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Anna Stilz: Liberal Loyalty

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Introduction

Of the many facts about the contemporary world that we tend to take for granted, one of the most pervasive is that it is a world of separate states. We may have much else to say about the character of these states—that they ought to protect human rights, or that they ought to be democratic—but, at least until recently, the fact that organized political life will take the form of a plurality of sovereign states was not often drawn into question.¹ Moreover, we not only tend to assume that the state will *exist* as a background fact about our political life, but we also think that its existence can make a moral difference. We usually hold, that is, that the citizen or resident stands in a special relationship to the institutions of her own state, and to the compatriots with whom she shares them—at least when these institutions are reasonably just, democratic, and legitimate. On this view, the fact of being a member of a particular state can matter morally: it makes a difference to one’s practical reasoning about what to do. When deliberating about what is required of her, we think a citizen or resident ought to take her membership to have a kind of *moral salience*, one that marks this particular relationship as a source of special duties.

Imagine for a moment the case of a representative democratic citizen: let’s call her Sally from Toronto. The fact that Sally is a citizen of Canada who resides in its territory, and is not a citizen or resident of Germany, or the United States, or Japan, will make some difference to what we (as a matter of everyday common sense) think that Sally is required to do. For example we may think that Sally, when going about her daily business, ought to obey Canadian laws rather than the laws of some other, equally just, state: the United States, say, or Argentina. And obeying Canadian law rather than some other law will make a difference to her behavior. If she is a novelist, then because Canada prohibits certain kinds of speech with racist or defamatory intent, she ought not depict this kind of speech

¹ In the last fifteen years, a spate of works reflecting on our assumptions having to do with sovereignty and the state have appeared, some of which I will treat in more detail below. The most common proposed alternative to the state is a system of dispersed sovereignty, which has been proposed in different form by Onora O’Neill, Thomas Pogge, David Held, and Simon Caney. See O’Neill, *Bounds of Justice*, 168–202; Pogge, “Cosmopolitanism and Sovereignty”; Held, *Democracy and Global Order*; Caney, *Justice beyond Borders*, 148–88.

in her work, even though in a neighboring liberal state (the United States), that sort of speech would be constitutionally protected.² And if Ontario requires biannual car inspections, while Argentina does not, then according to our assumptions Sally has a reason to get her car inspected, simply because Ontario requires it. She may have other reasons to believe that such car inspections ought not to be required at all—perhaps, after careful study, she has decided that the environmental benefits do not outweigh the costs. But despite this, on most liberal-democratic theories, she would still not be justified in simply electing to follow Argentina’s policy on this matter, because it better corresponds with her own (perhaps even carefully considered) views. The duty to obey the law, if there is one, is an obligation that binds only those persons who stand in some special institutional relationship—those who fall within the territorial domain of a given state. This duty extends to residents and even tourists in Canada, as well as those, like Sally, who hold full citizenship.

In addition, many of us think that as a citizen of Canada, Sally not only has a duty to obey Canada’s laws, she also has a duty to participate in formulating them. By debating political issues, voting for representatives, staying informed, working for a campaign or advocacy group, and participating in social movements or even committing acts of civil disobedience, citizens like Sally contribute their voices and votes to the legislative process. If Sally never votes or reads the newspaper, and shows no concern when Canada’s laws or policies turn out to be unjust or inefficient, we may criticize her for neglecting her civic obligations. Since Sally and her fellow-citizens have a voice in electing the government that puts this legislation in place, she should do what she can to ensure that the laws of her country are just and its policies effective. But we generally assume that citizens have a responsibility to involve themselves in the legislative process only in their own state, and not in legislative processes in other states. If Sally omits to involve herself in the political affairs of Argentina—if she does not read Argentine newspapers, or get involved in any Argentine social movements or political campaigns—we would hardly say that she was neglecting a political obligation in the same way. To take an interest in Argentine politics might be a charitable thing for Sally to do, but we would not criticize her for failing to do so.

Beyond her relationship to Canada’s laws, we also take it for granted that Sally ought to pay her taxes to the revenue authorities in the state where she lives and works, and not to the revenue authorities of some other equally just and legitimate state. We assume, therefore, that Canadian citizens like Sally, as well as those who reside and work on Canadian territory, ought to positively contribute to the state institutions that formulate and coercively impose laws on herself and others within their juris-

² *Criminal Code of Canada*, sec. 318–19.

diction.³ The tax rates in Michigan might be lower, but Sally cannot simply elect to pay her taxes there. Perhaps Sally's tax money would do more good and make a more appreciable difference to other people's lives if she sent the check to the government of Argentina. But despite this, we generally assume that Sally should pay her tax money to her *particular* authorities, and not to the authorities in a just and legitimate state of her own choosing.

Finally, Sally is also expected to contribute to redistributive policies and to the provision of public goods that benefit fellow citizens in Canada, instead of contributing to redistribution that takes place in other, perhaps much poorer, countries. Her contribution will most likely take the form of tax money, but it may also come as a demand for compliance with affirmative action initiatives that benefit the less advantaged. Her taxes may go to provide public schooling for children of Canadian families, to contribute to the pension plans of the Canadian elderly, or to provide health insurance for fellow Canadians. Sally is expected to contribute to redistribution in Canada despite the fact that there are many people in the world whose needs are much more urgent and basic than any of the "comrades of fate" who benefit from her tax dollars. Redistributive social-welfare and public goods programs of this sort are underpinned by the idea that citizens and residents owe special obligations to their compatriots. If they exist, such special obligations extend beyond those obligations that are thought to be owed to all other human beings, like basic nonharm and the provision of minimal subsistence. In all of these ways, then, the aid of an average member of an industrialized democracy benefits those who fall within her state substantially more than it benefits those who fall outside it. And most traditional theories of social democracy take this to be morally warranted by the existence of special rights and duties between members of the same state.

