thesis, defended in a paper that touches on very deep and complicated issues. In order to reach the depths, I need to cover a lot of ground. That means that – with your indulgence -- I'll need to move quickly.

Professor Nussbaum lays out the seven most important or pivotal claims of her argument in a series of numbered steps. They are:

The Argument

- (1) "The nation-state, including a strong form of national sovereignty, is an important good for all human beings, if the state takes a certain (liberal, democratic) form. Any decent world culture should promote the continued sovereignty and autonomy of nation-states and protect the rights of citizenship associated with them."
- (2) "Nation-states of the sort described cannot remain stable without moral sentiments attached to their institutions and their political culture."
- (3) "The sentiments required cannot be supplied merely by allegiances to smaller units, such as families, cities, regions, and ethnic, racial or gender groups; they must have the nation as their object."
- (4) "So, there is good reason for nations of the sort described to engender sentiments of love and support in their citizens."
- (5) "National states of the sort described need the moral sentiments even more if they are going to undertake projects that require considerable sacrifices of personal self-interest, such as substantial internal redistribution or copious foreign aid, the overcoming of discrimination against traditionally marginalized groups, or the protection of allies against unjust domination."
- (6) "Such projects are good for nations to undertake."
- (7) "Therefore we have even stronger reasons for the cultivation of nation-directed moral sentiments."

I want to walk through this argument by asking just what is meant by some of these steps, why we should accept them, and what other steps – what subsidiary premises – we would also have to accept if we are to accept Professor Nussbaum's conclusion.

Let's grant (1) for the sake of argument.

(2) is a necessity claim. It makes a claim about what liberal democratic states *need* if they are to remain stable. Those who know the stability literature in political science may have doubts about this claim.

Suppose that a state is stable for some period just in case there is no significant extra-constitutional change in its borders or in the structure of its government in that period, and there is regular compliance with the law by a sufficiently large portion of the state's population. If we understand 'stable' in this way, (2) *is* questionable, since it is possible for liberal democratic states to stabilize themselves by other means than the moral sentiments Professor Nussbaum is interested in. Why couldn't a liberal democracy regime maintain stability by force or by grudging acquiescence or by what the English legal philosopher H.L.A. Hart called "the habit of obedience"?

These are good questions, but they are premised on a different notion of stability than the one Professor Nussbaum has in mind. What does she mean by 'stable'? She says that Rawls defends premise (2), so let's interpret (2) in light of that remark.

Rawls's stability arguments concern, not the stability of *institutions* or *states*, but the stability of *conceptions of justice*.¹ If the second step in the argument is to be identified with a claim Rawls defends, then it must assert conditions under which nation-states are stably just -- where by "stably just" we mean something like "are effectively regulated by a valid conception of justice".

Moreover, Rawls was famously interested in "stability for the right reasons". Even if we cannot draw the distinction between right and wrong reasons very precisely, we may still agree that there is something lacking in a state that maintains distributive justice simply by some combination of coercion, grudging acceptance and the mere force of habit. For liberal democratic states claim to act on behalf of their people. We'd like the states that make such claims to have some more positive endorsement and moral support by the citizens on whose behalf they claim to act. Self-governing states whose justice is willingly maintained by their citizens are stably just for the right reasons. It is this, we might think, that requires the moral sentiments.

These lines of thought suggest that we read (2) as:

(2*) Nation-states of the sort described cannot remain *stably just for the right reasons* unless citizens have moral sentiments attached to their institutions and their political culture.

¹ For an explicit statement, see Rawls, *A Theory of Justice* (Harvard University Press, 1999) rev. ed., p. 401.

Now remember that we are supposed to move from the second step of the argument, via the third, to step (4). And (4) says that nation states have reason to encourage, not just supportive sentiments, but specifically the sentiment of *love*.

The inclusion of love at steps (4) and beyond is critical to the argument. For the argument is supposed to show that cosmopolitanism requires patriotism. If patriotism requires not just support of country but *love* of country, then love has to enter the argument somewhere. It explicitly enters at (4). But in light of how we are supposed to get to (4), I think we need to read the second step of the argument not as (2*) but as:

(2**) Nation-states of the sort described cannot remain stably just for the right reasons unless citizens have moral sentiments *including love* attached to their institutions and their political culture.

These changes in Professor Nussbaum's second step are meant as friendly amendments. They just make explicit what the discerning reader will have read into that step already. But is (2**) true? That depends upon what patriotism is, what right reasons are and what justice demands. These are critical questions, but I don't want pursue them just yet.

