

Justice, endorsement, and intrinsic value: why the co-national relationship cannot ground duties of justice

I. Introduction

This essay is an investigation into the source of our duties towards our co-nationals. I have four aims: Firstly, I aim to clarify as briefly as possible the difference between *obligatory* co-national duties and *permissible* co-national partiality. The latter is often confused with the former in the literature on global justice, and the relation of both to the wider concept of justice is usually expressed even less clearly. By making a few basic distinctions it should be possible to distinguish these concepts and characterise their relationship.

Second, I aim to present and elaborate a particularly prominent argument for co-national duties proposed by David Miller. Miller's work on nationalism is wide-ranging and sophisticated, and he has applied his ideas on nationalism and national identity to a large number of important issues in the contemporary debates on, among others: global justice, citizenship, moral responsibility, political self-determination and personal identity. What Miller does not make clear, however, are the specific steps in his argument for the conclusion that members of nations have duties of justice to their co-nationals purely in virtue of the fact that they are co-nationals. By carefully piecing together Miller's general argument for co-national duties I hope to present it in its clearest and most powerful form.

Third, having presented what I believe to be the best interpretation of Miller's general argument, I aim to demonstrate that it is deeply flawed. The argument derives most of its normative force from the idea that certain relationships are 'intrinsically valuable'. The suggestion is that, because the co-national relationship is intrinsically valuable, anyone who denies its value is objectively wrong and, thus, enforcing their participation in the co-national relationship is morally justifiable. As I explain below, the problem with this argument is that it does not distinguish clearly enough between value-recognition and value-realisation. Whilst we can coerce people into *participating* in the co-national relationship we cannot coerce them into *endorsing* the value of this participation. The nature of relationships is such that, without endorsement, participation in them is valueless. Thus, the reason Miller gives us for why coercing people into participating in the co-national relationship is justified – that it will add value to their lives – is no longer valid.

My fourth and final aim is to suggest an alternative to Miller's general argument – one that offers a very different theoretical basis for our duties to one another whilst attempting to leave the substantive content of those duties largely unchanged. Whereas Miller thinks that our duties to one another arise directly from the different ways in which we are associated with others, I argue that this relationship between duties and associations is only indirect. Our relationships with other people form one of the most important aspects of our lives. But it is *because* of their importance that it becomes so vital that we have control over them. Miller has it the wrong way round when he argues that the duties of justice we owe to each other are underpinned by our relationships. Instead, we should see justice as underpinning our relationships, as facilitating our experimentation with them, and as enabling us to

genuinely experience their value without the constant sensation that we are being forced to participate in them for our own good.

II. The conceptual relationship between justice, co-national duties and co-national partiality

The philosophical literature on cosmopolitanism and nationalism often focuses on the ethical issues that arise from our tendency to display partiality towards our co-nationals. But there is a surprising lack of attention paid to the question of whether or not this partiality is consistent with the demands of justice. Many writers do not make it sufficiently clear whether favouring one's co-nationals is required by, forbidden by, or simply irrelevant to justice. So, without pre-empting any particular solution to the problem, it will be helpful to get a better idea of the different ways in which our duties to co-nationals (and our rights to display co-national partiality) are conceptually related to justice. This is the task of this section.

We either do owe duties of justice (duties that are, in principle, enforceable) to our co-nationals or we do not. If we *do* owe such duties, they may be either (wholly or partially) *constitutive* of justice or merely *instrumental* in achieving justice. If we *do not* owe duties of justice to our co-nationals then we might still have some room, consistent with justice, to treat our co-nationals with a degree of partiality, but it is also possible that even a minimal degree of partiality may be forbidden by justice.¹ We thus find that the conceptual relationship between justice, co-national duties and co-national partiality can be characterised by one of five theses:²

1. Strong Nationalism – the demands of justice are wholly constituted by co-national duties.
2. Moderate Nationalism – the demands of justice are partially constituted by co-national duties.
3. Weak Cosmopolitanism – the demands of justice are best served by, but are not constituted in any way by, co-national duties.
4. Moderate Cosmopolitanism – there are no co-national duties but the demands of justice are consistent with some degree of co-national partiality.
5. Strong Cosmopolitanism – there are no co-national duties and the demands of justice are inconsistent with any degree of co-national partiality.

It is my contention that any particular conception of justice necessarily corresponds to one of the five theses enumerated above. In what follows, I aim to

¹ Samuel Scheffler refers to what I am here calling 'duties of justice' as 'responsibilities' and what I am here calling 'partialities' as 'inclinations'. See, Scheffler, S., *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, (Oxford: Oxford University Press, 2001), p.84.

² Strictly speaking these five theses do not cover all the possibilities. One might, for instance, be a moderate nationalist who believes that, beyond our positive co-national *duties* we have a further, negative duty not to display any *partiality* towards our co-nationals. It seems implausible, however, that anyone would seriously defend such a thesis, requiring, as it would, the enforcement of co-national duties as well as the preclusion of co-national partiality. Thus, I think the permissibility or impermissibility of co-national partiality only becomes an issue for those who already think there are no co-national duties.

show, further, that the only tenable theses are (3) and (4). Theses (1) and (5) can, I think, be dismissed fairly easily. The vast majority of this chapter will focus on the much more difficult task of refuting thesis (2).

Thesis (1), which I describe as ‘strong nationalism’, is an account of justice that echoes the approach advocated by historical figures such as Herder and Fichte. It is today an extremely rare and largely discredited position. Few, if any, theorists think that we do not owe *any* duties of justice to people who are not members of our national group, even if our only ‘non-nationalist’ duties are the negative ones of forbearance from interfering with and harming others. As such, a deeper analysis of this position can, I think, be put to one side.

Thesis (5), ‘strong cosmopolitanism’, is, I think, almost as rare and implausible an account of justice as strong nationalism. Any theory fitting this description is likely to be either intolerably intrusive or unrealistically demanding. An example provided by Samuel Scheffler (concerning a fraternal rather than a co-national relationship) will help us to see why this is so. ‘If both my brother and a stranger need the same sort of assistance, but I can provide this assistance only to one of them, then I may be required to help my brother, even if I would have been required to help the stranger had he been the only person needing my assistance’.³ Now, Scheffler suggests that I may be *required* to help my brother (or, to bring the discussion back to our topic, my co-national) instead of the stranger. This is, as I explain later, a rather implausible interpretation of the situation; but notice that the strong cosmopolitan position says something much more radical. If my co-national and the stranger need the same sort of assistance, but I can only provide this assistance to one of them, I would not be permitted, under strong cosmopolitanism, to consciously favour my co-national, for to do so would be to violate the constraint placed on the exercise of co-national partiality. The only just option, according to strong cosmopolitanism, is to randomly choose who to help (by, say, tossing a coin).

