

Patriotism and cosmopolitanism are often presumed to be mutually exclusive. Defenders of cosmopolitanism often view patriotism as a dangerous form of parochialism,¹ and defenders of patriotism regularly charge cosmopolitanism with advocating rootlessness and denouncing family, community, and country.² According to David Miller's recent assessment, political theorists face a choice: "either to adopt a more heroic version of universalism, which attaches no intrinsic significance to national boundaries, or else to embrace ethical particularism."³

In this essay, I aim to show that, at least for Kantian theorists, there is a compatibilist strategy that avoids this dilemma, a strategy that combines cosmopolitan universalism with the attribution of 'intrinsic significance' to state boundaries. What is more, patriotism (of a particular kind) can be shown to be even a duty on Kantian grounds, without this involving the general principle that 'compatriots take priority.'⁴

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1. In her important defense of cosmopolitanism, Martha C. Nussbaum calls patriotism a "warm nestling feeling" that is "very close to jingoism" and stands in the way of the proper recognition of our moral obligations to all human beings in general. See "Patriotism and Cosmopolitanism," in Martha C. Nussbaum et al., *For Love of Country: Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston: Beacon Press, 1996), pp. 2-17, here pp. 14, 15.

2. Benjamin R. Barber, "Constitutional Faith," in Nussbaum et al., *For Love of Country*, pp. 30-37; Gertrude Himmelfarb, "The Illusions of Cosmopolitanism," in Nussbaum et al., *For Love of Country*, pp. 72-77.

3. David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), pp. 64-65.

4. This formulation, often used in discussions of these issues, goes back to Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980), pp. 131-52.

Kantians are better known as critics than as defenders of patriotism, and they are often charged with being unable to handle agent-relative responsibilities adequately.⁵ As a moral theory, Kantianism is committed to the cosmopolitan view that all human beings, qua rational beings, are members of a single moral community. They can be called 'citizens' in this 'moral world' because they are conceived of as free and equal co-legislators of moral law and, as such, are analogous to citizens of a political state. They have fundamental moral obligations to others *regardless* of their nationality, language, religion, customs, and so on.⁶ In line with Kant's conception of 'cosmopolitan law,' Kantian political theorists typically defend a strong notion of human rights, requiring that certain rights be secured under international law if particular states fail to protect them.⁷ Finally, Kant and many Kantians defend the view that states ought to submit to common laws by joining a league of states⁸ that promotes peace (such as the United Nations). Some defend the view that this league should not have coercive power to enforce those laws and that states should retain their full independence and only voluntary compliance with the laws should be required. Others have used Kant against Kant to advocate strengthening the United Nations by granting it coercive military power.⁹

Such cosmopolitan commitments raise the question of what room Kantianism leaves for patriotism. If all humans are 'citizens' of a moral world that transcends state boundaries, it might seem that the distinction between compatriots and foreigners ought to be regarded as irrel-

5. See, for example, Andrew Oldenquist's well-known essay, "Loyalties," *Journal of Philosophy* 79 (1982): 173-93.

6. For a thorough defense of this position against skepticism and against appeals to state autonomy, see Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979).

7. On Kant's notion of cosmopolitan law and its current relevance to international law, see my article, "Kant's Cosmopolitan Law: World Citizenship for a Global Order," *Kantian Review* 2 (1998): 72-90.

8. Whereas Kant calls this federation a "Völkerbund" [league of peoples], what he means is a league of states. He explicitly remarks that 'international law' would properly be called 'law of states' (*Metaphysics of Morals*, VI, p. 343). In order to avoid terminological confusion, I will use the word 'state' instead of 'people' or 'nation' when the juridico-political entity is meant. Page references to Kant's works are to *Kants Gesammelte Schriften*, edited by the Preussische Akademie der Wissenschaften (Berlin: Walter de Gruyter, 1902-).

9. E.g., Jürgen Habermas, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight," in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann (Cambridge: MIT, 1997), pp. 113-53.

evant for moral purposes. Moreover, if Kantian political theory assigns so much importance to the establishment of an international league of states and to human rights, it might seem unclear how any positive role can be assigned to patriotism at all. In short, the dilemma stated at the beginning of this essay may seem to obtain.

In response to this type of either-or, several authors have presented broadly Kantian accounts of the compatibility of cosmopolitanism and patriotism. Marcia Baron has argued that patriotic partiality is justified from an impartial moral perspective if and insofar as similar partiality would be permissible for anyone in similar circumstances.¹⁰ Alan Gewirth has argued that patriotic partiality is justified in terms of a universalist conception of human rights, namely, as the proper attitude of persons toward states that impartially secure their right to freedom and basic well-being (and this partiality is regarded as justified toward such states only).¹¹ A third compatibilist account is found in the view, defended by John Rawls and Jeremy Waldron, that it is a 'natural duty' (in Rawls's terminology) to support and comply with just institutions that exist and that apply to us, and hence, that one ought to support and comply with one's own state if it is just.¹²

None of these accounts, however, has been attentive enough to the different moral modalities of patriotism. Some argue that Kantian cosmopolitanism permits patriotism, others argue that it makes patriotism a duty, and still others leave the matter vague.¹³ None examine the question whether patriotism might be permissible in some contexts and a duty in others.

Discussions of patriotism are also complicated by the fact that the no-

10. Marcia Baron, "Patriotism and 'Liberal' Morality," In *Mind, Value, and Culture: Essays in Honor of E. M. Adams*, ed. David Weissbord (Atascadero: Ridgeview, 1989), pp. 269-300.

11. Alan Gewirth, "Ethical Universalism and Particularism," *Journal of Philosophy* 85 (1988): 283-302. Gewirth notoriously fails to argue for the thesis that such particularity is required, despite his stated intention to do so (p. 289). It is clear only that he regards it as at least permissible.

12. The basic elements of this account have been defended by Jeremy Waldron and are found in a somewhat underdeveloped form in John Rawls's *Theory of Justice*. See Jeremy Waldron, "Special Ties and Natural Duties," *Philosophy & Public Affairs* 22 (1993): 3-30; John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 114-17, 333-42. See also, George Klosko, "Political Obligation and the Natural Duties of Justice," *Philosophy & Public Affairs* 23 (1994): 251-70.

13. For example, Stephen Nathanson, "In Defense of 'Moderate Patriotism,'" *Ethics* 99 (1989): 535-52.

tion of patriotism is understood in different ways. For example, some authors take patriotism to consist in loyalty to a particular nation.¹⁴ Others think it is the love of political liberty and the institutions that sustain it,¹⁵ or a matter of self-conception and identity.¹⁶ Still others let the term refer to all of these or more.¹⁷ I will suggest later that we should distinguish between three fundamentally different forms of patriotism and discuss separately the compatibility of each of these with Kantian cosmopolitanism.

Finally, the Kantian reconciliation of patriotism and cosmopolitanism has not gone uncontested. Several authors have objected that there may well be a Kantian justification of states in general and of the duty to promote justice in general, but that this does not show that I have a duty of special allegiance toward the *particular* state that is 'mine.' Most recently, John Simmons has argued that the Kantian argument for the duty toward one's particular state is gappy. He formulates the objection in the following way: "[E]ven if you had perfectly general duties to promote justice and happiness, say, and consequently duties to support just or happiness-producing states, these duties would require of you that you support all such states, providing you with no necessary reason to show any special favoritism or unique allegiance to your own just state, and providing none of those states with any special right to impose on you additional duties."¹⁸ This objection represents a challenge that needs to be met if any account of Kantian patriotism is to be successful.