The second part of the argument – the part that runs from (5) via (6) to (7) -- builds upon the first. Once we recognize, on the basis of the first half of the argument, that liberal democracies need love if they are to be stably just for the right reasons, then we're supposed to see that the need for love is even greater if those states require their citizens to make considerable sacrifices. This is the most important part of the argument and the part where, as we'll see, cosmopolitan considerations come into play. I want to focus on the place where the action is, so I won't pause over the question of whether (2**) is true. The real interest of getting the first part of the argument right is just to see how the second part of the argument – and, specifically, the fifth step -- has to be read.

(5) is, like (2), a necessity claim. Reading (2) in the way that I have forces some changes in (5). Let's make it explicit that the moral sentiments referred to in (5) include love and that (5) includes reference to stability for the right reasons. So let's read (5) as:

(5*) National states of the sort described need the moral sentiments *which are necessary if states are to be stably just for the right reasons – including the sentiment of love* -- even more if they are going to undertake projects that require considerable sacrifices of personal self-interest...[.].

This is a very important claim. In fact, it is the linchpin of the argument. But I want to postpone discussion of it for a moment. For to see why we should accept it, it's helpful to look at (6).

Why think it is good for states to take on projects that require considerable sacrifices of their citizens? The answer, I think, is to be found in some of Professor Nussbaum's other work – in particular, in her recent and extraordinarily interesting book *Frontiers of Justice*.

In *Frontiers*, Professor Nussbaum says that “we are all under a collective obligation to provide the people of the world with what they need [to live lives worthy of human dignity]” (*Frontiers*, pp. 279-80). I think (6) depends upon this claim. So let's call the claim:

(5*.1) We are all under a collective obligation to provide the people of the world with what they need to live lives worthy of human dignity.²

How are we to satisfy this obligation? We won't do very well if each of us tries, on our own or in small groups, to aid the other people of the world – including our fellow citizens. Rather, the way we should all go about satisfying the collective obligation is through nation-states that collect and redistribute the resources people need to live in dignity. Sometimes these states will have to transfer resources to other nations. Sometimes they will have justly to distribute foreign aid they receive from outside sources. They will also have justly to distribute internally generated wealth. The point is that the collective obligation asserted in (5*.1) is best satisfied or only satisfied through the agency of states, and that the people of the world will best get what they need only if states produce, distribute and redistribute goods justly.

So I am supposing Professor Nussbaum thinks:

(5*.2) We can best satisfy – or only satisfy -- that collective obligation only if nation-states assume some responsibility for providing the people of the world what they need, by undertaking substantial internal redistribution or copious foreign aid, by overcoming of discrimination against traditionally marginalized groups, or by protecting allies against unjust domination. (*Frontiers*, pp. 306ff.)

If she does indeed endorse (5*.1) and (5*.2), then – with what I think are some uncontroversial assumptions -- we can get to

(5*.3) It is good for nations to undertake the project of providing the people of the world what they need to live lives worthy of human dignity by undertaking substantial internal redistribution or copious foreign aid, by overcoming of discrimination against traditionally marginalized groups, or by protecting allies against unjust domination.

² For reasons I will not go into here, I am not sure how to square this with Professor Nussbaum's claim that “the primary site of justice remains, as Rawls argued, the basic structure of a nation”. But perhaps by “primary site”, Professor Nussbaum means something like ‘primary agent’.

And since the projects listed in (5*.3) require the imposition of substantial sacrifices on citizens, we can get to (6). So let's suppose that this is how the argument for (6) goes.

- Then we have an argument for patriotism.
- We have a cosmopolitan argument – for the duty asserted by (5*.1) is a cosmopolitan duty, a duty that extends across national boundaries to all people.
- And we have an argument in which cosmopolitan considerations do considerable work. The reason nation-states should undertake projects such as substantial internal redistribution and the overcoming of discrimination against marginalized groups within their borders is that their doing so enables their citizens to satisfy their cosmopolitan duty.

Thus by supposing that the argument for (6) depends upon (5*.1), we can see just exactly where distinctively cosmopolitan considerations enter the argument for patriotism and we can see how much work those considerations do.

Having seen how the argument for (6) goes, we are now in a better position to assess (5*). Why should we think – as (5*) implies – that states can do what it is good for them to do only if they are the objects of love?

