

# Nationality as a ground for justice

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Abstract: At first glance, the imperative to treat all human beings according to equal norms and principles appears indisputable, with any deviation seen as an ethical transgression. The rational perspective dictates a uniform consideration of all individuals unless differential treatment is warranted by valid reasons, avoiding harm. Deviations from equal treatment are typically viewed as exceptions, and ethical frameworks acknowledging groundless differences between individuals seem unjustified. This poses a significant challenge to defending nationalism, which presupposes prioritizing compatriots over others. This dilemma engenders two opposing camps: universalism and particularism. Universalism argues that only general facts about others should determine one's duties towards them, while particularism contends that interpersonal relations play a crucial role in defining rights and duties. From the universalist standpoint, particularism is suspect, as it appears non-impartial and favors specific groups. In response, a particularist might argue that the virtue of impartiality is context-dependent, requiring unbiased behavior in specific situations. Thus, the particularist does not view universalism as indispensable to impartiality (Miller, 1997, 53-4). This abstract explores the ethical complexities surrounding these perspectives, particularly when faced with the nuances of nationalism.

Prima facie, it is uncontestable that we should treat all human beings based on equal norms and principles and any discrimination among them will be seen as a violation of ethical standards. The rational view requires that all human beings be considered similarly unless there's good reasons that the equal treatment will cause some of them harm<sup>1</sup>. At any rate, the unequal behavior is usually seen as an exception to the general rules and an ethical view that basically admits of the groundless difference between individuals seems to be unjustified. In this sense, defending nationalism that

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<sup>1</sup> like when the gender or age differences are at issue

presupposes the priority of compatriots over other people is a challenging work. It is essential to note that the term "nationality" is vague and historically may have different references. However, exploring this aspect is beyond the scope of this paper. For further insights into this issue, refer to: (Hashemi, 2022).

This problem gives rise to two opposite camps, i.e. universalism and particularisms. Universalism is the view that only general facts about others determine my duties towards them, whereas particularism states that interpersonal relations are significant in determining rights and duties. From the universalist's point of view, particularism is questionable as it is not impartial and shows preference for a particular group of people. A particularist may respond to this critique saying that the virtue of impartiality is context-based and requires an unprejudiced behavior in a particular context. To wit, a particularist doesn't see universalism as essential to impartiality (Miller, 1997, 53-4).

The question behind the universalism-particularism controversy is that to what extent a moral agent is allowed to act according to his personal motivations and sentiments? If one has a passion for a specific group of people, is it morally legitimate to let his emotional attraction for them affect his conduct or is he expected to act uniformly in all circumstances on the basis of fundamental formal principles? Particularists are of the position that one's membership in a group or community imposes a lot of obligations upon him that goes beyond his usual duty toward ordinary people. Miller provides some reasons in favor of particularism, insisting mostly on the importance of the solidarity of the group:

First, once one identifies with a group, his goals and purposes are aligned with the general interests of the group. The concern regarding the conflict between the individuals' interests is legitimate as it may threaten the unity of social entities and cause disparity among their members. Second, helping

the members of the group is not a one-sided contribution for fulfilling the goals of the group. Rather, one's membership in the group is also beneficial to him in that his contribution to the group establishes a social interconnections that in turn benefits him. One's respect for other's interest is seen as a reciprocal recognition that solidifies the mutual ties among group's members. Thus, particularistic relationships, by reducing the conflict between individual's interests and the interests of others in the group, make the ethical behavior much easier. Finally, group communities are natural sites required for more formal systems of reciprocity and cooperation (Miller, 1997, 66-8).

What stands out in Miller particularistic defense of nationalism is his view that people gain a feeling of belonging to the nation and their compatriots and this fosters the sense of cooperation among the people and gives rise to the overall well-being of the society. On the contrary, universalists hold that marking a border between groups and promoting the feeling of belongingness among individuals produces antagonism and injustice, therefore national demarcations is objectionable. In my view, nationalism can be viewed in two ways: as an alternative against the impartial demands of global justice (what universalists maintain), or as a fundamental condition for having any sort of justice at all. In what follows, I will give three reasons to uphold the second line of thought:

1. First, The particular relations can be seen as concrete contexts in which universal values are realized. In this sense, they have no justification on their own, but are justifiable in their contribution to realization of another purposes. If we look at the particular relations in this way, there would be no essential conflict between the universalism and particularism. There are moral grounds for having particular duties towards one's countrymen because these moral duties are justifiable on the ground of the ethical principles that are acceptable for all residents of the world. The reason for upholding the nationalism from this perspective is that the moral values that are

universally posited, find their concrete realization in the particular relations more efficiently compared to the case in which a moral agent performs his duty in an abstract setting where there are merely potential beneficiaries. In other words, the concretization in a particular setting ensures the effectiveness of universal “ought” for having a just society. Setting moral obligations for individuals within their local communities goes hand in hand with their universal duties. When man serves the goals of their nations and contributes to the well-being of his compatriots, he is at the same time realizing the ideal of global justice on a local level. Martha Nussbaum views the localization of ethics as a necessary move without which there’s no possibility for doing any good. She even denounces a sense of cosmopolitanism in which we are responsible towards our all individuals around the world equally:

If I tried to help all the world’s children a little bit, rather than to devote an immense amount of love and care to Rachel Nussbaum I would be no good at all as a parent (Nussbaum, 1996, 136).