From this example we can see that, in order to satisfy the demands of strong cosmopolitan justice, we would either have to enforce perfect impartiality in all transactions involving both co-nationals and non-nationals or, alternatively, abolish national identities altogether. Since both these options are intolerable, because either too intrusive or too demanding, it seems that, as with strong nationalism, we can leave any further analysis of strong cosmopolitanism to one side.

This leaves us with (2) ‘moderate nationalism’, (3) ‘weak cosmopolitanism’ and (4) ‘moderate cosmopolitanism’, as the most plausible accounts of the way justice fits conceptually with co-national duties and partialities.

III. Moderate nationalism as a form of ethical particularism

Proponents of moderate nationalism believe not merely that we are justified in favouring our co-nationals once any prior obligations of justice we might have are fulfilled, but that we are obliged to favour our co-nationals *as a matter of justice*.⁴

³ Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, , p.52

⁴ This distinction between the ‘obligatory favouring’ and the ‘justified favouring’ of co-nationals mirrors the distinction made earlier between ‘co-national duties’ and ‘acceptable co-national partialities’. In both cases the former phrase refers to actions internal to and, thus, required by justice whereas the latter phrase refers to actions outside the purview of, but consistent with justice.

From the schema above, however, we can see that this statement, on its own, fails to distinguish moderate nationalism from weak cosmopolitanism, for both approaches support the existence of co-national duties of justice.

This failure to distinguish moderate nationalism from weak cosmopolitanism is caused by analysing the content of the different approaches at the wrong level. The real difference between the moderate nationalist and weak cosmopolitan approaches lies not at the level of their application but at the level of their conceptualisation. For the weak cosmopolitan, one way to *implement* justice (to satisfy its demands practically) might be to stipulate that co-nationals owe each other special duties of justice that are not owed to non-nationals. This might be because what justice demands at a foundational level is that every individual is guaranteed a certain level of welfare and the best way of achieving this level of welfare for all individuals is to assign the responsibility for providing it to each individual's co-nationals. The thing to notice here is that, whereas the co-national relationship plays an important role in implementing justice, it plays no role in justifying the fundamental principle(s); in other words, the weak cosmopolitan conceptualises justice independently and prior to the introduction of any facts about nationality.

Contrast this with the moderate nationalist approach. To say that a conception of justice is 'partially constituted by' co-national duties is to say that, unlike the weak cosmopolitan, we cannot arrive at a conception of justice without first analysing and incorporating facts about nationality. This is to say that some or all of the elements of nationality (in particular the relationship between members of a nation) actually influence the basic formulation of the fundamental principle(s) of justice. And because no two nations are the same, the incorporation of the elements of nationality at the formative, conceptual stage in theorising about justice means that we get different conceptions of justice for particular nations. Thus, the weak cosmopolitan's 'universalist' approach is contrasted with the moderate nationalist's 'particularist' approach.

One of the leading proponents of the particularist approach to ethics is David Miller. Miller is, according to the schema outlined above, a moderate nationalist who believes that the relationship that exists between co-nationals plays a foundational role in formulating (some of) the fundamental principles of justice. Miller thus denies the cogency of the universalist approach whereby the relationship between co-nationals is merely a useful fact about the world that we can harness in order to effectively implement our independently derived principles of justice.

IV. The moderate nationalist argument for co-national duties

It is tempting to accept, as the primary justification for enforceable co-national duties, an argument that Miller presents towards the end of *On Nationality*: Our failure to 'embrace a national identity and the obligations and commitments that go along with it' would lead to a society that 'would be unable to sustain itself – it could not call on its members' loyalty when under attack, for instance – and so in the long run it could not provide the conditions under which they could pursue their personal visions of the good life in security. In that sense, we must either embrace a national

identity and the obligations and commitments that go along with it, or free-ride on the backs of people who do'.⁵

This is, to be sure, a good argument for why we should accept the validity of co-national duties. But it is also, clearly, a universalist argument. It appeals to the *instrumental value* of nationality in helping us to realise the kind of stable and secure environment we need in order to successfully lead our lives. So, while this kind of argument may 'assuage the tension between the ethical particularism implied by [co-national] commitments and ethical universalism', it cannot provide the primary justification for co-national duties (otherwise Miller's position would be, in the current terminology, a weak cosmopolitan rather than a moderate nationalist position).

Rather than looking for a way of providing a derivative justification of co-national duties from a universalist perspective, 'the particularist defence of nationality', says Miller, '*begins* with the assumption that memberships and attachments in general have ethical significance'.⁶ This statement hints at the difficulty facing any purported critique of Miller's position. The fact that the co-national relationship is ethically significant enters the argument at such a basic level that attempts at undermining the foundations of the position are rendered almost impossible. Fortunately, in his latest book Miller offers his most detailed and explicit justification to date of the ethical significance of the co-national relationship, thus offering his critics a way into the debate. In what follows I analyse the specific argument Miller puts forward and offer some preliminary comments on it. I then present a formal statement of the moderate nationalist argument for co-national duties before developing my objection to the argument and defending it from possible counter-arguments.

There are, says Miller, three criteria that a relationship must satisfy if it is to qualify as the kind of relationship that is legitimately able to ground special duties (of a particular kind)⁷ between members. Such a relationship must be:

- (a) Intrinsically valuable.
- (b) Constituted by generally acknowledged duties.
- (c) Not premised on injustice.

Criterion (a) is by far the most important for Miller; most of the normative work in his argument is accomplished using this first idea. (b) and (c) are better characterised as (necessary) side-constraints. As such, I shall first discuss the notion of an intrinsically valuable relationship, and the role it plays in Miller's argument, before moving on to discuss the side-constraints.

In order to elaborate on this key notion of an intrinsically valuable relationship, Miller contrasts the relationship that exists between friends with the relationship that exists between the members of a syndicate formed in order to facilitate the purchase of a racehorse. The individual members of the syndicate each

⁵ Miller, D., *On Nationality*, (Oxford: Oxford University Press, 1995), p.165.

⁶ *Ibid.*, p.65 (emphasis added).