To do their jobs, states must effectively issue directives which are taken to be authoritatively binding. And this requires two things:

- their authority to perform these functions – their legitimacy -- must be commonly acknowledged.
- Their directives must not only be recognized as authoritative, but they must be regularly complied with. States cannot do their jobs if citizens say, “Yes the tax laws are binding on me, but I just cannot bring myself to pay.”

Start with the first of these – the common acknowledgement of the state's legitimacy. Citizens' mutual acknowledgement of political legitimacy is not itself patriotism nor does it seem to require patriotism. For citizens can acknowledge the legitimacy of some practical authority without loving it. The means political authorities actually use to persuade citizens and subjects of their legitimacy often resemble the means they use to induce love – all too frequently a blind love -- of country or of regime. But there is a clear conceptual distinction between patriotism and the acknowledgement of legitimacy. That difference ought to make a practical and political difference.

I assume Professor Nussbaum would acknowledge this. For she thinks that it is not the first but the second -- the regular compliance with demanding directives -- that requires patriotism. To comply with demanding directives – even demanding directives that are

regarded as authoritatively binding – citizens must be passionate and committed. Among the objects of that passion and commitment, Professor Nussbaum thinks, must be one's nation-state. This is why we are supposed to accept (5*).

Is the fifth step true? To see whether it is, let me raise a question about the necessity claim made by (5*).

Why can't regular compliance with demanding directives be brought about by the combination of citizens' mutual acknowledgement of legitimate political authority, coupled with some other set of attitudes, some other set of commitments and loves, than *patriotism*? Why can't the objects of love and commitment be, say, various states of affairs in which justice is realized – states of affairs in which everyone has what they need? Why must the object of love be the nation-state itself?

Whether people can develop a love of justice may well depend upon how the demands of justice are presented to them. Professor Nussbaum's wonderful discussion of political rhetoric turns on this, and about this she is importantly right. But why can't the demands of justice, and the states of affairs in which justice is realized, be presented in ways that engage the affections? Why not present the demands of justice as divine commands, for example, and the states of affairs in which justice is realized as foretastes of the Kingdom? On this proposal, it is desire for God's justice – say, desire for the states of affairs to which MLK alluded by invoking Isaiah 40 -- that people love. They recognize that those states of affairs can be brought about only if they all acknowledge the state's authority and comply with its directives.

I think the answer to this counter-proposal would be: Those directives can't enjoin the doing of justice in the abstract. They will have to enjoin the doing of justice *somewhere*. Citizens will obey those directives most reliably if the directives direct them to do justice in places to which their attachment and care can be motivated. Attachment and care can most effectively be cultivated if those sentiments are focused on one's own country. So people will comply with those directives more reliably if the directives enjoin doing justice in a home country they have been brought to love.

What is this love? Unless citizens have some strong investment in the moral condition of their nation-state, they will not regularly comply with its most demanding directives. Regular compliance with these directives requires that citizens care about and feel responsible for their state's being as good or as just as it can be, its living up to the promises of its founding documents, its not defaulting on its promissory notes.

So if citizens are reliably to comply with demanding directives that their states have to issue so that people of the world are provided what they need, then it will not be enough that citizens hunger and thirst after justice and acknowledge the legitimacy of the authority issuing the directives. They will need especially to care that justice be done in and by their nation-states. And insofar as citizens attach special importance to, or care

especially about, its being done in their nation-state, they are patriotic. That's what patriotism is, or an important part of what patriotism is, on this reading of the argument.

One of the reasons I took pains to lay out the seven-step argument in detail was to make explicit that the notion of compliance for the right reasons is critical. So let's ask: If a society relies on such care to motivate compliance with demanding directives, does it secure compliance *for the right reasons*? Do the citizens of that society have motives it is good for them to have?

It is hard for me to see how a nation-state can encourage its citizens' special concern that justice be done *here – by us--* without encouraging citizens to think that their responsibility to others who here are *with them* has priority, and that, if *they* are being treated unjustly, then their complaints have a special claim to their country's attention.

Moreover, in a democracy, people – if they think about it – will think that their special responsibilities for their compatriots arise – at least in part – from the special relationship they have with them: it is with their fellow citizens that they cooperate to do justice, and it is with their fellow citizens that they share the burdens of satisfying its demands. Thus when Lincoln characterized a democracy as government for the people, I presume he meant that it is for the people who live there; and I assume that when he implied that it is for those people in particular, he thought this is because it is government of and by those people.

And so it is hard for me to see how nation states can encourage patriotism without also encouraging citizens to think that there are special responsibilities to fellow citizens as such, responsibilities which grow out of their relationship and which are not entirely derivative from the obligation asserted in (5*.1).