Therefore, a full account of the compatibility of Kantian cosmopolitanism and patriotism needs to address these three issues. It should acknowledge that patriotism comes in different versions and that the discussion of its compatibility with cosmopolitanism should therefore be structured accordingly. Moreover, a full account should address the question whether, according to Kantian cosmopolitan principles, patriotism

14. With Alasdair MacIntyre, "Is Patriotism a Virtue?" in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: SUNY Press, 1995), pp. 209–28.

15. Maurizio Viroli, *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford: Clarendon Press, 1995).

16. Charles R. Beitz, "Patriotism for Cosmopolitans," *Boston Review* 19:5 (1994): 23–24.

17. Kwame Anthony Appiah, "Cosmopolitan Patriots," in *Cosmopolitics: Thinking and Feeling Beyond the Nation*, eds. Pheng Cheah and Bruce Robbins (Minneapolis: University of Minnesota Press, 1998), pp. 91–114.

18. See A. John Simmons, "Justification and Legitimacy," *Ethics* 109 (1999): 739–71, here p. 753.

is prohibited, permissible, or a duty. Third, insofar as it is shown to be a duty, a full account should include an argument that shows why the object of this duty is a *particular* country and not simply justice anywhere and in general. In this article, I provide such an account. I do not, however, provide an independent argument for why we should be Kantians.

I. THREE VARIETIES OF PATRIOTISM

If one takes patriotism to be a form of chauvinism or takes cosmopolitanism to entail hostility to all particular attachments, the two are incompatible. Neither interpretation is required, however. To begin with, we need to avoid conflating very different kinds of patriotism. I see three main types.

1. Civic Patriotism

Civic patriotism is found in the tradition of republicanism. The republican state (*res publica*, commonwealth) is regarded as serving the common good of the citizens in the political sense. The citizens are regarded as free and equal (and, often, as male and propertied) individuals who are united in their pursuit of a common political good. Civic patriotism is the love of their shared political freedom and the institutions that sustain it. It manifests itself in civic activity on behalf of the political commonwealth, whether this takes the form of governing it, defending it, or promoting the well-being of its citizens or the flourishing of the political community generally. In this tradition, 'patriotic' and 'for the common good' are therefore often used synonymously.¹⁹

This kind of patriotism is of an inherently *political* nature and is not dependent on national or ethnic identity. In principle, persons could give up their citizenship in one state in favor of that in another and become committed citizens in their new state, in a way that it is not possible to move from one national group to another. The factual possibility of such changes depends on immigration and emigration laws, of course. But the point here is that civic patriotism itself does not imply the notion of

19. See, e.g., the goals expressed in the full (French) name of the eighteenth-century German "Société patriotique de Hesse-Hombourg pour l'encouragement des connaissances et des moeurs." See Rudolf Vierhaus, ed., *Deutsche patriotische und gemeinnützige Gesellschaften* (Munich: Kraus International, 1980).

a nation in an ethnic sense. As Jürgen Habermas has argued, it is compatible with ethnic and national pluralism, provided the ethnic and national traditions are not inimical to the ideals embodied in the political commonwealth.²⁰

Patriotism in this sense by no means requires an uncritical endorsement of everything that happens in the political body to which one belongs. Indeed, to criticize social and political practices can be patriotic, if this is intended to enhance the common political good by calling for reforms.²¹

Maurizio Viroli, in his book, *For Love of Country*, presents a historical account of this form of patriotism and its role in the republican tradition. In his view, it is a mistake (and a dangerous one) to use the term 'patriotism' to refer to anything other than the love of a common political freedom and the republic that sustains it. He regards the use of the term in the context of nationalist discourse as a modern misunderstanding that can and should be set straight.²²

But whereas it is of the utmost importance to distinguish civic patriotism from nationalism and to realize that rejecting the second does not rule out endorsing the first, there is no value in quarreling about the right to use the word 'patriotism.'²³ Rather than ahistorically trying to claim a single meaning for the term patriotism, one should acknowledge that some terms change their meaning over time or acquire additional meanings. In such cases, the point is not to determine which usage is wrong and which is right, but to distinguish the different meanings carefully. That the term patriotism came to be used differently, especially during

20. Habermas also shows that this kind of patriotism may lead citizens to lower rather than raise the threshold for immigration. See Jürgen Habermas, "Citizenship and National Identity," in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge: MIT, 1996), pp. 491–515.

21. Political criticism was so often presented as a form of patriotism that it even provoked a book with the title, *Opposition no Proof of Patriotism*, by William Arnall (London, 1735). Cf. Hugh Cunningham, "The Language of Patriotism, 1750–1914," *History Workshop* 12 (1981): 8–33.

22. Viroli, *For Love of Country*, "Introduction," pp. 1–17.

23. Viroli's purist approach leads to problems even in his own historical account. Some of the key figures in his history of patriotism use nationalist rhetoric. For instance, fifteenth-century Florentine patriots defend imperialism and brutality in the name of their cultural superiority and the nobility of their ancestors (*For Love of Country*, p. 27). Viroli relegates this phenomenon to the footnotes while continuing to speak of these figures as defenders of civic patriotism. A more balanced presentation would show that patriotism meant different things in different contexts, already in the fifteenth century.

the nineteenth century, has been well documented.²⁴ For philosophical purposes, it is important to take note of such shifts and acknowledge, by drawing the appropriate distinctions, that patriotism can mean different things. This involves looking at the meaning of the term within the context of nationalism and trait-based patriotism.

2. Nationalist Patriotism

Nationalist patriotism does not focus on the political commonwealth in which one is a citizen, but on the national group to which one belongs. What counts as a nation can be defined in different ways, e.g., in terms of native language, cultural community, shared ancestry, common history, or other factors, or combinations of these.²⁵ Historically, the nationalist tradition has tied 'patriotism' to the ideal of the nation-state. The term came to refer to the devotion to and promotion of one's country out of love for one's nation, with the assumption that a country constitutes the political incarnation of a particular nation (as opposed to the incarnation of a political ideal such as that of the republic). The nationalist tradition has been so successful in its appropriation of the language of patriotism that in current literature the term is often used as a synonym for 'nationalism', entirely overshadowing the earlier meaning it had in the republican tradition. Yet despite the historical prevalence of the equation of nation and country, the fact that nationalist patriotism is described in terms of a concern for the political form of the nation also allows for kinds of nationalist patriotism that are not directed toward promoting the country in which one finds oneself. In many cases the borders of the nation do not coincide with those of the country, as when several nations coexist in one multi-nation state or one nation is spread out over several states. In such cases, nationalist patriotism can be directed at achieving effective national self-determination.