⁷ This qualification hints at the necessary distinction between duties that arise directly from the nature of particular relationships and duties that arise indirectly from relationships due to promises, contracts and cooperative practices between members. See Miller, D., *National Responsibility and Global Justice*, (Oxford: Oxford University Press, 2007), p.35.

have a desire to own a racehorse, a desire that currently cannot be met without the help of others. This lack of ability to achieve a desire unilaterally provides the rationale underlying each individual's decision to join the syndicate. But it also reveals the purely instrumental value the syndicate has for each member, for as soon as any single member can afford to purchase a racehorse on his own, he will have no hesitation in terminating his relationship with the other members and leaving the syndicate (after first fulfilling, that is, any outstanding contractual duties he might have towards the other members).⁸

By contrast, Miller argues that the intrinsic value of friendship can be seen by the fact that we do not simply terminate the relationship once we no longer obviously benefit from it. 'People's lives go better just by virtue of being involved in this type of relationship; when friendships dissolve for one reason or another, this is a loss'.⁹ When a friendship 'dissolves' we lose something that provided us with a unique source of value. To say something is intrinsically valuable is to say that one cannot fully understand the concept without at the same time recognising it as a source of value. Thus, if S denies that friendships are intrinsically valuable, perhaps on the grounds that every relationship he has had in the past has been too demanding on his part, or has ultimately led to betrayal, or has generally been an unhappy affair, we reply by saying that what this shows is that he has never had a real friendship. The fact that S himself has never been lucky enough to have *experienced* the intrinsic value of friendship does not prove that friendship in general is not valuable.

Miller has at least two supporting arguments for the claim that the co-national relationship, like friendship, is intrinsically valuable. Firstly, if national identity was only instrumentally valuable – a means of guaranteeing the stability of democracy or of achieving social justice, for instance – then, in the same way we find that the racehorse-owning syndicate member has no hesitation in terminating his membership when some other means to achieve his ends becomes available, we would find people regarding with indifference which particular national identity they have so long as the general goods which nationality makes possible continue to be provided. But this is not how people do, in fact, see their national identity. It matters to them that their unique, distinct national identity is maintained.¹⁰ Secondly, just as there are good things about being in a friendship or in being part of a family, there just are good things about having a national identity that one is (objectively) wrong to deny. 'People who deny the significance of their national identity in circumstances where such an identity is accessible to them are missing out on the opportunity to place their individual lives in the context of a collective project that has been handed down from generation to generation, involving among other things the shaping of the physical landscape in which they live, and whose future they could help to determine, by

⁸ See Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, p.49, where he explains the difference between contractual duties and associative duties, even though both types of duty fall under the same general term – 'special duties'.

⁹ Miller, *National Responsibility and Global Justice*, p.35. It is not obvious here quite what Miller means. If my 'friendship' with someone is causing me a lot of distress, or I begrudge the amount of time it demands from me, then it might well be the case that the dissolution of the friendship is, on the contrary, a *good* thing. Perhaps Miller would respond to this by suggesting that, if one feels glad that a friendship is 'officially' over then all this shows is that it was *actually* over some time before that point.

¹⁰ *Ibid.*, p.38.

political participation and in other ways'.¹¹ The fact that the co-national relationship, like other important types of human relationship, is intrinsically valuable means that, objectively speaking, the lives of those individuals participating in a particular co-national relationship will go better than the lives of those individuals who, for whatever reason, do not participate.

Now, Miller is aware that there is 'a logical gap between nationality being intrinsically *valued* and its being intrinsically *valuable*'. But, he goes on to say, 'echoing John Stuart Mill's famous remark that "the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it", the onus surely falls on those who want to deny the value of national attachments to show why people's actual valuations are misguided'.¹² The point here is that, although there is very little chance of finding an intrinsically valuable relationship that is not positively endorsed by anyone, this is not because positive endorsement is what determines a relationship's intrinsic value. Rather, it is because without positive endorsement of the value of a relationship we have no other clue to its value. The fact that there are some people who endorse a relationship's value is, thus, not a necessary condition of its having value but a necessary condition on our being able to perceive it as valuable.

I think Miller's argument for the objective status of the co-national relationship as intrinsically valuable is quite convincing but, as I mentioned above, there are two further side-constraints that must be satisfied by a relationship if it is to qualify as the kind of relationship that is able to ground special duties between members.

The first side-constraint, ((b) above), says that any relationship that is legitimately able to ground moral duties must somehow be constituted by the duties it entails. 'The duties in question must be integral to the relationship in the sense that the relationship could not exist in the form it does unless the duties were generally acknowledged'.¹³ The second side-constraint, ((c) above), says that, if a relationship is able to ground duties of justice, its existence must not be premised on the unjust treatment of others.¹⁴ I shall elaborate on these two points in turn.

It is important to stress that, for Miller, the special duties constitutive of a relationship 'are not merely an ethical superstructure erected on top of an attachment whose real basis is something else...they are central to the way that the relationship is understood by the participants'.¹⁵ An alternative way of saying that a relationship is 'constituted by a set of duties' is to say that one cannot genuinely participate in that relationship without at the same time accepting the force and validity of the associated duties. One is thus committed to a contradiction if one simultaneously tries to claim both that one is a genuine participant in a particular co-national relationship and that one does *not* have certain characteristic obligations to one's co-nationals.

Miller argues for the truth of what I will call the 'constitutive-duties condition' in the case of the co-national relationship by highlighting the difference between

¹¹ Ibid., p.39.

¹² Ibid., p.38.

¹³ Ibid., p.35.

¹⁴ Ibid., pp.34-6.

¹⁵ Ibid., p.35.

participation in the co-national relationship and participation in other cultural attachments which, although perhaps pleasurable, does not have any ethical significance:

It is certainly possible to envisage cultural attachments that take this form – people might have a collective identity somewhat like the identity of a group of music fans for whom going along to concerts of blues music, say, is an important part of their lives, who enjoy mingling with other fans, and so forth, but would not say they had any special responsibilities either towards the other participants or to keep their particular brand of music alive.¹⁶

According to Miller, the co-national relationship differs from these ‘non-ethical’ cultural attachments in two ways. Firstly, non-ethical attachments are ‘very different from national identities as we currently experience them’. Secondly, non-ethical attachments ‘could not function in the way that national identity now does: it could not underpin political values like social justice or deliberative democracy, nor could it locate people within an intergenerational project’.¹⁷

I have three concerns with the argument as stated here. Firstly, Miller may or may not be correct about these purported differences between the co-national relationship and what I have called non-ethical attachments; but, even if he is correct, simply pointing out these differences does not constitute a good argument for saying that the co-national relationship satisfies the constitutive-duties condition. It is hard to argue against Miller’s claim that non-ethical attachments, such as being a fan of the blues, are ‘very different from national identities as we currently experience them’, but simply appealing to the fact that ‘we’ experience national identities in a certain way is unlikely to convince someone who does *not* experience them in such a way; at which point we are at a philosophical dead-end. Miller might respond to this by invoking a modified version of the J. S. Mill line we considered earlier and say that the sole evidence that something has ethical significance is that people do, in fact, think it has ethical significance. Evaluating the success of this appeal to ethical empiricism, however, would take us too far into a detailed meta-ethical discussion and too far away from our current concern, but it is important for what follows below to emphasise the empirical basis of Miller’s argument here.