Nothing Professor Nussbaum says in this paper is incompatible with that. But in her earliest, groundbreaking work on cosmopolitanism, she does say things which seem incompatible. She writes:

“Politics, like child care, will be poorly done if each thinks herself equally responsible for all, rather than giving the immediate surroundings special attention and care. To give one's own sphere special care is justifiable in universalist terms, and I think this is its most compelling justification.” (*For Love of Country*)

“Cosmopolitans hold, moreover, that it is right to give the local an additional measure of concern. But the primary reason a cosmopolitan should have for this is not that the local is better per se, but rather that this is the only sensible way to do good.” (*For Love of Country*)

It is these claims that make Professor Nussbaum's an especially deep and interesting and challenging form of cosmopolitanism. What I want to ask is whether this view of the ultimate source of our special responsibilities for our compatriots is compatible with the line on patriotism that she is now exploring.

If our duties to our fellow citizens are derivative, as these claims suggest, and if a state can secure compliance only by, in effect, encouraging citizens to think that they are not – as I have suggested -- then nation-states can secure compliance with demanding directives only by encouraging their citizens to have false beliefs. If a state can secure compliance with the demands of justice only by encouraging false beliefs, then it does not seem to secure compliance – or to be stably just -- for the right reasons. This is a most unwelcome conclusion.

The simplest way to avoid this conclusion would be to insist that it rests on a false assumption: the assumption that patriotic citizens will believe that special responsibilities to compatriots are fundamental. Properly educated citizens will feel some special responsibility for their fellow citizens but will they will at the same time recognize the derivative character of that responsibility.

But I don't quite understand how these attitudes are to be combined. I can understand how I might combine special care for my fellow citizens – or my children, say -- while acknowledging that there is a point of view from which they are not any more important than people elsewhere or than other children. What I have more trouble figuring out is how I can care about my fellow citizens especially – or love my children especially -- while recognizing that the reasons I have for loving or assuming responsibility for them are derivative from my having a share in collective responsibility for everyone. These are two quite different combinations of attitudes, and it is the second that I have difficulty with. Yet it is the second set that Professor Nussbaum's argument seems to require.

There are deep issues about collective responsibility here, and I don't think I understand them well enough to pursue them. Instead, let me note that the difficulty to which I've pointed is not just psychological. Consider again what it is to be patriotic. If I am patriotic, I care especially about the justice of my society. That means that I care especially that productive and distributive and racial relations among fellow citizens conform to the demands of justice. Thus patriotism just is or entails special concern about the moral quality of relations among citizens. But if I care especially about the moral quality of, say, productive relations or race relations among citizens, then it seems I will regard those relations as an independent source of reasons to be just to those with whom I stand in the relations. I won't regard the special responsibilities to them as entirely or primarily derivative. And so the way I have imagined of avoiding the unwelcome conclusion about false beliefs doesn't seem to work.

Perhaps the answer will be that citizens are also supposed to recognize that the special value they attach to their society's living up to its democratic ideals, say, is not really a

fundamental value either. Its value, too, is primarily derived from cosmopolitan considerations. And if concern for relations among fellow citizens is derivative, then those relations don't provide any independent reasons for special responsibilities. So the idea is this. The reflective patriot has special concern for his country and its citizens, but because he recognizes that both concerns are primarily derivative from his cosmopolitan duty, he doesn't think that his special obligations to his fellow citizens depend ultimately on his relationship with them.

But the question that arose about partiality for my fellow citizens now arises with respect to my country. I can imagine thinking my country is special while acknowledging that there is a point of view from which it is not. But I find it harder to imagine that I can regard it as special while recognizing that the primary reason for my love is that by loving it, I do cosmopolitan justice.

But suppose that people can simultaneously hold these two attitudes, stereoscopically, as it were. Then I wonder about the consequences of bringing the two images together into one. Might it then be that my love of country is altered so that champions of patriotism would no longer recognize it as such? If love of country is altered or affected by recognition that what matters, fundamentally, is my cosmopolitan duty, then I wonder whether stability isn't really secured – not by patriotism – but by the more fundamental cosmopolitan considerations. It sounds to me as if what is securing compliance in this case is that other complex of attitudes I alluded to above: a strong sense of cosmopolitan justice plus a recognition that the nation state's authority is legitimate because it is the means by which such justice is secured. If so, then it is this complex of attitudes, rather than patriotism, that Professor Nussbaum's argument shows nation states have especially strong reasons to encourage.

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