The Particularity Assumption

We could find yet further examples of particular obligations that depend on an individual's standing in a special relationship to his own state—think, for example, of the duty to do military or civil service, to defend

³ In chapter 7, I offer an account of the sources of our political obligations that emphasizes the significance of a state's territory in defining membership. On the view I endorse, the differences between the obligations of a visitor to a state's territory and obligations of residence or citizenship are less thoroughgoing than it might seem. The distinction between them is only a matter of degree, not of kind. Citizens are simply those persons who have the most permanent and enduring connection to a particular territorial state. Tourists have only a fleeting connection to it, and temporary residents are somewhere in between. I thank Martin Sandbu for pressing me to be clearer about these matters.

one's country in a just war, or to contribute to reparations, each of which is also thought to bind only members of one particular political community. Of course, there are important differences among these duties. Some of the obligations we have mentioned are territorial obligations: obligations to obey the law bind everyone within a state's jurisdiction, even mere tourists or short-term visitors. Some are obligations of residence: all long-term residents have an obligation to pay taxes and to contribute to redistribution. And finally some are obligations of citizenship: only full citizens are bound by duties to vote and participate politically, to defend their country in war, to do civil or military service.⁴ But what is common to all of these civic duties is that they are grounded on the belief that the existence of separate states makes some moral difference to what we ought to do. Such duties all invoke the existence of political obligations, special "moral requirement[s] to support and comply with the political institutions of one's country of residence."⁵ "Political obligation," as A. John Simmons puts it, "is something like the obligation to be a good citizen in a fairly minimal sense."⁶

Our commonsense view, then, presupposes that there is a special bond or obligation that ties the citizen or resident to her state, and to her compatriots, and not to others, and requires her to support *these* people and *these* institutions and not others. Following Simmons's work on political obligation, I will call this the *particularity assumption*.⁷ If the particularity assumption is correct, I am not constrained to obey or to support every just state, or to support, as a matter of preference, the *most* just state in the world. Instead, I am bound to obey and support *my own* state, at least as long as it is sufficiently just. If someone like Sally has civic obligations, then they must depend on the special relationship that she stands in with her state: it is this relationship that ties her to her political community and its institutions. As we have seen, the particularity assumption—and the idea of a special relationship to the state that it implies—is deeply embedded in our everyday moral judgments as well as in traditional accounts (liberal and otherwise) of political obligations.

⁴ As I state in footnote 3, later in the book I will give an account of these obligations that shows why the differences between them are less significant than it might seem. This territorial view of membership also has implications for granting citizenship rights: on the view I endorse, anyone who can prove a permanent connection to the state should be eligible for full civic rights. Dual citizenship may be acceptable, but only if the citizen can prove a connection to both territories and can discharge both sets of civic obligations.

⁵ Simmons, *Moral Principles and Political Obligations*, 29.

⁶ Simmons, *Moral Principles and Political Obligations*, 155.

⁷ Simmons calls it the "particularity requirement" in *Moral Principles and Political Obligations*, 31.

The fact that the particularity assumption is embedded in our common-sense views does not make it a justified assumption, however. And some contemporary liberal theorists have denied that the particularity assumption is actually justified at all. One can see why they might be uneasy about it. For the particularity assumption (at least at first blush) seems to hold that the fact of simply *finding oneself* to be a member of a state is an important part of the argument for one's having obligations to that particular state. Sally was most likely born into the role of citizen, and it seems that certain obligations to her state and to her compatriots are simply predicated of her because of that fact. But liberals have traditionally been uneasy about appealing to the brute fact of our membership in institutional schemes, or of our being born into certain relationships, as a moral justification for our having obligations to those relationships or schemes.⁸ The mere fact that I find myself to be subject to a tyrannical despot, and that he expects me to comply with his orders, gives me no obligation to obey him. Nor does the fact that I happen to be a member of a Mafia family give me an obligation to support and further its activities, even though that might be what the Mafia conventionally expects of its members. By parity of reasoning, we might suppose that Sally's happening to have been born in Canada gives her no obligation to do what Canada conventionally expects of its members. The bare existence of a particular state, like the bare existence of any other relationship, institution, or practice, cannot constitute an adequate ground for our having special obligations to it on a liberal view. If these obligations are to be justified, we must appeal to some further line of reasoning.

But if the mere existence of separate states is not sufficient to justify our having civic obligations, then what could justify those obligations? Liberals have traditionally looked to extra-institutional principles to ground our obligations. If institutional schemes can be justified with respect to such principles—principles such as respect for the freedom and equality of persons—then perhaps we can be shown to have a moral obligation to support and uphold them. On this view, the mere fact that an institution or practice requires something of me, taken by itself, never gives me a moral reason to do it. If conventional obligations cannot be justified on the basis of an appeal to extra-institutional principles, then despite the fact of our membership, and despite the tug of our common-sense moral views, perhaps we should accept the conclusion that we actually have no real duties to support and uphold the institution in question.

⁸ In some cases, liberal discomfort about unchosen obligations even extends to denying the most paradigmatic of these unchosen obligations: obligations to family. Simmons, for example, denies that children have any moral obligations to support and aid their parents, since they did not choose to be born. *Justification and Legitimacy*, 38.

This would be the liberal conclusion about our responsibilities to a tyrant or to our fellow members of the Mafia, for example. Whatever attachments we may feel to these relationships, they impose no justified obligations on us: instead we should revise our attachments, since they are unjustifiable and misguided. This intuition, of course, partly depends on the fact that the tyrant and the Mafia both establish schemes or practices that are morally wrong. But interestingly, a liberal would come to the same conclusion about my unchosen membership of a morally beneficial practice: if I simply happen to be born into it, it does not bind me.

Imagine I am born into a commune that my parents joined before my birth. Suppose I come of age and I no longer wish to serve in the commune's work-rotation—planting vegetables and washing dishes for the other members—but instead decide to pursue my fortunes in the wider world. No liberal would argue that I am bound to continue in the work-rotation forever, simply because of my birth membership in the commune. This is so even if this commune is a benevolent enterprise (set up, let us say, to care for the poor). The liberal is unwilling to say that I have an obligation to stay because to claim that I am bound by unchosen obligations to the commune would negate my personal freedom to choose the shape of my own life. On the liberal view, then, it is generally not acceptable to force obligations on people to participate in institutions and practices—even morally justified or beneficial practices—against their will. Following this line of thought, it may seem that even if Canada is a just and morally worthy state—like the beneficial commune—Sally has no unchosen obligations to support and comply with it simply because she happened to be born there. Perhaps, as a free human being, she ought instead to obey Michigan's free speech laws or start an advocacy project to influence Argentina's next election, if that is what she decides is the most morally and rationally justified thing for her to do. If that is the case, then we would need to revise our moral intuitions about the state.