Secondly, although Miller claims that non-ethical attachments are unable to underpin certain political values, accepting the truth of this claim is entirely consistent with denying that what actually *does* underpin these political values is the co-national relationship. Miller says that these political ‘functions [social justice and deliberative democracy] presuppose that nations are ethical communities whose members have special responsibilities both to support one another and to preserve their community’.¹⁸ But this simply assumes the conclusion that the co-national relationship is just the kind of relationship that can underpin social justice and

¹⁶ Ibid., p.40.

¹⁷ Ibid., p.40.

¹⁸ Ibid., p.40.

deliberative democracy, when what we are in fact looking for is an argument that supports this very conclusion.¹⁹

My third concern is that the specific formulation of the constitutive-duties condition is actually rather confusing. Insisting that one of the conditions of a duty-grounding relationship is that it must be constituted by special duties seems to imply the absurd idea that we must already know whether a relationship is duty-grounding before we can decide whether it is duty-grounding. Presumably, the way Miller is thinking about the constitutive-duties condition is as an expression of the idea that a potentially duty-grounding relationship must be constituted by a set of generally acknowledged conventions and expectations that can be *used as the basis for* more formal moral norms. Only when we have identified a set of idiosyncratic conventions and expectations, and then confirmed that these conventions and expectations are generally acknowledged as behavioural norms constitutive of a particular relationship, can we say that the relationship in question satisfies the constitutive-duties condition. What we cannot do is prematurely identify a set of *duties* that constitute a relationship and declare that the relationship in question satisfies the constitutive-duties condition. To do this would, of course, be to pre-empt the entire methodological process of applying Miller's criteria to ascertain whether a particular relationship is duty-grounding and instead simply proclaim it as such by definitional fiat.

These remarks suggest that what originally looked like a principled condition on a relationship's ability to ground special duties is, in fact, a practical condition. While in principle, *all* intrinsically valuable relationships are able to ground special duties, in practice, *only* those intrinsically valuable relationships that are constituted by generally acknowledged and informal norms are able to ground special duties.

If the first side-constraint is practical in nature, the second side-constraint, which requires that a duty-grounding relationship must not be premised on injustice, might be described as a moral condition.²⁰ The moral condition is, in many ways, an intuitively plausible condition to place on a relationship's ability to ground duties between members. To say that a relationship is premised on injustice is not simply to say that the duties that arise from it might conflict with other duties – this is, after all, quite likely. Rather, it is to say that part of the *raison d'être* of the relationship itself is to cause injustice (either to members or non-members). It is clearly untenable if part of the substantive content of our moral duties is premised on the direct and inevitable unjust treatment of others.

On closer inspection, however, it is not clear what role Miller himself intends this moral condition to play. At times Miller seems to suggest that a relationship can

¹⁹ Miller has argued in more detail elsewhere that the co-national relationship is one that can ground these fundamental political values. See, in particular, Miller, *On Nationality*, , chap.3, and Miller, D., 'The Ethical Significance of Nationality', *Ethics*, 98 (4), 647-662.

²⁰ I borrow this term from Abizadeh, A. and P. Gilibert, 'Is there a genuine tension between cosmopolitan egalitarianism and special responsibilities?' *Philosophical Studies*, p.6. Abizadeh and Gilibert believe that some non-instrumentally valuable ends are *unconditionally* valuable. The rest are conditionally valuable in at least one of three of ways. They can have: a) Constitutive value – this is the case when the value of a relationship depends on the extent to which it is a necessary but constituent part of a higher non-instrumental end (such as well-being); b) Moral-conditional value – in this case a relationship's value depends on its existence not violating certain (deontic) moral constraints; c) State-conditional value – its value depends on the presence of some other state of affairs in the world.

be intrinsically valuable *and* premised on injustice.²¹ (Criteria (a) and (c) are listed as separate and mutually exclusive conditions on a relationship's duty-grounding ability). In this case an intrinsically valuable relationship would not be able to ground duties because its intrinsic value would be *outweighed* by the injustice caused by its existence. At other times he suggests that it is impossible for an intrinsically valuable relationship to be premised on injustice because the injustice would automatically deprive it of any intrinsic value it might otherwise have had.²² In this case there would be no question of the relationship grounding duties because this would already have been ruled out of the question by its lack of intrinsic value.

Whichever interpretation of the moral condition Miller does, in fact, prefer, it seems clear that the moral condition *is* a necessary condition of a relationship's ability to ground special duties. On the first interpretation, a relationship premised on injustice can fail to ground duties of justice even though it is intrinsically valuable. This is because any claims of justice that might have arisen are invalidated by the relationship's incompatibility with the wider concerns of justice and, therefore, the moral condition must be satisfied. On the second interpretation, a relationship can only be intrinsically valuable if it satisfies the moral condition on its value and, since a relationship must be intrinsically valuable if it is to ground duties of justice – for else we have no grounds for insisting that members fulfil their relationship-based obligations – then the moral condition must be satisfied.

I think the most plausible interpretation of the moral condition on a relationship's ability to ground duties of justice is the second, which sees it as a direct condition on the value of a relationship. It somehow seems implausible to suggest that a relationship that inherently involves injustice can, at the same time, be intrinsically valuable (and, as the quote from Miller (fn. 22) suggests, this is also what Miller himself believes). Clearing up this ambiguity is important for the overall coherence of Miller's argument and it is necessary to settle on a particular interpretation in order to fully reconstruct the moderate nationalist position. Fortunately, however, my objection to the moderate nationalist conclusion does not rest on any particular interpretation and therefore it should not matter if my preference for the second interpretation is considered controversial.

Having expounded the core ideas underlying Miller's approach I am now in a position to set out a formal reconstruction of the argument for the conclusion that co-nationals owe each other duties of justice simply in virtue of their shared nationality.