Typically, defenders of nationalist patriotism do not regard membership in a nation as open. In part this comes with the way the nation is defined: if lineage of some kind is part of the definition (as with a definition in terms of common ancestry), it is impossible to switch from one nation to another at will. But nationalist patriots also have another rea-

24. See, e.g., Cunningham, "The Language of Patriotism," pp. 18–27.

25. For purposes of this essay, it is not necessary to provide a more precise definition of 'nation,' nor to discuss the 'mythical' aspects of nations as commonly conceived.

son for regarding membership in the nation as a given, not a choice: They maintain that real patriotism involves valuing and being loyal to one's nation as *one's own*. They distinguish sharply between, on the one hand, valuing one's nation as *one's own*, and, on the other hand, valuing it either because it instantiates some *general ideal* (such as the ideal of a freedom-securing republic) or because one finds its *particular traits* appealing. Surely one's nation needs to have particular traits and be distinct from others in order to be meaningfully one's own. But loyalty to the nation is not exhaustively described in terms of one's valuing certain qualities X, Y, and Z, recognizing that one's nation happens to be or have X, Y, and Z, and consequently loving and promoting one's nation because of its valuable qualities.²⁶ At least in part the fact that one's country is *one's own* is a determining factor for one's preferring it to others. As Alasdair MacIntyre puts it in an influential lecture, patriotism "is defined in terms of a kind of loyalty to a particular nation which only those possessing that particular nationality can exhibit."²⁷

Because the focus of this view is on the nation as one's own, instead of as the instantiation of a general ideal or as the bearer of particular qualities, there is no implication that one's own nation is *better* than others. This makes it possible for current theorists in this tradition to distance themselves from more pernicious forms of nationalism that do involve such claims. Psychologically speaking, a shared culture, language, or ancestry are often the preconditions for regarding the nation as one's own and the means by which patriotic allegiance develops in a person. This does not mean, however, that people must regard their own nation as better when compared with others or that their allegiance should be always unquestioning and unconditional.

The analogy often used in discussions of nationalist patriotism is that between the nation and the family. This is based on the idea that the family, too, is a social group that is not based on individual choice (for the children born into it, at least) but that nonetheless often causes strong bonds among its members and imposes certain special responsibilities on them.

3. Trait-Based Patriotism

The discourse of patriotism also includes a third use of the term that

26. Oldenquist, "Loyalties," p. 183, and MacIntyre, "Is Patriotism a Virtue?" p. 210.

27. MacIntyre, "Is Patriotism a Virtue?" p. 210.

differs from the preceding ones. This third kind of patriotism is the love of one's country that results from reflection on or direct appreciation of its qualities. I may come to love my country because it is beautiful; because my personal identity is connected with it in a positive way; because it enables me to live comfortably; because it has laws that promote my well-being; or because I recognize its laws as just or my fellow citizens as virtuous. As indicated above, defenders of nationalist patriotism refuse to call this 'patriotism,' but—as their own polemics indicate—the term *is* used in this sense, and again it seems better to draw a distinction than to fight over the exclusive use of the word.

This third kind of patriotism does not by itself imply a shared nationality or a particular political system (although it can of course be connected with these). This form of patriotism may emerge even if one's country does not have a political system that protects the freedom of those who live in it and one does not regard oneself as a member of any particular nation. It can be inspired by, say, the beauty of the land or the fact that one's personal history is bound up with that country—as in the case of the patriotism of immigrants toward the country that took them in when no other country did. All that matters here is that a country can have certain traits that cause (some of) its inhabitants to love it and be active on behalf of it. These can be either traits that the country has independent of its relationship to the persons in whom these traits produce patriotism, or, if they do pertain to one's relationship to the country, facts about or features of the relationship that cause one to love the country.

As such, *particular traits might very well inspire love of a country in people elsewhere, but then this love is not called patriotism.* Patriotism is the love of one's own country, and the love of another country goes by a different name. French citizens who love France for its language and culture are 'trait-based patriots'; Britons who love France for the very same reasons, namely for its language and culture, are 'Francophiles'.²⁸

The attitudes or activities to which trait-based patriotism might lead in practice vary greatly depending on which traits are its basis. Patriotism based on the beauty of the land may motivate different patriotic activities than patriotism inspired by the love of a certain culture. Be-

28. From this perspective, it is beside the point to argue, as MacIntyre does, that trait-based patriotism should be denied the label 'patriotism' on the ground that these traits might also inspire love of one's country in foreigners. MacIntyre, "Is Patriotism a Virtue?" p. 210.

cause patriotism is the love not just of the traits but of *the country*, however, it may lead to a wide variety of activities that transcends the concern with the aspects that produced the patriotism.

II. PATRIOTISM AS A DUTY

This tripartite distinction does not by itself say anything about what these forms of patriotism entail practically for one's attitude toward non-compatriots, and whether patriotism should (or should be allowed to) override countervailing duties and allegiances. Each of the three forms of patriotism can degenerate into a fanatic variety, hostile to others in the militant sense of "*dulce et decorum est pro patria mori*." And each can fade into a weak sentiment without practical consequences for action. Tepid patriotism is trivially compatible with cosmopolitanism, and fanatical patriotism obviously excludes it, but there is ample ground between these two extremes.

The questions with regard to Kantian patriotism, then, are the following: Can the Kantian consistently defend any of these kinds of patriotism at all? If so, is patriotism a duty or is it merely permissible? And how does it relate to moral and political cosmopolitanism? Specifically, does one's citizenship in a particular state bring with it an obligation to give preferential treatment to one's co-citizens in a way that runs counter to the cosmopolitan assumption of the equality of all humans? Does not cosmopolitanism, motivated as it is by universalism and impartiality, require that state borders play no role? There are similar questions with regard to differential treatment based on co-nationality or on trait-based love of country.

If one were to advocate the creation of a world state, these questions might seem to have an easy answer, at least as far as civic and trait-based patriotism are concerned. In a world state, the *patria* and the global commonwealth would coincide, and thus the room for conflict would be eliminated, at least at the theoretical level. But in the following I assume, for the sake of argument, that the existence of a plurality of states is justified.

To begin with, the assumption of the moral equality of all humans qua rational beings does not entail that one has a moral or political duty to treat every person on the planet *the same* (even if this were possible). Certainly, according to a Kantian, there are minimal requirements that I

owe to anyone and everyone to the exact same degree. I ought not to deceive others, whoever and wherever they are; I ought not to violate their rights, etc. And given the nature of such 'perfect duties,' no special obligation will ever override them.

The situation is different, however, with regard to what in the Kantian tradition are called 'imperfect duties,' and one might think that the latitude that exists for the fulfillment of *imperfect* duties can be used to justify patriotism. Well-established Kantian duties such as the duty to help others in need, to promote the well-being of others, etc., can be discharged in different ways and to different degrees. It is impossible to help all the people who are in need, and one cannot help all equally well, and this means that one must make choices. Kant himself says precious little about how exactly to make such choices, but this is not an oversight. Imperfect duties involve a duty to adopt certain policies of action ('maxims'), not duties to do specific acts. What such a policy would entail in specific circumstances is a matter of moral judgment, and Kant explicitly states that it is not possible for the moral educator (or moral theorist, by implication) to decide how imperfect duties should be discharged. Any further principle in this matter would itself require moral judgment in its application, and hence there is no way around moral judgment.²⁹ Moral judgment is the power to decide what to do, given moral constraints in the form of the moral maxims one has adopted and given empirical constraints such as one's circumstances and talents.

Thus, imperfect duties leave a lot of room for moral judgment, as to both what to do and how much. Moreover, the fact that it is an imperfect duty to adopt the policy, say, of helping others in need means neither that this is the only thing I should ever do nor that it is the thing I should always do first. There are several such policies a moral agent should adopt, and one cannot act on all of them all of the time. This in turn entails that it is not per se wrong not to act, on a given occasion, on a maxim that it is imperfect duty to adopt—as long as one has indeed adopted the maxim and intends to act on it at other times.³⁰

It might seem that this latitude should allow one to decide to focus one's beneficence on one's compatriots or co-nationals. After all, if I have to focus my moral efforts on some subset of humanity anyway, why not

29. *Metaphysics of Morals* VI p. 433, note.