But while revising our moral intuitions about Sally's case would be one possible outcome of extended reflection about them, I do not think it is likely to be the correct result. Instead, in this book I hope to vindicate Sally's (and our) intuitions about her obligations to her state and to her compatriots. I will claim that Sally really does have the obligations to obey the law, to participate politically, to pay taxes to her own state, to contribute to civic redistribution, to perform civil or military service, to contribute to war reparations and the like, that we usually ascribe to her and other citizens. The sort of vindication I hope to offer is not a commonsense but rather a philosophical one, and it proceeds on broadly liberal grounds. In what follows, I will argue that we can show Sally's obligations to be justified if we think deeply enough about what the extra-institutional principles of freedom and equality—to which liberals are

already committed—really require. A successful defense of political obligations to particular states, on my view, therefore need not appeal to any “brute” moral force found in the existence of states, to Sally’s commonsense intuitions, or to her felt attachments to her fellow members or her state institutions. Instead, I think it can be discovered purely in sustained reflection about what is truly involved in guaranteeing the freedom and equality of persons. That a purely liberal vindication of the particularity assumption of the sort I will attempt could be successful is not obvious, however. Indeed, the general trend of contemporary political theory has been to deny that it is possible.

The Cosmopolitan Challenge

Although it plays an important role in many traditional liberal theories of political obligation and distributive justice, the particularity assumption highlighted above has been exposed in recent years to much criticism on liberal grounds, especially by cosmopolitan theorists. Cosmopolitans have argued that, on reflection, we ought to hold that special obligations of citizenship are fundamentally incompatible with a liberal theory of justice. On the cosmopolitan view, then, the particularity assumption *cannot* be justified on the basis of any appeal to extra-institutional principles, and as a result it ought to be abandoned, and our commonsense intuitions revised accordingly.

The problem, in their eyes, stems from the fact that the principles of freedom and equality, on which a liberal theory of justice is based, are meant to be universally applicable. As Thomas Pogge puts it, “Every human being has global stature as the ultimate unit of moral concern.”⁹ Individual persons, and not states, nations, associations, or other groups, are the fundamental bearers of liberal rights, and individual persons hold this status solely in virtue of features that seem to be universally shared: features like rational agency, the power of free choice, or the possession of a set of common human interests. It is therefore all persons everywhere, and not just the members of particular states or associations, that are owed respect on the most foundational liberal principles. Some cosmopolitans extend this point to argue that it is very difficult to see how an individualistic, universalist, right-based political theory could *ever* justify any sort of particularized and differentiated political obligations, like those the particularity assumption invokes. On their view, state boundaries do not impose any restrictions on justice, which is always universal in scope.¹⁰

⁹ Pogge, *World Poverty*, 169.

¹⁰ Tan, *Justice without Borders*, 11.

The seeming contradiction between liberal moral premises and the particularity assumption arises because bounded political obligations presuppose that we owe more *as a matter of justice* to persons who have certain particular, and nonuniversal features (e.g., that they are our compatriots, or that they share our institutions). But such a partial weighting seems inconsistent with a universalist standpoint (like the liberal one) that is *impartial* between persons, and attributes to all persons—no matter where they are, or what relation they have to ourselves—the same degree of moral worth. For cosmopolitans, then, an appeal to this sort of partial weighting seems to sneak in a whole set of nonliberal considerations at the foundation of a liberal political theory. Indeed, the particularity assumption seems to appeal to just the sort of considerations that liberal ideals have traditionally been mobilized to overcome and fight against: morally arbitrary facts about our birth. “Citizenship,” claims Joseph Carens in a memorable phrase, “is the modern equivalent of feudal privilege.”¹¹ Martha Nussbaum adds:

Why should we think of people from China as our fellows the minute they dwell in a certain place, namely the United States, but not when they dwell in a certain other place, namely China? What is it about the national boundary that magically converts people toward whom we are incurious and indifferent into people to whom we have duties of mutual respect?¹²

Cosmopolitans therefore reject any attribution of special moral significance either to a citizen’s membership in a particular state or to her institutional relationship to her compatriots, since, on their view, the scope of justice is always universal.

Simon Caney, for example, points out that all the available liberal rationales for granting civil, political, and economic rights appeal to features of the person that are universally shared.¹³ He claims on this basis it must follow that all civil, political, and economic rights, including rights to distributive shares of goods, must be “general rights,” in H.L.A. Hart’s terminology: all human beings possess them equally. A general right, in Hart’s typology, is a right whose origin is not due to any social institutions or interaction, but rather belongs to each human being *qua* human. The scope of general rights is universal: they are rights held against everybody. For Caney, then, the full panoply of rights to freedom of action, speech, association, belief, the right to vote, to a fair trial, to equal pay, to equal opportunity, and to economic redistribution should apply to all persons,

¹¹ Carens, “Aliens and Citizens,” 252.

¹² Nussbaum, “Patriotism and Cosmopolitanism,” 4.

¹³ Caney, *Justice beyond Borders*, 72.

no matter in what state they are situated.¹⁴ No civil, political, or economic rights are “special rights,” applying to persons solely in virtue of some particular social or institutional relationship, such as that person’s country of residence or citizenship.

Of course, cosmopolitans do recognize and accept that because of the nature of our current political circumstances, each human being is born a member of a particular state, but this fact, on their view, should be treated as a brute reality that carries no moral significance. Persons’ rights are the true carriers of significance, and for cosmopolitans the existence of separate states makes no difference to what rights persons actually possess.¹⁵ Some cosmopolitans, including Caney, concede that there are cases where institutions or associations can create special rights and duties between their members: as when joint stockholders form a corporation, for example. But states, for Caney, are not associations that fall into this category. Caney argues that, to really create such special obligations, an institution must be voluntarily brought into being by its participants, binding them in virtue of their acts of consent or promising. Since we do not contract into the state, but are born into it, states create no special obligations of this sort between their citizens:

Individuals who hold the right to freedom of speech, action, association, and so on can make contracts with each other, in which case the contracting parties, but not others, have certain special rights. The key point, though, is that these special rights arise in a background in which persons have universal civil and political rights.¹⁶

The only justification for the existence of special, nonuniversal rights and duties on Caney’s cosmopolitan line, then, is that individuals have voluntarily brought such duties into being, by contracting into a particular association.

Caney, Nussbaum, Kok-Chor Tan, and others are what Thomas Pogge has termed *interactional* cosmopolitans: that is, they take the view that duties to respect other persons’ civil, political, and economic rights are “general” or “natural” duties binding on human beings as such and hold independently of any institutional scheme. To assert the existence of a human right, for someone like Caney, is thus to assert that “some or all individual and collective human agents have a moral duty not to deny X to others or to deprive them of X.”¹⁷ If I have a right to an egalitarian

¹⁴ For a similar argument, see Barry, “Humanity and Justice,” 235.