The reconstructed moderate nationalist argument for co-national duties

²¹ This can be seen by the fact that, in Miller's list of necessary conditions on a relationship's ability to ground duties of justice, condition (a) and condition (c) are listed separately. This implies that there are at least *some* intrinsically valuable relationships that are also premised on injustice.

²² 'So, for example', says Miller, 'a gang of boys, part of whose *raison d'être* is the bullying of weaker classmates, is not the kind of group to which one can have special duties; nor is the mafia; nor is a racist group that excludes members of the disfavoured races...The pervasive injustice that they generate *deprives them of such intrinsic value as they might otherwise have had*, so they are not the kind of attachments that can legitimately support ground-level special duties', Miller, *National Responsibility and Global Justice*, p.36 (emphasis added).

P1: The only empirical evidence we have that something is intrinsically valuable is that a majority of people do actually value it intrinsically.

P2: A majority of people intrinsically value their participation in a relationship with their co-nationals.

P3: Participation in a relationship cannot be intrinsically valuable if the relationship's existence is premised on injustice.

P4: The co-national relationship's existence is not premised on injustice.

Therefore:

P5: Participation in the co-national relationship is intrinsically valuable.

P6: People's lives go better if they participate in intrinsically valuable activities.

P7: We are morally justified in coercing people if doing so makes their lives better.

P8: It is only possible (in a practical sense) to coerce people into participating in a relationship if that relationship is constituted by generally acknowledged norms.

P9: The co-national relationship is constituted by generally acknowledged norms.

Therefore:

C: It is morally justifiable to coerce people into living according to the norms that regulate the co-national relationship.

The first four premises are required to get us to our sub-conclusion, at P5, that participation in the co-national relationship is intrinsically valuable. Much of the preceding discussion has been devoted to making explicit these moves which Miller makes only implicitly. The last four premises, P6, P7, P8 and P9, take us from the sub-conclusion to the final conclusion which says, essentially, that enforceable co-national duties do exist.

V. The endorsement objection to the moderate nationalist argument for co-national duties

Many things in the world hold intrinsic value for human beings.²³ The most immediately obvious are those things that all human beings require as a matter of

²³ I take the phrase 'intrinsic value' to refer to anything that is valuable in and of itself and not valuable as a means to some other end.

physiological necessity. But the list does not end here. A complete list of intrinsic goods, at least according to Miller, includes a whole range of other goods that are specific to (and only specifiable within) particular societies. 'Within each community there will be a shared conception of the range of activities that together make up a normal human life. Following a suggestion of Amartya Sen's, we might think of these as a set of functionings that each person is expected to be able to perform'.²⁴ Interestingly, one does not actually have to be a member of a particular society in order to see that people who *are* members of that society and who are unable to live according to that particular society's social norms are therefore unable to live minimally decent human lives. We have, says Miller, the 'capacity to recognise and acknowledge harm even when we do not ourselves subscribe to the norms in question. I may lack any religious commitments, but I can understand what it means to be a religious outcast in a society in which religion plays a central role in everyday life'.²⁵

Miller's reference to 'harm' here implies that individuals who fail to exercise intrinsically valuable functionings (fail to participate in intrinsically valuable activities) lead lives that are somehow impoverished. But he is aware that the only way for this harm to be effectively reduced is if each individual's participation in an intrinsically valuable activity is actively endorsed by that particular individual. Thus, even the value of such apparently fundamental goods as food and shelter will be left unrealised if their value is not genuinely endorsed by the relevant individuals. If someone denies himself food in order to make a political point, we do not make his life go better by forcing him to eat.

The upshot of this distinction between simple participation in a valuable activity and *endorsement of the value* of participation in that activity is that there no longer appears to be an obvious justification for forcing people to function in particular ways – even if there *is* general agreement about the value of these functionings. What justice demands is that people can function in these intrinsically valuable ways *if they so wish*. We do not say, in response to the man who goes on hunger strike, that justice demands that he be force-fed; the best we can do is to make sure that, should he decide to eat, there is food available.

If this is correct, and justice demands not that everyone should *actually* function in intrinsically valuable ways but that they should have the *potential* to function in intrinsically valuable ways if they so wish, it seems that the moderate nationalist argument proceeds too quickly to the conclusion that co-nationals have duties of justice to each other in virtue of their shared nationality. Up to this point I have accepted for the sake of argument the simplistic claim that participation in a co-national relationship is intrinsically valuable, but in the light of the endorsement objection this idea needs a more subtle formulation. We need to make a distinction between 'endorsement-dependent' and 'endorsement-independent' views of the value of participating in a relationship. The position being advanced here, according to the endorsement objection, is that participation in the co-national relationship is only valuable for each individual participant insofar as its value is positively endorsed by each individual participant. This is, clearly, an 'endorsement-dependent' view. And unless it is possible to somehow coerce individuals into endorsing the value of an

²⁴ Miller, D., *Principles of Social Justice*, (London: Harvard University Press, 1999), p.210.

²⁵ *Ibid.*, p.213.

intrinsically valuable relationship it seems, on the endorsement-dependent view, that the original moderate nationalist justification for coerced participation is no longer valid. If the value of participating in the co-national relationship is endorsement-dependent it is not open to the relevant duty-enforcing agency to say to people ‘trust us, the relationship you are rejecting is an objectively valuable one, and your life will go better if you participate’, for the reply would simply be, ‘it may well be valuable for some people, but being forced to participate in the relationship ourselves is precisely what prevents us from appreciating this’.

There are, then, two ideas at work in the endorsement objection. The first idea is that, even though we can come to some broad agreement on which particular things in life have intrinsic value, the fact remains that the *realisation* of this value can only come ‘from within’ the individual.²⁶ Intrinsic value is, in the current terminology, endorsement-dependent. The second idea is that we cannot bring about this ‘realisation of value from within’ through coercive means; we cannot force people into forming the ‘correct’ subjective response to intrinsically valuable functions.

It will be helpful to state these two constitutive ideas of the endorsement objection, and the conclusion they lead to, more formally.

The endorsement objection

P1: The realisation of the value of participating in the (intrinsically valuable) co-national relationship is endorsement-dependent – it only makes people’s lives go better if they genuinely endorse the value of the relationship.

P2: It is not possible to coerce people into genuinely endorsing the value of the co-national relationship.

C: We cannot justify coercing people into participating in a relationship on the grounds that it will make their lives go better.