30. For a good account of the Kantian distinction between perfect and imperfect duties, see Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant's Moral Theory* (Ithaca: Cornell

simply choose my compatriots or co-nationals? However, the mere fact that there is latitude in the implementation of imperfect duties is not sufficient to prove, in a way that does not beg the question, that patriotic partiality is permissible.³¹ It needs to be shown how far this latitude extends and whether it allows for preferential treatment on the basis of co-nationality and co-citizenship or whether such preference would constitute a form of reprehensible discrimination against others.³² To this end, I now examine each of the three kinds of patriotism in turn.

1. Civic Patriotism

To assess the status of civic patriotism, I start by examining the Kantian justification of the state to see exactly where patriotic duties are said to originate. This is to start the argument not from the question of whether the people who are not the beneficiaries of my beneficent activities are unjustifiedly passed over, but from the question of why states are important at all. For we do indeed find an argument for special obligations of civic patriotism in the Kantian account of why it is normatively required to establish a just state, and the fact that this argument is premised on the human right to freedom and the conditions for its protection will turn out to be important for determining the relationship between patriotism and cosmopolitanism.

The core of this account is the view that justice requires the state—and not just any state, but a state that has just laws and the power to enforce them. The basic idea is that in the absence of a just legal system with coercive authority, no one's right to freedom can be secure against

University Press, 1992), pp. 147–75. On the issue of latitude, see also Marcia W. Baron, *Kantian Ethics Almost Without Apology* (Ithaca: Cornell University Press, 1995), pp. 88–107.

31. In the absence of any such argument, one cannot provide an adequate reply to Paul Gombert's challenge that patriotism is as wrong as racism. See Paul Gombert, "Patriotism is Like Racism," *Ethics* 101 (1990): 144–50.

32. Marcia Baron argues that the justification of patriotism would "indicate that the partiality involved ... is fine for anyone: the action taken is something that I think is okay for anyone to take." She argues, similarly, that a defense of partiality toward my child might take the form of saying, "It's my daughter, and I think it quite all right for anyone to do that for his or her child." Baron, "Patriotism and Liberal Morality," p. 285. The fact that I think that it's fine for anyone to do X, however, is not a complete justification without an account that shows that the reasons I have for thinking this are good reasons and that I am not merely generalizing my subjective preferences. The account that follows fills this justificatory gap in Baron's argument.

violence by others.³³ Violations of the rights of others need not be the result of mean-spiritedness. They can be committed even by people who think they are no threat to anyone, who are "good-natured and justice-loving" in Kant's words,³⁴ but whose well-intentioned paternalism or unrecognized prejudices interfere with the freedom of others.³⁵ Therefore, except perhaps for the lone individual who has radically cut off all contact with humankind (if it is possible to do so), everyone ought to submit to the public laws of a state that administers justice.

The view here is not that people choose to live in a just state out of self-interest or that the state derives its normative authority from the consent of its citizens.³⁶ Rather, the view is that humans have a right to external freedom; that the protection of this right can be secured only institutionally, by a just state; and hence that people ought to leave the state of nature and establish a just state, or—more relevant for present-day purposes—be good citizens of the ones in which they find themselves. It might indeed *also* be in people's self-interest to form a just state, and it could in principle be true empirically that people *also* consent to being in a just state. But on the Kantian account, neither the beneficial nature of the state nor the consent of the people subjecting themselves to its laws is the basis of the legitimacy of the just state or of the requirement to establish it.

Still, there is some argumentative distance between the thesis that a just state is normatively required and the claim that *I* have a moral duty

33. *Metaphysics of Morals* VI, p. 312. Kant's argument hinges not on the empirical claim that human beings actually do commit violence to others but that such violence is possible, a possibility that is given with freedom. Waldron assumes that without a just state violence *will* occur, whereas Kant makes no such assumption; according to him, the sheer *possibility* of violence, which is given with human freedom, is enough to back up the normative requirement to found a just state. For present purposes, this dispute is not important.

34. Cf. Kant, *Metaphysics of Morals* VI, p. 312.

35. This might well be Kant's response to Simmons's objection that Kant leaves it unclear why "my mere refusal of reciprocal membership [in a state] (without any further wrongdoing) constitutes any kind of injury to those who already have the security they desire [i.e., who are members in a state]." (Simmons, "Justification and Legitimacy," p. 756).

36. This is important, not least because the defenses of the state in terms of benefits and in terms of consent are often taken to be the only two strategies available for universalists to defend patriotism. Significantly, David Miller shares this view and distinguishes merely between a "voluntary creation" and "useful convention" approach (Miller, *On Nationality*, pp. 58–65). He fails to consider this third, Kantian strategy when arguing for the thesis quoted at the beginning of this essay.

to *my particular* just state, a duty that I do not have toward other states. It might seem that the argument so far leads to a duty to promote just states in general and anywhere, but that it cannot bridge the gap to a special duty to the *particular* state of which one is a citizen. This is John Simmons's objection mentioned at the beginning of this essay.

Jeremy Waldron has presented a detailed response to an earlier version of Simmons's objection.³⁷ His argument starts from the assumption, mentioned above, that the pursuit of justice is a moral imperative, and that there is hence a moral interest in the establishment of just political institutions that can settle conflicts peacefully by arbitrating impartially. He further assumes that the logic of the argument for this claim also supports the principle that there be only *one* such political institution in each territory. Waldron then argues that the interest in there being only one political institution per territory means that if there is a just and effective state in a territory that is *the* salient organization for this territory, this is a sufficient reason for preferring it: "This is the organization that deserves our support in the enterprise of doing justice if any organization does."³⁸

However, even if this argument shows that we have a duty to establish just states, it remains unclear why I have a duty to "support" my particular state in any way that involves more than my merely refraining from undermining it. Waldron's argument certainly provides good reasons why I ought to obey the laws of the just country in which I am a resident or citizen (a duty which I also have with regard to other just states that I visit), but it is unclear why I should not be allowed to *neglect* the state in which I nonvoluntarily find myself (by being born a citizen, for instance) as long as I promote justice elsewhere. This is a question especially if my own state is already a just state and justice is badly needed elsewhere. Perhaps it should even be regarded a *duty* to focus one's attention as much as possible elsewhere in the world if one's own state is already just. The principle would then be, "for the sake of world-wide justice, if you are a citizen of a just state, focus your attention on making *other* states just, without interfering with your own just state." Confirmation that Waldron's argument has implications in this direction is found in the fact that he hints at the possibility of there being any number of different

37. Cf. his essay, "Special Ties and Natural Duties," see note 12.

38. *Ibid.*, p. 25.

organizations, at home and abroad, that promote justice and that therefore might have a legitimate claim on my support.³⁹ Waldron's argument turns not on my citizenship in this particular state, but on the idea that my (just) state happens to dominate the administration of justice in the territory in which I find myself. And this means that while I am in that territory I should abide by its rules. It does not yield the conclusion that I have special ties or a duty of special allegiance to this particular state.

Waldron does address this problem to some extent by arguing that what is special about my relationship to my own state is that I am "one of the parties in respect of whose interests this just institution is just," i.e., that my state has *principles of justice that are meant to be range-limited* and include me.⁴⁰ Simmons might reply here, however, that the fact that this state addresses me is not enough to oblige me. Modifying one of his examples, he might object that if the bakery in my neighborhood is good, effective, and *the* salient (dominant or most popular) bakery in the area, and if it claims to bake bread for everyone in my neighborhood, this does not oblige me to buy its bread.⁴¹ So it seems that his objection needs a stronger Kantian reply, one that is able to point to a "special" connection that I have to my state, a connection that is more intrinsic than the appeal to the justice, effectiveness, and empirical dominance of a state in a territory.