¹⁵ Arneson, “Patriotic Ties,” 128. On this subject, see also Pogge, “The Bounds of Nationalism”; Miller, “Cosmopolitan Respect”; Goodin, “What Is So Special”; Scheffler, “Relationships and Responsibilities”; Tan, “Patriotic Obligations.”

¹⁶ Caney, *Justice beyond Borders*, 78.

¹⁷ Pogge, *World Poverty*, 65.

distributive share of world resources, then all other persons have a positive duty to provide it to me.¹⁸

Cosmopolitans have extended their critique of obligations of citizenship to our existing state-centric schemes of distributive justice. They claim that giving priority to fellow citizens in matters of wealth redistribution and the provision of public goods, as we do in most industrialized welfare states, reflects an indefensible “patriotic bias” that draws an irrelevant distinction between persons based on arbitrary facts of geography and birthright membership. Placing moral weight on shared citizenship or territorial residence, these theorists argue, is equivalent to placing moral weight on any other purely cosmetic feature of a person: it is a form of discrimination, equivalent in seriousness to discrimination based on race, gender, or religion. On their view, distributive principles (of justice) should not “be constrained or limited by state or national boundaries.”¹⁹

When we put our tax money toward the needs of the poor in our own country, on this view, surely we are just neglecting the economic rights of a much larger and more deserving population, with whom we simply

¹⁸ Pogge argues against this interactional view, claiming that duties to respect human rights are not duties that concern our personal moral conduct toward others, including distant strangers. Pogge instead takes the position that human rights are best conceived of as claims on the proper organization of *institutions*. For Pogge, “The postulate of a human right to X is tantamount to the demand that, insofar as reasonably possible, any coercive social institutions be so designed that all human beings affected by them have secure access to X” (*World Poverty*, 46). The corresponding duty to protect human rights, argues Pogge, is held by all participants in a social system, who are obliged to organize themselves in such a way as to ensure that the institutions in which they participate secure the human rights of others.

This might seem to make room for the sorts of special duties of citizenship invoked in the particularity assumption: if human rights are claims on institutions and the members of those institutions, then it would seem that they have an important *associative component*: that is, they bind only participants in the institutional scheme in question, not humanity at large. Indeed, one possible reading of Pogge’s view (which would bring him quite close to the position I advocate in this book) would be that institutions on which claims of human rights could be made are coercive legal institutions. But Pogge expressly denies that this is the right reading of what he means by an institution: he suggests, to the contrary, that human rights can be guaranteed by various kinds of nonlegal institutions: “A society may be so situated and organized that its members enjoy secure access to X, even without a legal right thereto. . . . One’s human right to adequate nutrition, say, should count as fulfilled when one has secure access to adequate nutrition, even when such access is not legally guaranteed” (*World Poverty*, 46). For Pogge, then, perhaps a human right can also be a claim on *nonlegal* institutions, such as associations, families, universities, churches, or firms, a view I shall contest in chapter 2. In general, though, Pogge argues that demands of justice do stem from membership in particular contexts of institutional interdependence and not from natural duties all humans owe to one another, but he claims that in our current world, these contexts of interdependence are global. In such a situation, then, the demands of an interactional and an institutional conception of rights are much the same in practice.

¹⁹ Tan, *Justice without Borders*, 19.

happen, for contingent reasons, not to share a state. And how can this be anything more than a form of prejudice or arbitrary favoritism? Surely our compatriots are no more morally deserving than others; so why do we consider ourselves bound to aid them to a greater degree? Indeed, some authors have claimed that these supposed “obligations to compatriots” enshrine arbitrary prejudices, thinly veiling forms of discrimination among equal persons that are equivalent to racism:

Large percentages of the populations of many countries, particularly in the southern parts of the world, fail to get enough calories to lead a normal, active life, making for short life expectancy. Moral universalism must regard this as very bad. If, as seems plausible, favoritism by nationals of more prosperous countries for hungry compatriots over others would contribute to this situation, then such favoritism is, from a universalist standpoint, no better than racism.²⁰

The basic moral challenge of the cosmopolitan argument is that defending special obligations to fellow citizens or residents requires us to draw an arbitrary distinction between persons based on a morally irrelevant property: the brute fact of their happening to share a state. As Pogge puts it, “Nationality is just one further deep contingency (like genetic endowment, race, gender, and social class), one more potential basis of institutional inequalities that are inescapable and present from birth.”²¹

As we can see, the cosmopolitan challenge to traditional liberal assumptions is a forceful one. Cosmopolitans have pressed traditional liberals with ever-increasing urgency to explain how the special obligations of membership invoked by the particularity assumption could possibly be defended on the basis of fundamentally universalist moral principles of freedom and equality, which purport to be impartial between persons. Wouldn’t it be more consistent with the moral basis of liberalism, they ask, to ground our political obligations not on facts about our membership in particular states, but on the universal duties of justice owed by each of us to all other human beings?

In order to vindicate their point of view, along with the particularity assumption upon which it relies, those liberals who believe in the moral importance of citizenship would have to show that this cosmopolitan challenge was misguided in a fundamental way. And to demonstrate *this*, they would have to prove that the basic analogy at the center of the cosmopolitan case—the analogy between placing moral weight on state membership and placing moral weight on purely arbitrary features of the

²⁰ Gomberg, “Patriotism Is Like Racism,” 109; see also McCabe, “Patriotic Gore, Again.”

²¹ Pogge, *Realizing Rawls*, 247.

person, like race or gender—is actually a false one. This would show that civic membership was not a morally irrelevant property, like the other cosmetic features of the person to which the cosmopolitan analogy appeals. Moreover, traditional liberals would have to demonstrate this without appealing to any irrelevant assumptions—such as the alleged moral “force” of simply being born into a particular relationship—that are *prima facie* inconsistent with liberal theory. What traditional liberals require, then, is an argument that shows why the particular facts about our relations to our own states and to our compatriots are of some lasting moral significance. And to really do the job, this would have to be an argument that was based solely on the “universal” and “impartial” grounds of a regard for equal freedom.