I believe that the endorsement objection, as expressed here, constitutes a powerful objection to Miller’s moderate nationalist argument for co-national duties. There are, of course, several possible responses that must be rebutted before we can declare the objection successful, and it is to these responses that I now turn.

Responses to the first premise

In attempting to rebut the endorsement objection the most obvious strategy is to try and show that one (or both) of the premises are false. Let us start, then, with P1. It is hard to see how one could disagree with P1 directly. A supporter of the moderate nationalist argument might say, as does Miller, that people who attach no value to their membership in a relationship ‘have got it wrong...they are failing to recognise the value of something that does indeed have value’.²⁷ But simply repeating this mantra does not constitute an argument against P1. The virtue of P1 is that it explicitly *accepts* the intrinsic value of the relationship in question and, instead, insists

²⁶ C.f., Kymlicka, *Multicultural Citizenship*.

²⁷ Miller, *National Responsibility and Global Justice*, p.39.

that what actually makes people's lives go better is not the potential for the realisation of value but the actual realisation of value.

It is not, in any case, clear that someone who rejects the value of their national identity is 'failing to recognise' its value. Return for the moment to the person who goes on hunger strike in order to make a political statement. We do not say that this person has 'failed to recognise' the value of food; the political impact of his action lies precisely in the very fact that he is acutely aware of the value of food. The same may well be true in the parallel case of the person who decides that they can no longer endorse the value of their national identity. A woman might give up her national identity specifically because by giving up something she loves dearly she guarantees that her actions will have maximum impact. But we need not make the case so extreme. There are many more mundane reasons why one may decide that one's national identity is no longer valuable – it might conflict with other things one values more, or the relationship may, for one reason or another, have become difficult (but not unethical) for an individual to participate in. The point is, surely, that the identity is the individual's to give up in the first place.

Now, it might be conceded by the moderate nationalist that it is true, in the case of the man who goes on hunger strike, to say that he understands the value of food at the same time as rejecting his opportunity to realise its value. But, the reply continues, this is not so in the case of the woman who decides to give up her national identity. This is because, unlike national identity, food is not actually intrinsically valuable. Different types or flavours of food may have intrinsic value but, generally speaking, the value of food is instrumental – it enables us to do other things. National identity, on the other hand, is an end-in-itself. We do not merely value our national identity because it allows us to achieve other things (although this may also be true) but because of the value it has in and of itself. This is an important conceptual difference because it implies that, while it is possible to simultaneously recognise *and* reject instrumentally valuable goods, this is not so with intrinsically valuable goods. According to the response, it is conceptually impossible to exercise one's capacity to function in an intrinsically valuable way whilst at the same time rejecting the value of the exercise. This is, essentially, a rejection of the cogency of the endorsement-dependent/independent distinction; it is impossible to participate in the co-national relationship whilst denying that this participation adds value to one's life. P1 is false, according to this response, because the endorsement of one's participation in an intrinsically valuable relationship makes no difference to the value that such participation actually adds to one's life.

I think this response to the endorsement objection is unsuccessful. It may well be true that one is committed to a contradiction if one tries to reject the value of something that one has already endorsed, but it does not follow that mere participation in the co-national relationship makes the rejection of its value logically impossible. One of the strange things about relationships is that one can participate in them 'correctly' without experiencing such participation as valuable. There just is something in the nature of relationships that makes them the kind of good that can *only* be genuinely appreciated when participation in them is accompanied by endorsement. That this is so can be seen more easily by analysing smaller, face-to-face relationships. Recall the analogy Miller makes between the relationship that exists

between friends and the relationship that exists between co-nationals. Both types of relationship, according to Miller's argument, generate special duties. But it would seem extremely counter-intuitive to suggest that we could make people's lives go better by forcing them to be friends with people they dislike. Indeed, in the case of friendship, it seems contradictory even to talk about 'forcing someone to do something for their friend'. Part of what it means to be someone's friend, we might think, is that we *willingly* help them when we are able to. To transform the conventions of friendship into enforceable duties would not just diminish the intrinsic value of friendship, it changes the very meaning of the concept. If this is true, then we can say that not only does participating in a non-endorsed friendship *not* add value to one's life, but that it is no longer clear anymore that we are talking about 'friendship'. The truth of P1 as applied to friendship is shown by that fact that it is meaningless to talk about a 'valuable' friendship unless the parties to the friendship actually agree that it has value.

Of course, the moderate nationalist might continue, the analogy between friends and co-nationals only gets us so far. As we have seen, the obvious difference between the two which makes it more acceptable to enforce duties in the latter than the former case is that the co-national relationship, unlike friendship, is necessarily an impersonal relationship. The face-to-face nature of friendship makes it an obviously unsuitable and, indeed, unnecessary target for state interference. The co-national relationship, on the other hand, with the inevitable difficulties presented by trying to coordinate the actions of so many people, seems a much more suitable target. Can we not justifiably coerce people into fulfilling their co-national duties on the grounds that, without such enforcement, the familiar first-mover and free-rider problems will lead to the breakdown of the relationship?

The trouble with this response is that it smuggles a small but significant assumption into the argument for co-national duties. Whereas the original argument stated that the reason we are justified in coercing people into participating in the co-national relationship is that such participation will make their lives go better, the current response justifies coercive enforcement of participation on the grounds that it is necessary in order to solve the inevitable collective action problems that will arise from such a large-scale relationship. But this justification for coercion is parasitic on the notion that participation is valuable. The fact that the co-national relationship is unsustainable in the absence of coercion can only carry normative weight in the argument if it has already been established that there are no good reasons to prohibit coercion in the first place. Thus, the 'coordination problem' argument for enforcing co-national duties only succeeds on the presumption that coercing people's participation in the co-national relationship is permissible. And this is, of course, exactly what the endorsement objection denies.

Responses to the second premise

Having shown that the truth of P1 can be maintained against a number of objections I will now consider possible objections to P2. P2 is needed to complete the endorsement objection because, without it, it is open to the defender of the moderate nationalist position to concede the truth of P1 (and thus agree that the value of participating in the co-national relationship is endorsement-dependent) while arguing

that this does not rule out coercing an individual into participating in a relationship if by doing so we can actually bring about her endorsement of its value. P2 denies this possibility: 'it is not possible to coerce people into genuinely endorsing the value of a relationship'. But is this really true? If we can coerce participation, asks the moderate nationalist, why can we not coerce endorsement too?