In spite of this, she believes that all human beings are “of equal moral worth” and the demand for loving our family members and compatriots is a practical necessity rather than a claim for moral privilege of countrymen over other nations. For example, a trained psychotherapist, out of humanitarian reasons, is going to give free counselling sessions for those who are suffering severe psychic traumas but cannot afford the regular costs for receiving psychotherapy. If this offer is exclusively given to English-speaking patients, that doesn’t mean that they are unjustly privileged over non- English-speakers due to their national or language background, rather the therapists’ inability to speak other languages forces him to provide this offer just for his co-nationals. Such practical limitations has nothing to do with the individual’s impartiality or injustice. It is not the

matter of moral priority of one nation over the other, rather those universal moral claim are meaningless unless gain their realization in a local setting:

A morally arbitrary boundary such as the boundary of the nation has a deep and formative role in our deliberations (Nussbaum, 1996, 14).

2. As a second argument, we should advert to the condition for the possibility of the relationships in the society. This is an important issue for the problem at stake because the value of justice works like an underlying value based on which other values can be achieved in a fair way. Justice is a general condition that enables every individual to pursue his own values in a just situation in which everyone enjoy equal opportunities and the interpersonal relationships are governed by impartial rules of behavior. But the extreme requirement for impartiality contradicts this notion of justice because it forecloses the interpersonal relationships and individualizes people exceedingly. In the cosmopolitan view, people are taken as isolated human beings who are equally entitled to some basic rights. Now, should see how removing differences leads to annihilation of relations.

The man who forge relations with other individuals has no reason to do so if he doesn't attach special values to others. That is, against what this version of cosmopolitanism assumes, the possibility of any relationships presupposes that the participants in that relationship be seen differently from ordinary people and this unequal treatment attaches a special value to the group. Seeing a relation as value-bearer in a certain way, obliges the agents to treat the participants in the relationship differently. Relationships gives sufficient reason for unequal treatment and even above and beyond that, relationships cannot even exist if their participants find no reason to treat each other differently from those who lie outside the realm of relationship (Scheffler, 1999, 266). This explanation can be further testified given the example of marriage. In this instance, the

couples find in each other an extraordinary characters which gives them sufficient reason to attach a special value to each other, a value that is a source of unequal treatment.

The cosmopolitan argument that can be made against Miller goes as follows: as individuals are morally equal under all circumstances and this requires us to treat them equally, therefore we should treat all individuals equally under all circumstances. According to what was argued, the fact that people are morally equal doesn't entail that we ought to treat them equally, because the relationships are an important sources of action that find their ground on an unequal values that participants of the relationships attach to each other. Therefore, if relationships are morally insignificant and there's no reason for an unequal treatment due to relationships, then there would be no community. Knowing that justice is a community-based value, cosmopolitan demand for equality is self-destructive because it denies the very condition of its own existence.

3- It also should be stressed out that individuals begin to absorb the ethical values and learn how to develop humanitarian attitude in themselves first in their initial encounter with their immediate relatives and then in their circle of friends. The cosmopolitanism's assumption that one can behave according to the value of justice without giving any priority to his close fellows is absolutely impractical because individuals' mutual feelings play a crucial role in shaping their moral character. Overlooking the emotional ties among an individual and his alter ego and calling for indifferent treatment, prevents the individual from assimilating moral values. That is to say, feelings and emotions among members of primary groups are inseparable from moral education and national and group ties are the very basic contexts that facilitate inculcation of moral values. In this way, the compatriots are prioritized because the emotional ties between countrymen and countrywomen is an inseparable element in moral education in general. Considering that emotional ties are determining factors in instilling the values in children, first we should teach our children

to care about their close relatives and treat them in a fair way and then ask them to attune their moral framework to the impartiality that is required by universalists, as far as possible, and not the other way around. Therefore, universalists have no way other than accommodating this degree of impartiality in their notion of justice.

In conclusion, nationality is an inevitable prerequisite for fostering the moral values including the value of global justice. The priorities that are given to co-nationals are inevitable cost that should be paid in order to realize the global justice in an international setting. Therefore, nationality should be deemed as a necessary precondition for any concept of justice, rather than its opposite.

#### **References:**

- Hartney, Michael, "Some Confusions Concerning Collective Rights," *The Canadian Journal of Law and Jurisprudence* 4 (1991)
- Bentham, J. (1789). *An Introduction to the Principles of Morals and Legislation*. London: T. Payne and Son.
- Hashemi, A. (2022). How Does a Theoretical Term Refer? *Axiomathes*, 32, 957–968. <https://doi.org/10.1007/s10516-021-09555-6>
- Mill, J. S. (1869). *On Liberty*. London: John W. Parker and Son.
- Mill, J. S. (1859). *On Liberty*. London: John W. Parker and Son.
- Mill, J. S. (1848). *Principles of Political Economy*. London: John W. Parker.
- Mill, J. S. (1861). *Considerations on Representative Government*. London: Parker, Son, and Bourn.
- Miller, D. (1997). *On Nationality*. Oxford: Oxford University Press.
- Nussbaum, M., et al. (Eds.). (1996). *For Love of Country: Debating the Limits of Patriotism*. Boston: Beacon Press.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Scheffler, S. (1999). Conceptions of Cosmopolitanism. *Utilitas*, 11(3), 255-276.

Smith, A. (1776). *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: W. Strahan and T. Cadell.