But while it seems clear that such an argument would be what is necessary to lay the cosmopolitan challenge to rest, a look at the contemporary literature shows that producing that argument has proved to be very difficult.²² Instead, contemporary liberals have largely been content to work within the parameters marked out by the particularity assumption without trying to defend it, and this, as we shall see, has opened them to the charge that they simply take the boundaries of the nation-state for granted as an unquestioned background to their political theory. Moreover, because traditional liberals have been largely unable or unwilling to offer an argument about why the principles of freedom and equality can justify bounded political obligations to particular states and groups of citizens, cosmopolitans have continued to mount ever-bolder attacks on their point of view.

The Liberal-Nationalist Counterargument

This lacuna in contemporary liberal theory’s ability to justify the assumption that citizens do stand in a special relationship to the institutions of

²² The best contemporary efforts to develop such an argument are found in Blake, “Distributive Justice”; and Nagel, “Problem of Global Justice.” The argument I will lay out in the first section of this book is sympathetic to some of their views, but adopts a different approach. In particular, while these thinkers emphasize, in a Rawlsian way, the repercussions of state coercion for citizens’ autonomy, I derive my defense of the moral importance of citizenship primarily from a reading of Kant and Rousseau. Going back to these early modern thinkers, I think, allows us to get clearer on *how* exactly the relationship of common citizenship is morally important in terms of equal freedom. As I will try to show over the following chapters, citizenship is morally important because we need state authority in order to enjoy certain categories of rights, particularly rights of property, and because the definition of these rights must be one we produce together, through democratic legislation. Since I emphasize the connection between rights and democratic authority, my account is rather different from those of the above authors.

their own state and to their compatriots has led theorists from other camps to step in and offer an account of a member's special bond to her state that does appeal to the "moral force" found in the "brute" existence of relational ties or the fact of group belonging. One such answer to the cosmopolitan challenge has recently been put forward by a group of theorists who call themselves *liberal nationalists*, a group that includes David Miller, Yael Tamir, Will Kymlicka, and Margaret Canovan, among others. Liberal nationalists argue that "patriotic biases" of the sort attacked by cosmopolitans are not just arbitrary prejudices, but are actually essential features of democratic politics. They claim that "only within nation-states [is there] any realistic hope for implementing liberal-democratic principles."²³

To defend their view, nationalists charge that the practice of existing liberal democracies, along with many theories of liberalism, in fact already "tacitly presupposes" the prior existence of the cultural nation.²⁴ The thesis that liberalism presupposes the nation has two parts. First, liberal nationalists argue that the theory of liberal democracy incorporates claims about boundaries, membership, and political obligation—summed up in the particularity assumption—that require ultimate reference to the cultural nation in order to be morally justified. And second, liberal nationalists further claim that, as an empirical matter, democratic institutions can only function effectively if citizens share a sense of solidarity and trust, which can only be provided by a national culture. We will have a chance to investigate the nationalist position in greater detail in chapter 6; but for now it is worth sketching the view in outline, to show why the nationalist argument for bounded political obligations—one of the few that is currently on the table—cannot be understood as a truly liberal argument, precisely because it claims that certain ascriptive facts have overwhelming normative significance in determining our obligations. For this reason, although it has received significant attention in recent years, the liberal-nationalist position cannot provide a universalist and extra-institutional justification for the particularity assumption of the sort we are seeking.

Liberal nationalists begin their argument for the nation's indispensability by observing that there seem to be important background difficulties in liberal-democratic theories of a broadly Rawlsian stripe. Rawls, for example, begins his *Theory of Justice* from the assumption that principles

²³ Kymlicka and Straehle, "Cosmopolitanism."

²⁴ Samuel Scheffler has offered a similar account of the "particularist dimension" of liberalism in his recent work: "Many liberal theories that explicitly reject associative duties seem tacitly to rely upon them, or at least to incorporate elements that serve to mimic such duties in important respects." See *Boundaries and Allegiances*, 69.

of justice apply to the basic structure of a “closed society,” whose members “enter it only by birth and leave it only by death,”²⁵ and he resists the attempts of cosmopolitans (such as Thomas Pogge or Charles Beitz) to apply his ideal of justice as fairness globally.²⁶ But Rawls does not offer an argument about why the closed nation-state is the correct unit to which to apply such principles. For this reason, liberal nationalists have maintained that Rawls—and other liberals who make background assumptions that are similar to his—must be invoking a national community as an unquestioned background circumstance that underpins his theory. Rawls and other liberals, they claim, simply take nation-states for granted. And with good reason, according to liberal nationalists, since national community is actually a prerequisite to democracy, justice, and fairness:

There is a longstanding though much denied alliance between liberal and national ideas that might explain the inconsistencies pervading modern liberal theory: why is citizenship in a liberal state more commonly a matter of birthright and kinship rather than choice? Why do liberals believe that individuals owe political loyalty to their own government—as long as it acts in reasonably just ways—rather than to the government that is demonstrably the most just of all? Why does the liberal welfare state distribute goods among its own citizens, while it largely ignores the needs of nonmembers? The answers to these questions direct us to the national values hidden in the liberal agenda.²⁷

Tamir and other liberal nationalists assert that the pervasive acceptance among liberals of the background assumptions with which we began—that a citizen or resident stands in a special relationship with the institutions of her own state and with her compatriots, a relationship that grounds her particular political and redistributive obligations—ultimately shows that liberals must be tacitly relying upon or invoking the cultural nation as the backdrop to their politics. Only the cultural nation, it is argued, could explain why political obligations and redistributive duties are bounded in the way that we usually assume them to be.

But why might the nation serve to explain why political obligations are bounded? According to the nationalists, our political obligations are bounded because they in fact coincide with certain special associative obligations that we *already* owe to fellow members of our cultural nation. To defend this idea, they point out that we commonly think of other important personal relationships as giving rise to “special obligations,” obli-

²⁵ Rawls, “Political Liberalism,” 12.

²⁶ See Beitz, *Political Theory*; and Pogge, *Realizing Rawls*.

²⁷ Tamir, *Liberal Nationalism*, 69.

gations that are not derivable from, or reducible to, universal moral duties owed to all human beings, but which instead depend on the intrinsically valuable nature of a particular relationship to us. Examples of such duty-generating relationships are friendships, or the relationship between parents and children, or between husbands and wives. We do not believe that the obligations we owe to our children, for example, are derived from their status as unaffiliated and morally free human beings, but rather from their status as *our* children, from the fact that they stand in a special relationship to ourselves. Certain valuable relationships are already held by commonsense morality to generate self-standing special obligations, and according to liberal nationalists like Tamir or Miller, the special relationship of cultural nationhood ought to be added to this list.