The first rejoinder to this response is to recall what Miller says about the need to provide people with the 'capacity to function' in certain ways. In *Principles of Social Justice* Miller says, 'people are not forced to use what they are judged to need if they really find no value in a certain functioning'.²⁸ Notice that Miller is not saying here that what someone needs is determined by their subjective preferences. (In fact, according to Miller, what someone needs is largely determined by the social norms of their community). The argument is, rather, that once we have provided people with the *opportunity* to use what they need, it is up to them whether or not they take the opportunity. But, of course, if we stipulate that people have duties of justice towards their co-nationals, duties that are grounded in the relationship itself, then we are doing more than merely providing people with the opportunity to participate in a co-national relationship; we are *forcing* them to take this opportunity. And this seems to directly contradict Miller's statement that people are *not* forced to use what they are judged to need.

I will develop this line of argument in the penultimate section, below, when I consider possible alternative sources of the duties we have to each other. Our current concern is to try and work out what is causing this apparent ambivalence towards the idea of forcing people to function in intrinsically valuable ways.

The answer lies, I think, in the fact that, whereas in general we are not justified in forcing people against their wishes to function in various ways, the fundamental importance of intrinsically valuable goods means that we have to experience them properly before we can genuinely and legitimately reject them. This 'try before you buy' argument ('participate before you endorse' does not have quite the same ring) for coercing participation in intrinsically valuable relationships is described very nicely by Jeremy Waldron in an essay on Locke's argument for religious toleration:

Locke is relying on the view that practice – outward conformity to certain forms of worship – by itself without genuine belief is nothing but empty hypocrisy which is likely to imperil further rather than promote the salvation of the souls of those forced into it. But this is to ignore the possibility that practice may stand in some sort of generative and supportive relation to belief – that it too may be part of the apparatus which surrounds, nurtures, and sustains the sort of intellectual conviction of which true religion, in Locke's opinion, is composed.²⁹

The point is that the 'try before you buy' argument applies not just to participation in the co-national relationship but to any necessary component of a minimally decent human life. In Locke's day, one of the necessary components of a good life was religion, but there is no reason why we cannot include a whole range of other goods. Once we have decided what people need in order to live a minimally decent life, and we have provided the capacity for them to function in these ways, we

²⁸ Miller, *Principles of Social Justice*, p.211.

²⁹ Waldron, J., 'Locke, Toleration, and the Rationality of Persecution', in, *Liberal Rights: Collected Papers 1981-1991*, J. Waldron, (Cambridge: Cambridge University Press, 1993), 88-114, at p.111.

are also justified in forcing them to function in these ways on the grounds that no individual can categorically reject or endorse the value of something until he has had some *experience* of its value. Co-national duties, then, are justified because they ‘surround, nurture and sustain the sort of intellectual conviction’ that is a necessary prerequisite of genuine belief.³⁰

The ‘try before you buy’ solution to the problem of justifying co-national duties is obviously a long way from the theory Miller recommends. For one thing, it can, at best, only justify the temporary enforcement of duties. If the rationale for coercing people into participating in the co-national relationship is that they need to experience it before they can genuinely reject it, then there must be a point at which coercion ceases in order to allow for the possibility of rejection. And even if no one does in fact choose rejection, it remains true that the only way to test whether a policy of coercion has been successful at inculcating belief is to sporadically create opportunities for those for whom genuine belief has not been instilled to reject their duties. The question is then how long should we be able to force people to participate in the co-national relationship? It seems likely that wherever the limit is set it will be vulnerable to the criticism of arbitrariness.

These questions surrounding the details of the ‘try before you buy’ argument are, in the end, beside the point because, ultimately, Miller and other supporters of the moderate nationalist position are caught on the horns of a dilemma. If they decide to reject the endorsement objection out of hand (by rejecting P1 *and* P2) then they are committed to a theory that judges the value of the co-national (and other) relationships in people’s lives independently of the evaluation placed in these relationships by the actual participants. And, as I have already argued, to suggest that the value of participating in relationships is endorsement-independent relies on an extremely implausible interpretation of what it is that makes our relationships so valuable to us.

If, on the other hand, the supporters of moderate nationalism accept the first half of the endorsement objection (P1) and reject the second half (P2), they are thereby committed to the principle that genuine belief in the intrinsic value of relationship-participation *can* be coercively inculcated in people. But, unless this can be proved analytically beyond all doubt, which is surely impossible, the moderate nationalist must, at the very least, grant individuals a right to exit the co-national relationship and its concomitant duties – perhaps in the form of sporadic but recurring ‘national identity amnesties’ during which those whom the state has failed to convince of the value of the co-national relationship can leave the relationship and eschew the concomitant duties. Failure to uphold these national identity amnesties would surely

³⁰ I am actually sympathetic to this argument – but only when applied to non-adults. Once we have an agreed list of intrinsic needs, there is some sense in not simply providing children with the capacity to function in these ways but forcing them to actually *exercise* this capacity. However, it is debatable whether the ‘try before you buy’ argument is even applicable in the case of the co-national relationship. We do not normally think of children as having duties to their co-nationals (or, indeed, any duties at all), so it is not clear what we would be requiring them to do in order to participate in the co-national relationship. Perhaps we could think of it as a kind of nationality-lite, where, instead of having real duties to one another, schoolchildren would pledge allegiance to the nation and take part in a variety of national events aimed at showing them how valuable their national identity is to them. Of course, this kind of thing already happens in many countries, although the underlying rationale is no doubt different to the one I am proposing here.

be taken as an indication of the rejection of P1 after all and, ultimately, a retreat back to the endorsement-independent view of the value of relationship-participation.

VI. Implications of the right to exit

In response to the dilemma posited at the end of the last section it will surely be objected that, in the event of these so-called ‘national-identity amnesties’, many people will drop out of the co-national relationship, not for the genuine reason that they do not endorse the value of their national identity (although, obviously, this is what they will say), but rather on grounds of economic self-interest. Having enjoyed the instrumental benefits provided by the co-national relationship (including a background for deliberative democracy, social justice, and stable market conditions) there will be certain (predominantly wealthy) people who calculate that staying in the relationship will be more costly than leaving. Once these people are given the opportunity to exit, and discard burdensome co-national duties, some will be tempted to take it.

In response I must say that I have no doubt that this is a valid concern. However, it is, firstly, not clear to me why the remaining members of the nation would *want* to retain these nominally selfish people as co-nationals. Their exit does, admittedly, constitute a material loss for the national group. But putting this to one side, these people do not seem like the sort of people who make any intrinsically valuable relationship of which they are a part go better. We would not consider them good friends, so I am not sure why we would consider them good co-nationals.