I believe that this can be done, and that there is an argument that closes the gap between my general duty to promote justice and my particular duty to my particular state. This argument starts from the idea, to which Kantians typically subscribe, that a just state is a democratic state, that is, a system of political self-government. A democratic state can exist only when its citizens are committed to its institutions, at least to a minimal degree. It does not just need citizens who comply with the laws and pay their taxes. In addition, a just and *democratic* state also needs the political involvement of citizens in order for democracy to function properly. What exactly is required from the citizens will depend on the further details of one's view of democracy, and the demands will be greater on the more republican-oriented views than on the more liberal ones. What matters here is only that it is more than nothing. In this crucial respect, the democratic state is very *unlike* the "business in my neighborhood,"

39. *Ibid.*, p. 30.

40. *Ibid.*, p. 19.

41. Simmons's example is found in "Justification and Legitimacy," p. 752.

whose services I may or may not decide to buy, to use Simmons's analogy. Instead, citizens are essential parts of the just and democratic state, and they are essential to its proper functioning.⁴²

In a discussion of Simmons's objection, Samuel Scheffler anticipates the appeal to citizenship and argues that this would lead to internal tensions in the account. It would not yield a coherent defense of a special duty to my particular state in terms of a general natural duty to support just institutions. Instead, Scheffler argues, the appeal to citizenship would have the unwanted effect of pushing the allegedly natural duty in the direction of an associative duty. For it would now seem that it is a citizen's relationship to the state that generates the duty. Thus, if the defender of the natural duty approach answers Simmons with an appeal to citizenship, the duty turns out to be the product of two radically different factors that tend in different directions:

The first factor is justice itself, whose tendency is to suggest a nonparticularized duty to support just institutions generally. The second factor, which is the particularizing factor, is the individual's relationship to a specific set of institutions. What may seem unclear, however, is why this second, particularizing tendency should take precedence over the putatively universal claims of justice.⁴³

Scheffler takes this difficulty to be a testimony to the inherent instability of the natural duty view of political obligation, and he regards this instability as a symptom of a broader tension within liberal theory.⁴⁴

42. Kant himself discusses these matters in terms of 'republicanism,' not 'democracy,' because he does not advocate general adult suffrage. Moreover, he regards democracy as a despotic political system in which the people rule without a separation of powers (*Perpetual Peace* VIII, p. 352). In Kant's terminology, what we mean by democracy today is a 'republic' with general adult suffrage and with a more clearly worked-out system of political representation than that provided by Kant.

43. Samuel Scheffler, "Liberalism, Nationalism, and Egalitarianism," in *The Morality of Nationalism*, eds. Robert McKim and Jeff McMahan (Oxford: Oxford University Press, 1997), pp. 191-208, here p. 197. The expression "may seem" in the quote does not, in this case, anticipate a later exposure of the appearance as false.

44. Scheffler does not see this instability as a reason to reject liberalism. In fact, he even regards it as a 'virtue' that liberalism allows for this tension, as it shows appropriate sensitivity to important values whose joint accommodation is genuinely problematic. Scheffler, "Liberalism, Nationalism, and Egalitarianism," p. 202.

On the basis of the idea that the just state is a democratic state, however, a Kantian can answer the objection articulated by Simmons in a way that avoids the problem noted by Scheffler. The key to this answer is the claim that it is not the mere fact of the relationship of the citizen to the just state that drives the argument. One needs to add further considerations to construct a successful Kantian argument that there is a duty of civic patriotism. Rather than being *derived* from the fact of the citizen's relationship to the just state, these considerations help *determine* the appropriate character of this relationship. Crucial to the argument—in addition to the general premise of the duty to promote justice—is the fact that a just state is a democratic state and that a democratic state is inconceivable without the commitment of its citizens. To put it differently, the Kantian answer to the objections raised by Simmons and Scheffler should be that the alternative, a duty to promote just states *without* a duty of civic patriotism, is incoherent.

The incoherence of this alternative is shown by the impossibility of its universal adherence. If all citizens adopted the policy to be active only on behalf of justice in general while remaining citizens of states to which they pay no particular attention, no true justice and democracy would be possible, because these citizens would in effect abdicate their role as co-legislators. The problem here does not occur at the level of empirical consequences, because it is an empirically open question whether people will ever in fact disperse their attention in this way. Moreover, many existing democracies are quite functional even without the universal commitment of all of their citizens. Rather, the problem is that such a policy would be contradictory at a more fundamental level. It would be a policy to promote just, democratic states for the sake of justice while at the same time refusing to do what is necessary for just democracies to function. From a Kantian perspective the contradiction inherent in such a policy shows it to be wrong. Of course, the duty of civic patriotism does not prohibit one from trying to promote just states elsewhere—quite the contrary, as I shall show later. But promoting justice elsewhere should not lead one to renounce one's civic duty toward the just and democratic country of which one is a citizen.

This argument supports a negative (perfect) duty not to neglect the state in which one is a citizen entirely, and an equivalent positive (imperfect) duty to have some special concern for one's own state. The argument thus supports a positive duty to be concerned, for the sake of jus-

tice, with (1) the preservation of the state in which one is a citizen (provided it is just); (2) its flourishing insofar (and only insofar) as a certain degree of flourishing is necessary for the state to secure justice (bankrupt states cannot enforce their own laws); and (3) the functioning of the state as a democracy, and the improvement of its institutions where necessary (including such preconditions for effective political participation as a good educational system).⁴⁵ All this and more is necessary to maintain a just democratic state. Because circumstances and needs change over time, states are not static systems. This means that even an already just democratic state needs the continued involvement of its citizens in order to be able to keep meeting the demands of justice. Which specific activities the maxim of civic patriotism leads to in practice will depend on the situation, on one's abilities, and on the specifics of one's view of democracy. Whatever the details, however, the key point is that if a just state is a democratic state, then the normative requirement to establish just states implies a civic duty, however minimal perhaps, on the part of citizens toward their *particular* just state, a duty that is not based on consent or received benefits.⁴⁶

Thus, on this construal, civic patriotic allegiance to the state is not primarily a response to the good job the state *has done* toward the citizens whose rights it has secured. Such recognition would require a focus on how good or useful the state is to each citizen and turn patriotism into a reactive attitude. Instead, the maxim of civic patriotism on the

45. I restrict my discussion to the civic duty of the citizen in a just state. Even the duty to a just state is in dispute, and resolving this issue first may help determine (in the future) what the duties are of persons in despotic or somewhat just states.