Liberal nationalists hold that the relationship of cultural nationhood is a duty-generating one, like the special relationships of family or friendship, because like these other relationships, it creates certain valuable goods for the persons involved. Cultural nationhood, they argue, plays a central role in constituting individual identity, and it shapes the exercise of our personal freedom. A national context makes certain cultural options meaningful to us, and provides us with a context in which we can make choices, since “familiarity with a culture determines the boundaries of the imaginable.”²⁸ Growing up in a certain national culture, on this view, is a fact that has special moral force for an individual, because it shapes his identity and gives him a context for choice. And because his identity and freedom are very great personal goods—perhaps among the most significant personal goods—the member of a nation owes an obligation of support to the relationship that produces these goods. That relationship is one of cultural nationhood; therefore the member owes a special obligation of support to his cultural nation.

Thus, by reconceiving of our relationship to the cultural nation as the source of important special obligations, liberal nationalists claim that we can vindicate our sense—expressed in the particularity assumption—that citizens owe special duties to their own institutions and to their fellow compatriots, at least as long as the boundaries of the nation coincide with those of the state.²⁹ Conationals owe each other more, suggest Tamir

²⁸ Margalit and Raz, “National Self-Determination,” 449.

²⁹ This assumption is problematic, as some nationalists have realized. For the boundaries of relatively few states actually coincide with the boundaries of cultural nations. For this reason, the cultural nationalist thesis can be used at least as easily to advocate *dismantling the state*—because our special obligations to the nation do not in fact coincide with the boundaries of the existing polity—as to support our political obligations to any actually existing state unit. Will Kymlicka and Yael Tamir, for instance, have both recognized this, and argued on this basis for devolving more political rights to small national groups, while maintaining supranational political institutions at either the federal (Canadian) or European

and Miller, because they identify with the national community that shares a particular state, and they identify with this community because its national culture is constitutive of who they are. On the basis of their central thesis, then, liberal nationalists have forcefully argued that the only consistent way for more traditional liberals to vindicate their background assumptions (and to avoid being pressed into a cosmopolitan stance) is to adopt some form of liberal nationalism, by conceding that the cultural nation is an important prerequisite for justice, since nationhood explains how bounded political obligations might be generated, and therefore helps us to vindicate the particularity assumption that is so deeply embedded in many of our beliefs about the state. “Liberal theorists,” notes Will Kymlicka, “invariably limit citizenship to the members of a particular group, rather than all persons who desire it. The most plausible reason for this . . . [is] to recognize and protect our membership in distinct cultures.”³⁰

As we can see, then, the nationalists too have put forward an influential defense of the particularity assumption. But despite the force of many of the liberal nationalists’ claims, I believe we ought to be dissatisfied with their account. The problem with the liberal-nationalist view is that it minimizes or neglects the importantly *universalist* moral justification for liberal politics, in favor of a form of ethical partiality that is based on exclusivist cultural ties. In holding that an individual’s identity and obligations depend upon his membership in the cultural nation, nationalists neglect, or at least substantially revise, traditional liberal ideals of autonomy and individualism.

If a fact about a person’s upbringing and identity can impose unchosen obligations on him, then liberal nationalists are implicitly committed to conceding that every national culture’s members have unchosen obligations to it, no matter what that culture’s character or values, simply by the fact of their having been educated to membership. This is like saying that someone who is born a member of the Mafia has unchosen obligations to his fellow members, simply because he has grown up in the group and it has come to play a significant role in his own conception of himself. Yael Tamir, for instance, accepts just such a conclusion:

level. But if their argument about the sources of political obligations is correct—that these obligations ultimately derive from associative obligations to national groups—one wonders what could underpin citizens’ obligations to these higher-level political institutions. Canada or Europe, by all rights, ought to cease to be able to expect its citizens to contribute to federal redistribution or to obey unpopular laws, if Kymlicka and Tamir are correct. That leaves one wondering what rump-Canada or rump-Europe *could actually do* once their redistributive and legislative authority has been so drastically curtailed, and why Kymlicka and Tamir bring such higher-level institutions into their theories at all.

³⁰ Kymlicka, *Multicultural Citizenship*, 125.

One last feature characterizes associative obligations. Since they grow from relatedness and identity, they are independent of the normative nature of the association. There is no reason to assume . . . that only membership in morally worthy associations can generate associative obligations. For example, members of the Mafia are bound by associative obligations to their fellow members.³¹

But surely any liberal would want to say that the mafioso has no such obligations, and to the extent that his identity or conception of himself leads him to think that he does, that conception is misguided, and his identity should be revised. Liberals wish, in other words, to find a source of external evaluation for our identities and practices, one that appeals beyond the self-conception of members to some further set of moral criteria. In the end, by refusing external evaluation, nationalists import into their political theory a set of ascriptive considerations that are not in any sense derived from the liberal values of freedom and equality and that are often in grave tension with these principles.

Despite this, however, the liberal-nationalist project does have the advantage of offering a clear answer to the cosmopolitan challenge on the possible *moral sources* of the differentiated and bounded political obligations invoked by the particularity assumption, albeit it one that more traditional liberals have been reluctant to adopt. Because of their uneasiness with the nationalist response to the cosmopolitan challenge, though, traditional liberals find themselves in a rather uncomfortable position. We might describe their situation by saying they face a war that must be fought on two fronts.

Traditional liberals are up against challenges from nationalists and cosmopolitans alike, and this poses them a painful dilemma. On the one hand, they could concede (with the cosmopolitans) that the moral principles on which liberalism is based should apply globally to all individuals, without reference to their geographical location, and therefore that special obligations to our own states and compatriots are in fact morally unjustifiable. This would save the liberal claim to moral universalism, but at the expense of adopting the cosmopolitan position. On the other hand, traditional liberals could admit that democratic institutions tacitly presuppose a cultural nation, which provides the real demarcating criterion for who may and who may not belong, and defines the group of persons to whom we have political obligations. This would save the particularity assumption, but at the expense of betraying liberal universalist background principles. If these are the only two options for traditional liberals,

³¹ Tamir, *Liberal Nationalism*, 101. Tamir does go on to say that these obligations can be (and in the case of a mafioso, would be) overridden by other moral reasons. But they still exist and retain moral force, even when overridden.

however, they face the usual fate of those who fight wars on two fronts: they will find themselves annexed from both sides. If the traditional liberal position is not to be undermined, a third and better option must be found.