Secondly, and much more importantly, I think we should question what it says about the moderate nationalist position (as I have described it here) that it *allows* these people to exit with their resources. If the right to exit really is an implication of the moderate nationalist position, perhaps what this tells us is that the position is flawed. After raising the endorsement objection and insisting on the endorsement-dependent view of intrinsic value, we find that the enforcement of co-national duties has to be relaxed, at least sporadically, in order to confirm that the intrinsic value of participation is actually being realised. But I do not think that the kind of ‘thick’ duties that, for proponents of moderate nationalism, constitute the co-national relationship should include an exemption clause. And as I hope is clear from the argument above, the answer to this problem is not to be found in revoking these exemptions from within the moderate nationalist framework. To do so would be to jump off one horn of the dilemma on to the other and commit ourselves to an implausible endorsement-independent view of the value of participating in a relationship.

There is an alternative to the moderate nationalist position that allows us to maintain an endorsement-dependent view of the value of relationships whilst also preventing those who might otherwise reject their national identity (and their co-national duties) from doing so – thus avoiding both horns of the dilemma. Having maintained a (suitably qualified) commitment throughout this essay to the view that the co-national relationship is intrinsically valuable, I continue to maintain this view here. But in doing so I suggest that this creates a general duty in us, either as citizens of a particular state or simply in virtue of our common humanity, to ensure that people have the *capacity* to participate in a co-national relationship *if they so wish*. It

is this *optional access* to a national identity that is the real implication of the intrinsic value of national identity, not coercively enforced participation (whether temporary or permanent).

The good of national identity is, by logical necessity, a norm with inter-communal validity. Thus, as an intrinsic need, its application is not subject to varying *intra-communal* idiosyncrasies that validate more specific needs within particular communities. The global validity of the ‘principle of the value of access to national identity’ suggests, therefore, that the duty to provide it falls on everyone in the world equally (in the sense that an equal *proportional* contribution is required). Nothing in my present argument hangs on this global interpretation. It is possible that the duty to provide access to a national identity could fall just as easily on citizens of particular states or on members of trans-national organisations such as the EU. The point to focus on is not how large in absolute terms the constituency of ‘providers of access to national identity’ will be but, rather, the fact that the class of ‘providers of access to national identity’ will always be at least equal to and usually larger than the class of members of any single nation – because it will include all the members of the nation in question plus however many individuals are institutionally affiliated to that nation.

This fundamental insight offers a new perspective on exactly where Miller’s argument goes wrong. Instead of using the idea of the intrinsic value of national identity (an idea that has external validity and thus, in principle, universal applicability) to justify a duty to provide access to national identity (a demand that also has external validity and thus universal applicability), Miller uses the idea of intrinsic value to justify co-national duties (demands which, by their very nature, only have internal validity and thus *member-only* applicability). This lack of coherence between the scope of the *justification* and the scope of the *duties* to which the justification applies is what leads to the dilemma discussed at the end of the last section.

It would be interesting to work out how much overlap there would be between the content of the co-national duties derived directly by Miller from the value of the co-national relationship and the duties derived indirectly by the theory I am setting out here. Presumably there would be some overlap (at least in the content of the duties if not the identity of the duty-bearers) because it is hard to see how people could be guaranteed access to a national identity if people did not have at least some of the duties to each other that they would have within the moderate nationalist framework. I do not have space to work out where the overlap between the two duty-sets recommended by these two positions would occur. Instead I will make one final remark.

I started this essay by surveying the range of possible conceptual relationships between justice in general and co-national duties in particular. I made it clear throughout that the position against which the endorsement objection is aimed is the moderate nationalist position. Having got to this point, we can see that the position I am arguing *for* is the one I called ‘weak cosmopolitanism’. Weak cosmopolitanism states that, whilst co-national duties may be *instrumentally* useful for achieving justice, they are not *constitutive* of the most basic and fundamental principles of justice. Thus, it is perfectly natural that there should be *some* overlap between the moderate nationalist and the weak cosmopolitan positions; both approaches, after all,

mandate some set of co-national duties. The difference is that, rather than stipulating that those who already have a national identity owe duties to their fellow nationals, the weak cosmopolitan approach recommends a set of duties be placed on *all* those who are deemed able and responsible for ensuring the provision of access to a national identity. How we decide who these people are is another matter entirely.

VII. Conclusion

The four aims I expressed in the introduction have now been achieved. First, I summarised the variety of possible conceptual relationships that can exist between basic principles of justice, co-national duties and co-national partiality. I then provided a clear and coherent interpretation of the most plausible version of David Miller's moderate nationalist argument for co-national duties. Next, I showed how Miller's moderate nationalist argument falls foul of the endorsement objection. Finally, I proposed a fundamental change to the justificatory basis for co-national duties and suggested that the weak cosmopolitan approach offers a more coherent explanation of this justificatory position than the moderate nationalist one.

I will conclude with a quote from Waldron that might help assuage any concerns that what we are left with, after the endorsement objection has done its work, threatens to drain our relationships, and particularly our relationship with our co-nationals, of the warmth and vigour that makes them worthwhile in the first place:

To retain the capacity to review our commitments, we do not always have to *holding something back* from them. Having the capacity to reflect means *being able to make an effort* when one needs to, to wrench away and construct the necessary psychological distance. It does not require a continuous reserve of commitment and energy which *could* have been associated with one's attachment but is not...having something to fall back on if an attachment fails may be a *condition* of being able to identify intensely with one's attachments, rather than something which derogates from that intensity.³¹

Waldron's point is that, to fully enjoy and appreciate the value of our relationships we need to have assurances that the protection of our interests is not dependent on our continued participation in any particular relationship or set of relationships. Miller's suggestion is that, by grounding justice in the value of our existing relationships we ensure that the demands of morality fit more closely with our sentimental attachments, and this may indeed make it easier for most people to act justly. But it will be impossible to achieve this moral-emotional synthesis for everyone. And, as is often the case, the suffering of those who do not fit in will tend to be greater than the benefits received by those who do. It is *because* relationships are so valuable to everyone in so many different ways and for so many different reasons that we need our background principles of justice to be independent of them. Rights, and their correlative duties, are important because they give us the freedom to genuinely endorse certain values and aim for particular ends. Human relationships comprise an important source of these values and ends, but they are *not* the source of the rights and duties.

³¹ Waldron, J., *Liberal Rights: Collected Papers 1981-1991*, (Cambridge: Cambridge University Press, 1993), pp.390-1.