46. Many theorists attach importance to special responsibilities being non-derivative and fundamental, rather than being justified indirectly from universalist premises. Samuel Scheffler claims that if special responsibilities are justified indirectly, this "drastically demote[s] such responsibilities in status and significance," and that the only account that accords them proper status and significance is one that treats them as "ethically fundamental." The Kantian rejoinder is to say that this claim seems to rest on the problematic idea that a conclusion of an argument has less 'status and significance' than the premises from which it follows. What matters is *that* special obligations are theoretically justified, not that they are justified immediately rather than mediately. The fact that special responsibilities are not first in the order of justification does not mean that they are "ultimately insignificant" in the eyes of the moral agent. Cp. Samuel Scheffler, "Family and Friends First? Review of Martha C. Nussbaum et al., *For Love of Country*," *Times Literary Supplement* December 27, 1996, pp. 8-9; here p. 9. See also, "Conceptions of Cosmopolitanism," *Utilitas* 11 (1999): 255-76, esp. pp. 259-60.

part of citizens is required from the start, so to speak, because it has as its content the production of justice.⁴⁷

This is not to say that one has a duty to stay in the country of which one is a citizen. Nothing said so far rules out the option of emigration, immigration, and naturalization, and the determination of the moral conditions for these options is a separate issue. What has been established is that as long as one remains a citizen of a particular just state, one has a duty of civic patriotism.

Moreover, the Kantian defense of civic patriotism does not yield a justification for focusing one's beneficence on one's own state and its inhabitants while failing to consider the needs of those outside it. In fact, it says very little about beneficence at all.⁴⁸ All that the duty of civic patriotism comes down to is the duty to fulfill those special obligations to one's (just) state that are necessary for it to function and improve as a democratic institution of justice.

One might wonder whether a Kantian should not rather argue that one has a duty to support *some* just democracy, but not necessarily one's own, or that one should support that just democratic state that is most in need of support. The answer turns on the term 'support'. There are some ways in which one can work on behalf of democracies elsewhere, even if one is not a citizen. But there is also a kind of 'support' that is essential for a democracy to function as a just system of political self-government and that it can get only from its citizens. The fact that citizens, qua citizens, are essential to the workings of just democracies is the reason why there is a duty of civic patriotism. The argument for this duty does not rule out supporting another democracy than one's country of origin in this way, but in order to truly do this, one would have to acquire citizenship in this other country. In doing so one would acquire a duty of civic

47. This is a crucial difference between the defense of civic patriotism presented here and the one provided by Gewirth. See Gewirth, "Ethical Universalism and Particularism," pp. 298-302.

48. The argument is radically different from that presented in Richard W. Miller, "Cosmopolitan Respect and Patriotic Concern," *Philosophy & Public Affairs* 27 (1998): 202-24. His focus on the 'cost of lost social trust' and on providing aid-based incentives to the less well off to secure their political cooperation leads to a line of reasoning that, while built on the premise of equal respect for all, is essentially consequentialist. More importantly, I believe there are empirical grounds for arguing that the relationship between the rich and the poor compatriots within a country mirrors that between rich and poor countries in more respects than Miller thinks (pp. 213-14, 217-18), and hence I do not think that a profound bias towards compatriots in tax-based aid can be justified along the lines sketched by Miller.

patriotism toward the new country, which would now be 'one's own' and cease to be 'another' country. This is to say that as long as one is a citizen of a just democracy, one has a duty of civic patriotism to that particular just democracy, whichever country it happens to be. In focusing on the kind of support that just democracies need from their citizens in order to function as democracies, the argument for the duty of civic patriotism does not rule out also providing other kinds of support (in the first sense) for democracies that are not one's own.

The argument also should not be misunderstood as a version of the consequentialist argument that the best way to promote justice is to promote it at home. The argument does not turn on that empirical assertion. Justice requires that states be just and democratic and, given the intrinsic nature of democratic institutions, that means that their citizens have certain duties toward their own states. Furthermore, civic patriotism, thus understood, does not require one to regard one's own state as better or more valuable than any other. On the account presented here, no comparative claim is part of the understanding of civic patriotism itself.

Finally, the duty at issue here is not primarily a duty toward my compatriots, and hence it is not a version of the principle that compatriots come first. If, as a result of my civic patriotism, my compatriots receive certain advantages that noncompatriots do not, this is not simply because they are my compatriots but rather because they are members in the democratic political body that I have a duty to sustain and improve. This makes it possible to avoid Andrew Mason's criticism of defenses of patriotism, namely, that the nature of these defenses does not justify their claim that one has duties to *one's compatriots* (and not to, say, permanent resident aliens).⁴⁹ The argument I have presented leads to a duty not toward compatriots but toward the just democratic state; and not toward the state simply because it is mine, but because it is an institution of justice, and an institution of a type that requires the participation

49. Andrew Mason, "Special Obligations to Compatriots," *Ethics* 107 (1997): 427-47. When, as is here presumed, the just democratic state itself is conceived as a collective of individuals united for the sake of justice, one could also say that the duty of patriotism is a duty toward one's compatriots. It is important to realize, however, that it is a duty toward them collectively, as united into the democratic state for the sake of justice (and that this duty is not based simply in the fact that they are compatriots). Even when construed in this way, however, the Kantian defense of civic patriotism still gives good sense to the distinction between citizens and residents and it thus answers Mason's challenge.

of its citizens in order to function. Because the end is justice, residents are included in the scope of my activities toward this end, as injustice toward them should be avoided, too. It is true that this argument does not assign the same duty of patriotism to resident aliens who do not fulfill a crucial role for the working of democracy—and that is exactly the crucial difference between them and citizens. Resident aliens may reside in the territory only temporarily and hence not be committed to the state in which they reside at a particular time. Of course, if they are so committed, Kantians would argue that there should be ways for them to become citizens, provided they fulfill certain reasonable conditions. Finally, the argument presented here does not rule out that resident aliens acquire duties to the states in which they reside, e.g., because of their acceptance of benefits from this state, but the justification of such duties would be different.

The argument just presented shows that citizens ought to adopt their state's proper functioning as an institution of justice as one of their ends. However, they ought to adopt other, cosmopolitan principles as well, and this brings us back to the issue of how to reconcile patriotic and cosmopolitan duties. The account thus far might still not convince those who suspect patriotism and cosmopolitanism to be inherently in conflict. After all, even if the argument above is sound, this might seem to lead to a classic case of a conflict of duties. Showing that we have a duty of civic patriotism does not by itself suffice to show that this duty is compatible with our moral obligation toward all other persons in general, so more argument is needed.

Here, the Kantian reply has three parts. The first draws on what was said earlier about civic patriotic duty not being a blank check for preferential treatment of one's own state. Perfect duties set clear constraints. For example, I should not procure the means for discharging my civic duty by deceiving others or by violating their right to freedom. If I do, the resources that I use for fulfilling my duty are indeed unjustly withheld from others. The positive duty of civic patriotism is an imperfect duty and as such must yield to perfect duties; the two kinds of duties cannot be in conflict.

A second part of the answer is to point out that the very same duty of civic patriotism applies to citizens of other just states: they have a patriotic duty to their state, and they have to withhold some of their beneficent efforts from me to do so. It would be wrong for me to reserve the

right to pay special attention to my own state while denying this right to others elsewhere. But as long as I allow for symmetry, my civic patriotism is not a source of injustice toward others. What is more, on the view here outlined, it is even *desirable* that people elsewhere adopt the maxim of civic patriotism. After all, the duty of civic patriotism aims to promote justice. Of course, it is important that states are not only internally just, but also externally just: they should not harm each other but rather be disposed to cooperate peacefully and pursue the cause of global justice.⁵⁰ This is part of what it means for a state to be just, and thus also part of the object of civic patriotic activity. According to this picture, then, civic patriotism is itself instrumental in leading to cosmopolitan justice.