How to Vindicate the Particularity Assumption: A Sketch of the Argument

To vindicate the particularity assumption without falling on either horn of the dilemma put to them, liberals have to formulate a response that shows why the citizen's relationship with her particular state and with her fellow citizens is in fact morally important, and they would have to formulate this response purely in terms of freedom and equality, without invoking any moral "force" that might be based on ascriptive claims about culture, language, or ethnicity, or the brute fact of finding oneself subject to an institutional scheme. Such a response would show why the salience of *particular* relations of civic membership could be morally relevant on impartial, universal, and extra-institutional grounds. This may seem like a very difficult task. Fortunately, though, I believe that such a response already exists—it is in fact one of the key arguments of early modern political theory—and the aim of this book is to reconstruct, update, and defend it. In my view, the main outlines of just such a view can be found in two of the most important philosophical antecedents of the idea that any legitimate state must guarantee the equal freedom of its citizens: the writings of Kant and Rousseau.

But if the answer already exists, then why have contemporary liberal political philosophers found it so difficult to defend the particularity assumption? I believe it is because contemporary philosophers tend to hold the false view that all our obligations to other persons must spring from one of two possible sources: either they are clear and determinate "natural moral duties" that are owed to human beings as such, like obligations not to murder or assault, rape, or lie; or they are duties that antecedently autonomous individuals have specifically contracted to undertake, by acts of promising or explicit commitment. Political obligations and special redistributive duties to compatriots, however, are not easily assimilable to either of these two models. Political obligations, if they exist, are "particularized" to one bounded political community, and so do not apply to the entirety of humanity in the manner of "natural duties" of interpersonal morality. And most citizens of modern democracies cannot be meaningfully said to have consented to stand in any "special" relationship to their compatriots—since most of them were born, and not naturalized, into the state—so these duties cannot be understood as obligations that are based on some prior contract. Since these obligations cannot be readily ex-

plained by reference to natural duty or to consent, many liberal theorists fall into skepticism, conceding that it is hard to see how any obligations of citizenship or “special” redistributive duties could be justified, as the particularity assumption holds them to be.

Nevertheless, I believe that particular political obligations can be defended if we step outside this two-part moral structure, and that there is good reason to think that the nature of equal freedom as a political value may actually require us to step outside it. There may, in other words, be a third variety of liberal value with reference to which our obligations to particular states and compatriots might be justified, and this third variety would consist in those duties that are mediated, and thus “filled out” or fully defined, only by the establishment of public authorities. When we reflect on our commonsense views about Sally’s situation, we notice right away that all the obligations we attribute to her rest on her relationship to a public institution—the *state*—and through that state, to her compatriots. Whatever might ground these obligations, then, is going to have to address the existence of that state in some fashion. What is striking about contemporary political theory, though, is that there is relatively little work that addresses our obligations to the state. Instead, cosmopolitans speak of our duties to humanity; consent theorists speak about our duties to keep our promises to other people; and nationalists invoke a set of moral duties to the cultural nation, but not to the state. My purpose in the first part of this book, then, is to attempt to recover from early modern political theory a language in which we might speak intelligibly about the moral importance of legitimate state authority.

Invoking a set of moral values that are mediated by just states does not violate the liberal constraint on justifications with which I began: that they must appeal to some extra-institutional principle to ground obligations of citizenship. For the fact that institutional structures must be brought into being to make the exercise of freedom possible does not mean that equal freedom itself has no extra-institutional basis. In a similar way, we can think that there are other things of preinstitutional value to human beings—say, the need to secure basic health—that require the construction of institutional schemes to be realized: the creation of a health care *system*. On this sort of argument, the existence of the state as an institution can be justified by the fact that it helps us realize some preinstitutional value that could not possibly be realized without it.

In the next two chapters, I will argue that Kant and Rousseau thought that the value of equal freedom could only be realized through the state. The reason they thought equal freedom required this kind of mediation was that prior to the establishment of the state, the value of equal freedom is *indeterminate* with respect to certain key questions. That moral ideal, on their view, does not yet carry with it a complete set of clear and definite

“natural duties,” which are publicly knowable to all individuals upon reflection, and which can answer certain fundamental questions, especially questions about the legitimate extent of our property and the limits of our “acquired” rights. Rousseau and Kant held, then, that in order to implement the value of equal freedom, we require reference to an authority that can provide some public definition to resolve these questions, and that this authority can only be the legitimately constituted state. For this reason, these two thinkers argue that it is only with reference to the laws of a legitimate state that the bounds of each citizen’s personal sphere of freedom can be fully defined and guaranteed.

In part 1 of this book, then, I will be defending the view that the cosmopolitans go wrong because they overlook equal freedom’s mediation by state authority. Instead, cosmopolitans mistakenly believe our duties of equal freedom to be equivalent to a set of natural duties that are clearly knowable to all individuals upon reflection, and apply to personal moral relationships, rather than to states. If freedom is instead a value that takes an institutionally mediated form, as Kant and Rousseau thought it did, then it follows that the existence of the state is not morally irrelevant to establishing a condition of equal freedom. Instead, on the view I put forward, *only a state can create the conditions in which equal freedom between individuals is realized*. By drawing a set of reciprocal bounds to individuals’ choices, the legitimate state guarantees each of its subjects a private sphere of liberty exempt from the interference of other persons. And in so doing, it renders them free for the very first time, able to exercise autonomous control over their own affairs.

In part 1, I will also defend Rousseau’s view that the only kind of state that could possibly define a set of adequately equal and impersonal restrictions on our sphere of freedom must be a *democratic* state that guarantees certain basic rights. We do not want to obey any and all states, including tyrannical or morally objectionable ones, if we are interested in equal freedom. If freedom can give us a moral reason to obey states, then surely it gives a reason to obey *only those states that guarantee at least a minimal threshold of freedom to each citizen*. I believe that this further restriction is warranted because it gives us some important moral criteria for judging the institutions to which we delegate political authority. If a state is not a democracy, or is not likely to meet these minimal guarantees, then, on a Rousseauian account like the one I endorse, we have no obligation to obey it.