A third part of the answer concerns the compatibility of our imperfect duties. Imperfect duties are not *inherently* in conflict with each other. It is not the case, for example, that my civic patriotic duty is necessarily in conflict with my cosmopolitan duties. I can easily think of many situations in which the two are compatible, or even of situations in which I can fulfill both at the same time. For example, in striving to make my own state more just, I can also strive to make it more just toward other states and more respectful of human rights in its dealings with foreigners.

Although these imperfect duties are not inherently in conflict, one might think that there are many situations in which they conflict in practice. One might think that each duty comes with a set of actions that fall under it; that different duties come with different sets; and then, when one compares the different sets, conflict surely seems inevitable.

A much stronger account of imperfect duties, however, which avoids this difficulty, is the account developed by Kantian moral theorists such as Onora O'Neill and Barbara Herman.⁵¹ According to this account, different imperfect duties should be thought of as constituting multiple constraints on one's moral action, and the task for moral judgment is to find a way of acting that is compatible with them all. Some of one's moral maxims limit one another: for example, one's patriotic duty limits one's

50. Whether, on Kantian principles, this peaceful cooperation should ultimately take the form of the merger into a world state or that of a voluntary confederation of states does not need to be decided here.

51. This argument is quite close to the account in Onora O'Neill, "Instituting Principles," in Kant's *Metaphysics of Morals*, ed. Nelson Potter and Mark Timmons, *Southern Journal of Philosophy* 36, supplement (1997): 79–96, and Barbara Herman, *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993).

cosmopolitan duty and vice versa.⁵² What this means is that one ought to discharge one's cosmopolitan duties in a way that does not run counter to one's moral commitment to promote the establishment of states as institutions of justice, and that one ought to discharge one's patriotic duties in a way that does not contradict one's moral commitment to the well-being of other human beings in general. This is why the latitude in the fulfillment of imperfect duties does not license the policy to extend one's beneficence exclusively to one's compatriots or co-nationals because they are one's compatriots or co-nationals.

If one adopts a view of moral judgment as the power to determine right action under the guidance of multiple moral constraints, the fact that agents have multiple maxims is not so much a problem as part of the solution. One then conceives of moral deliberation not as a battleground of competing claims, but rather as the attempt to keep in mind various moral ends one has adopted and find a way to satisfy them.

It may not always be possible to act in a way that satisfies all of one's moral commitments simultaneously. In specific situations, heart-wrenching choices may be required, but that is no objection to this account of imperfect duties and the role of moral judgment. After all, an imperfect duty is a duty that it is not wrong not to discharge on a particular occasion, as long as one has adopted the right maxim. Real conflicts of duties pose a philosophical problem because a normative theory cannot consistently require a person to act on incompatible maxims or perform incompatible acts. On the interpretation of the role of imperfect duties as sketched above, however, neither kind of incompatibility is at issue. The maxims of moral cosmopolitanism and civic patriotism are not as such incompatible, and these maxims do not require us to perform incompatible acts. I have not provided a defense of the multi-state system, and in that respect the argument here is incomplete. What I have shown is that if there *is* a defense of the multi-state system, this does not present a Kantian with a conflict of duties, because Kantian cosmopolitanism and the duty of civic patriotism are compatible.

2. Nationalist Patriotism

One might expect that a parallel argument for a general duty of *nationalist* patriotism can be constructed on the basis of the idea that the nation

52. See Kant, *Metaphysics of Morals* VI, p. 390.

(or nationality) is a good.⁵³ One might try to ground a duty to protect one's nation and its flourishing in the view that our national affiliation provides us with meaning and a sense of identity; that such meaning and identity are necessary for a psychologically healthy or fulfilling human life; and that all moral agents would therefore wish to be part of a functional nation. This argument would partially parallel the argument made earlier in that here the idea is that if human flourishing requires a world of nations, and a nation's existence requires a commitment on the part of its members to its core institutions or customs, patriotism in the nationalist sense is a duty, at least insofar as it is necessary for the existence and functioning of a nation.⁵⁴

Yet there is an important disanalogy between the two arguments that, on the Kantian view, is fatal for this attempt to justify nationalist patriotism as a duty. Whereas the duty of civic patriotism rests on the idea that rational agents ought to have concern for their just democratic state for the sake of justice, nationalist patriotism is here based on the contingent fact that some people need a national affiliation for their sense of identity and well-being, without there being any proof that this is *necessarily* so for *all* humans. It may be true that every human being needs *some* social and cultural affiliation in order to flourish, but it is not the case that all humans need to derive this from a *nation*—even when bracketing, for the sake of argument, skepticism about the very concept of a nation. Some people may indeed need a national affiliation, but others do not, deriving their sense of identity and well-being instead from their work or from a mix of different cultural elements rooted in diverse so-

53. This argument should not be confused with the defense of group rights or national self-determination. It focuses on the duty of the member of the national group towards the group, not on the proper attitude on the part of others towards the group and its legal protection. For a defense of group rights, see Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995); for a defense of national self-determination, see Avishai Margalit and Joseph Raz, "National Self-Determination," *Journal of Philosophy* 87 (1990): 439–461.

54. MacIntyre goes even further than that and argues that patriotic loyalty is a "prerequisite for morality." As I am here concerned with the question of whether a line of argument based on the idea that the nation is a good can fit in a *Kantian* framework, however, I shall not discuss MacIntyre's view, which is obviously incompatible with it. Instead, I concentrate on the version of this kind of nationalism that aspires to be called 'liberal.' This kind of argument is found in Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), esp. pp. 95–116.

called 'national' traditions.⁵⁵ Therefore, this argument does not generate a duty of nationalist patriotism.

The fact that this argument does not ground a general nationalist patriotic duty does not mean that cosmopolitans are justified in being indifferent to the well-being of those who happen to have the psychological need for national identity. If it is true that some people need a national affiliation to ensure their well-being, this has implications for what is morally required. Given the duty to help others in need and promote their well-being, it is relevant to know the needs of other people and what would increase their well-being. But any resulting duty to promote nations (or a particular nation) in the service of the well-being of specific others is just that: a means for promoting their well-being, not a duty to promote a nation or nationhood *per se*.

Another strategy for providing the underpinnings for a duty of nationalism is to argue that I can help my co-nationals better than I can help strangers and thus that prudence dictates that I benefit my co-nationals instead of others. However, this argument fails for similar reasons. As an empirical claim the premise is often false, as illustrated by the fact that a charitable donation of \$100 by a U.S. resident can often feed considerably more people when spent in a poor country than when spent in the United States. And even in cases in which it is empirically true that the best way to do good is by helping one's co-nationals, if the *reason* one helps them is that it is the best way to do good, this is again an instance of acting from the duty to help others in need, not from a duty of nationalist patriotism.

Finally, one might try to adapt an argument from voluntary associations to the case of nationalism. The idea here would be, first, that the right to freedom implies the right to form voluntary associations, as long as these associations do not violate the rights of others. Because voluntary associations cannot exist without special commitments on the part of their members, one thus acquires duties toward these associations when one chooses to become a member. When put in the service of a defense of nationalism, however, this argument does not yield a general duty of nationalism. First, the nation is not typically conceived of as a voluntary association. But even if national identity (or one's identifica-

55. This objection is elaborated in Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform* 25 (1992): 751-93.

tion with a particular nation) is regarded as a voluntary matter, all that the argument from voluntary associations leads to is the conclusion that voluntary associations and the special obligations they imply are defensible on Kantian grounds as long as these associations do not violate the rights of others. It does not follow that *all* voluntary associations (nor their concomitant obligations) are thereby justified. A mob, for example, is not. Therefore, the argument from voluntary associations is not by itself enough to defend a duty of nationalist patriotism—one would need a separate argument to show that the nation is a permissible kind of voluntary association that does not violate the rights of others. Third, even if one could show that the nation is a permissible voluntary association, all that would follow is that those people who voluntarily assume commitments to a nation have duties toward their nation, within the bounds of morality. In short, it would not follow that everyone has a duty of nationalist patriotism. I do not see any other, more plausible way for a Kantian to argue that nationalist patriotism is a duty.

3. *Trait-Based Patriotism*

One might perhaps expect trait-based patriotism to fare better than nationalist patriotism. In contrast to nationalist patriotism, this kind of patriotism is based on particular traits of a country, and this might warrant the expectation that one can appeal to these traits, especially if they are forms of excellence, to back up the claim that such patriotism is a duty. If one's country exemplifies praiseworthy traits, it might seem to be entitled to one's love and devotion.

Yet the first objection raised against the argument that people's need for national affiliation grounds a duty of nationalist patriotism also applies to much of trait-based patriotism. In all cases except cases of moral or legal-political excellence, this form of patriotism is even more explicitly grounded in the contingencies of individual psychology than is nationalist patriotism. I may love my country because I have a taste for a desert landscape, my country happens to be in a desert, and my love for its physical appearance happens to turn into love for my country. I should not, however, expect everyone to share this taste, let alone presume that the aesthetic qualities of a country can ground a general duty of patriotism toward it.

What about countries that exhibit excellences of a moral or political kind? Does it not seem that we ought to love our country if it has just laws that are efficiently and impartially enforced and if it acts justly to-

ward other states and promotes peace and justice for all? Or if it is populated entirely with Kantian moral agents?

I have argued above that a Kantian should indeed defend the thesis that one has a civic duty toward one's state if it is just, but not for the simple reason that it is just. The argument did not turn merely on the state's being just, but on the *conditions of the possibility* for it being a just *democratic* state. The main problem with the suggestion that a state's excellence per se leads to a duty to love it (i.e., foster emotional attachment to or perform activities on behalf of it) is that this would not be a duty to love one's country, but a duty to love states with good traits, which is something else. If one happens to live in such a good state, one might confuse it with a duty to be patriotic, but this would be a mistake. Similarly, the duty to help others in need does not equal a general duty to drive my friends to the hospital, although under specific circumstances driving my friend to the hospital is a way to help a person in need. In this case, the argumentative 'gap' between the general principle and its particularization would remain unbridged.

III. PERMISSIBLE PATRIOTISMS

If we can now take the duty of civic patriotism to be established, the final question to be answered is what room remains for permissible patriotism, from a Kantian perspective. The term 'permissibility' can be used in two senses. First, one can say that patriotic activity is 'permissible' in the sense of 'not forbidden'. For example, it is not morally forbidden to help others out of a natural feeling of sympathy. Such help does not have any moral worth, but from a Kantian perspective it is not forbidden as long as it is 'in accord with duty,' that is, in outward compliance with what duty demands but done for nonmoral reasons. Similarly, patriotism of any of the three kinds mentioned is permissible in this sense as long as no rights are being violated and as long as one has adopted the right kind of moral maxims from duty and acts on them at other times. This patriotism has no moral worth, but it is not prohibited by Kantian moral and political theories.

The requirement that nonmoral patriotic action be in accord with duty is stronger than it may appear at first. Many past and present acts committed in the name of patriotism constitute obvious injustice to other states and nations or the individuals therein—or even to individuals within the state (historical examples abound, such as violence against

Jews and foreign residents). Patriotism can clearly degenerate into a sectarianism that denies the fundamental equality of all humans and attributes a higher moral standing to compatriots or co-nationals than to other human beings. Moreover, those who show more concern for the survival and flourishing of their own state, nation, or compatriots may well be violating the negative duty not to harm others or violate their rights. This would be true, for example, in the case of engaging in exploitative trade practices that take advantage of the weaker economic position of other countries.⁵⁶ If the ignorance about the impact of one's patriotic actions on others is culpable, the fact that one did not intend to do harm is not a valid excuse.

Patriotism can be called 'permissible' in a second sense when what is meant is that there is latitude as to how to discharge one's imperfect duties, and hence that under certain circumstances a moral agent is free to choose among several courses of action, each of which would have moral worth. In this sense, it is morally permissible for me to help my needy neighbor or some equally needy distant stranger who appeals to my beneficence. Other things being equal, both actions are morally worthy, provided I do not violate other moral duties (including the duty of civic patriotism) and provided I help from duty.

Now I think that there is a bit of room for real nationalist patriotism and trait-based patriotism as permissible in this second sense, that is, with moral worth. That space is opened up when moral judgment determines multiple courses of action as in line with one's moral commitments. In that case, trait-based love of country or nationalist allegiance may tip the scale. Imagine, for example, the following case. Suppose I live in a state that contains multiple nations. Two minority nations are threatened by disfranchisement, and I am a member of one of them. Although I can work equally well on behalf of either, I can work on behalf of only one, not both. I decide to engage in the struggle for justice, because it is one of my maxims to promote justice. But, by stipulation, I face a choice over which nation to work for. In such a situation, it is morally permissible to choose to work on behalf of the members of my own nation because I feel personally attached to it, and this will still count as

56. On the negative duty to do no harm to others, in relationship to patriotism and cosmopolitanism, and illustrated with recent examples of such violations, see Thomas W. Pogge, "The Bounds of Nationalism," in *Rethinking Nationalism*, eds. Jocelyne Couture, Kai Nielsen, and Michel Seymour (University of Calgary Press, 1996), pp. 463-504.

fulfilling my imperfect duty to help others in need and hence as having moral merit. In a case such as this, I help from duty, and thus I help my co-nationals because it is a way to do good; but I help *my co-nationals* because I feel a special attachment. Therefore, 'nationalist patriotism' is the best way to describe this case. Even though my decision does not stem from a general maxim to put my own nation first, national attachment plays a crucial role in the decision making. *Mutatis mutandis*, the same can be argued for trait-based patriotism. Thus, there is restricted but non-negligible room for morally worthy trait-based or nationalist patriotism. The fact that this result is much too meager for the taste of many (if not most) defenders of patriotism is not by itself a valid objection.

It is important to note that the permissibility (in the second sense of the term) of this type of patriotic action, as described in the example, coexists with the permissibility of combating the disfranchisement suffered by the other nation. The first type of action is not morally more (or less) meritorious than the second. For instance, if one lives in a democratic state with a just and well-functioning political structure and one does the things that are required of a citizen, it is not *a priori* morally better to direct one's beneficent efforts to one's own country or nation rather than to distant strangers to whose cause one is devoted. This also means that in cases of morally worthy nationalist or trait-based patriotism, the moral worth does not depend on the patriotism, but on the agent's underlying maxim to help others in need, from duty.

Moreover, this defense of a narrowly circumscribed permissible patriotism expresses a point in principle, other things being equal. However, other things often are not equal, and given the empirical circumstances as we know them, where nationalist and trait-based patriotism often play pernicious roles, one may well judge that it would be better to make a point of not following one's patriotic feelings if following them might encourage the harmful patriotisms of others.

These and related issues of application require much more attention than I have been able to give them here. They are issues, however, that can be addressed only after it has been shown that Kantian cosmopolitan moral and political theories have room for patriotism—and showing this has been the objective of this essay.