Democratic Solidarity and Civic Allegiance

Despite all this, my argument in part 1—the central claim of which is that equal freedom must be mediated by state authority—does not lay the

liberal-nationalist case to rest. We may well agree that Kant and Rousseau give us good reasons for thinking that democratic states are necessary in order to realize a condition of equal freedom between individuals. Democratic states, on this sort of argument, are objectively necessary in order to guarantee justice in the world. But still, agreeing with their argument does not fully show why a citizen's general duty to promote justice gives her a greater reason to support her own state rather than to support all just states, or perhaps to support the most just state. It doesn't yet say anything about what a citizen's subjective relationship to her own state should be. Should she conceive of herself as a committed member of a particular state, with important obligations to her compatriots, and to her political institutions? Or should she conceive of herself as a detached individual, fortunate perhaps to live in a world where there are freedom-guaranteeing states, but under no particular obligation to support one of them? Or, finally, should she conceive of herself as a promoter of just institutions everywhere, doing what she can to support all just states? So although part 1 tries to show that there are general reasons of justice to construct states, it does not (yet) show that citizens have a special reason for solidarity with their own compatriots and for allegiance to their particular institutions rather than to persons and just institutions anywhere. In part 2 of the book, therefore, I examine these further problems. Do liberal values, by themselves, provide any justification for a citizen's allegiance to her own particular state, and for solidarity with her compatriots?

Rousseau offers us one kind of controversial answer to these problems: he claims that in order to legislate generally and impartially on one another's behalf, the citizens of a democratic state must share a special bond of identity, one that motivates them to show concern for the freedom and welfare of their compatriots. On Rousseau's view, in order to legislate impersonal laws—laws that will truly protect each citizen's freedom equally—each citizen must be capable of taking up the viewpoint of the general interest or common good, a perspective that requires solidarity with her fellow citizens. Therefore he claims that well-ordered states should foster bonds of solidarity among their citizenries. In some of his writings, Rousseau argues that this is best accomplished by promoting shared cultural practices and a common national identity. If national identity shapes citizens' ethical obligations, then inculcating it is one way of generating a special reason for citizens to show greater concern for their compatriots' freedom and interests and to develop a particular allegiance to their state.

Liberal nationalists agree with Rousseau that a common identity is an indispensable precondition for the success of liberal institutions, and they argue that only a national culture can provide it. Sharing a national culture, on their view, gives us an essential reason why citizens belong together, because they have preexisting bonds and ethical obligations

to their conationals, and these bonds give them a special reason for allegiance to their national state. When asked why citizens are loyal to their own state, then, at least in the ideal case, nationalists have a ready answer: they are loyal to it because it preserves and reflects their national culture, which is an important part of their identity, and ought to be morally respected.

Thus, despite the fact that part 1 of the book argues that a condition of equal freedom requires state authority to be brought into being, it has not laid to rest the nationalist concerns about whether principles of justice, taken by themselves, can provide an adequate justification for democratic solidarity and civic allegiance to particular states, and not simply a recognition of the moral importance of state structures in general. My argument in part 2 therefore seeks to prove that we do not need to invoke a common national culture if we are to show why citizens should be committed to their own state.

In my view, citizens' endorsement of justice as an important value gives them perfectly sufficient reasons for allegiance to their state and for solidarity with their compatriots. Other thinkers have also endorsed justice-based accounts of allegiance like mine: Jürgen Habermas, for example, has put forward an account of civic allegiance he calls "constitutional patriotism," and which he claims can reappropriate the radical democratic potential inherent in Rousseau's theory without any appeal to a nation defined in cultural terms. A key feature of Habermas's alternative is his belief that shared citizenship can be as effective a source of political unity as the cultural nation. Habermas is often vague, though, on whether his view can do without any invocation of national culture, and liberal nationalists remain unconvinced: they have criticized Habermas's account as "too abstract" and even "bloodless."³²

In part 2 I offer my own theory about why Habermas's central thesis—the thesis that shared citizenship can serve as effectively as the nation in particularizing our obligations—is actually correct. Drawing on recent developments in the analytic philosophy of collective intention and action, I argue that the unity of the democratic state can be understood as created solely by the shared intentions of its members. It is her possession of such a shared intention that allows a democratic citizen to regard herself as a member of a political group engaged in a collective endeavor to which her compatriots also contribute. Mutual recognition of these shared intentions among a group of citizens is all that is required to generate a collective agent, or democratic "we," that can act together politically.

³² For these claims, see Canovan, *Nationhood and Political Theory*, 87–97.

Before moving on, I will say one final word of explanation about the book's two-part structure. As I have indicated, the first part of the book lays out an argument to prove that states are morally significant institutions. But showing this is not sufficient to provide a full defense of the particularity assumption, which—in invoking our intuitions about Sally's situation—is what we set out to do. To defend the particularity assumption, we need to show not only that states are morally important in general, but also that citizens and residents have special moral reasons to uphold the institutions of their own state, at least when those institutions are reasonably just. Therefore, in part 2, I additionally make the case that a commitment to the value of democratic justice provides sufficient grounds for a member to take up a subjective attitude of democratic solidarity with her compatriots and to show allegiance to her particular institutions. My central argument is that justice is a value that requires collective cooperation together with others to be attained. Once we understand that, we can explain why justice—despite being a universal value—can give us reasons for supporting our particular state institutions and for solidarity with our fellow members.

In this book, then, I make two essential and overarching claims. The first is that we have impartial and universal reasons, grounded in freedom and equality, for placing moral weight on relations of shared civic membership. This is because the democratic state helps to give our innate right to freedom a set of determinate public contours, by legislating general and reciprocal restrictions that define each citizen's civil rights. Equal freedom is not the kind of value that could ever be realized without the construction of political authorities, without bringing into being an institution that can legislate public laws to define what it requires. My second claim is that we have reason for showing democratic solidarity and civic allegiance simply because of the fact of citizenship *itself*, and without appeal to any extraneous supplements of the sort provided by background commonalities of language, ethnicity, or culture. This, I believe, is because the kind of freedom that we attain as democratic citizens—specifying and guaranteeing equal civil rights through public law—is a very great good to us, and one that we have reason to value. Like other goods that are of great significance and value, it gives us sufficient reason to act by itself, without any appeal to extraneous desires or commonalities.

If my two overarching claims are correct, then this book provides a defense of the particularity assumption of the sort that liberals require in order to escape from the dilemma that is put to them by cosmopolitans

and nationalists. This defense is couched solely in terms of a universal value—the value of equal freedom—that applies impartially to all persons and that explains why it nonetheless warrants our placing moral weight on relations of membership within particular states. If the argument presented here is right, then it shows why the dilemma of liberal particularism is not a real dilemma: it is one that can and should be dissolved.