

# **Countries, Compatriots, and Associative Duties**

**Robbie Arrell**

**Monash University**

## **Abstract**

Some philosophers focus exclusively on special relationships between individuals and the special reasons and duties of partiality they generate, but for others, the story of what might be called ‘ethical partiality’ does not end there. In particular, some commentators argue that the duties we owe to countries/compatriots are ‘associative duties’, putatively similar in form to the duties we have in virtue of being parents, children, friends, lovers, etc. However, there appears to be something more troublesome about the claim that individuals have duties of partiality towards co-members of their communities than there is to the claim that individuals have duties of partiality towards their nearest and dearest. In this paper I suggest one respect in which we are right to be troubled by such claims. I argue that we cannot have *associative* duties to our countries/compatriots; and that this is so whether we are said to have these duties in virtue of the value we attach to our places of citizenship/co-citizens, our nations/co-nationals, or our *patriae*/fellow patriots.

## **Introduction**

Some philosophers focus exclusively on special relationships between individuals and the special reasons and duties of partiality they generate, but for others, the story of what might be called ‘ethical partiality’ does not end there. In particular, some commentators argue that the duties we owe to countries/compatriots are ‘associative duties’, putatively similar in form to the duties we have in virtue of being parents, children, friends, lovers, etc. However, there appears to be something more troublesome about the claim that individuals have duties of partiality towards co-members of their communities than there is to the claim that individuals have duties of partiality towards their nearest and dearest. In this paper I suggest one respect in which we are right to be troubled by such claims. I argue that we cannot have *associative* duties to our countries/compatriots; and that this is so whether we are said to have these duties in virtue of the value we attach to our places of citizenship/co-citizens, our nations/co-nationals, or our *patria*/fellow patriots.<sup>1</sup>

By citizenship, what I have in mind is the purely legal status based on for example place of birth, or naturalisation that can, but need not, coincide with subjective attachment to one’s place of citizenship. Both patriotism and nationalism by contrast necessarily entail a crucial subjective component, and following Igor Primoratz we can distinguish patriotism from nationalism primarily in terms of the object to which the subjective attachment and special concern cleaves. Thus, the *patria*, as the specific object of patriotism, references the territorially defined political community with which the patriot identifies, and the *natio*, as the object of nationalism, references the nation with which the nationalist identifies on a specifically ethnic or cultural basis (leaving aside more political or civic conceptions of nation) (Primoratz, 2013: §1.2). Whilst there can be significant overlap between what it is to be a citizen, a co-national, and a fellow patriot, there need not be. One may subjectively identify as a patriot or a nationalist of one country whilst being a citizen of another (e.g. Northern Irish UK citizens who identify themselves as being Irish); one may subjectively identify as a member of a political or national community within a polity the objective membership of which one disdains

---

<sup>1</sup> Some of the authors’ works I address here focus on citizenship duties (Mason, 1997; Honohan, 2001; Lazar, 2010; Seglow, 2010, 2013); others refer more broadly to political obligations (Horton, 2006, 2007; Simmons, 1996; van der Vossen, 2011), whilst still others speak in specific terms of duties of patriotism (Moore, 2009; Primoratz, 2009) and some of co-national duties (Miller, 2010; Moore, 2001).

(e.g. pro-*Independencia* Catalans); or indeed one may be a citizen of one country but a patriot or nationalist of none. These definitions are far from comprehensive, but as will become apparent, it is the distinction between subjective and objective membership upon which much turns in the various arguments I posit in this paper. When speaking generally, I will treat ‘compatriots’ as an umbrella term for co-citizens, co-nationals, fellow patriots and ‘country’ as an umbrella term for polity, nation and *patria*. Otherwise, I will use the appropriate terms explicitly.

Although I reject the existence of associative duties towards our countries/compatriots, I do not deny that we may owe them *non*-associative special duties, or that we have political obligations at all, as some have (Simmons, 1996: 264).<sup>2</sup> But whether associative or special,<sup>3</sup> or whether the focus is on political duties, citizenship duties, duties of patriotism or duties of nationalism, the puzzle to which all commentators must attend is essentially the same: why does *my* relationship to *my* country/compatriots generate special reasons and duties towards it/them *for me*, whilst *your* equally valuable relationship to *your* country/compatriots does not?

Some proponents of special duties to countries/compatriots have sought to solve this puzzle by appeal to principles such as assigned responsibility, reciprocity, gratitude, etc. Robert Goodin for example suggests that it is because I am better situated to effectively execute general obligations to my fellow compatriots than I am to execute general obligations to your fellow compatriots that it makes sense that I should be assigned special responsibilities to discharge my general obligations to my compatriots but not yours (1988: 678-679). Yet, it is unclear why the most effective way of discharging moral obligations is to assign them to compatriots, as opposed to all individuals who normally reside within the territory and legal jurisdiction of my country. The reciprocity-based solution says it is because I participate in a mutually advantageous cooperative enterprise with my compatriots but not yours that I have duties of reciprocity to my compatriots and not yours. But then, what of infants, or the severely mentally disabled? Given that their contribution to mutual advantage may be non-existent

---

<sup>2</sup> I do not distinguish duties and obligations as some do (Brandt, 1964; Hart, 1955: 179 fn.7; Lazar, 2010: 246)

<sup>3</sup> Although associative duties are properly speaking ‘special duties’, wherever I refer to the latter, they are to be construed as *non-associative* special duties.

(through no fault of their own), this argument seems to have the unintuitive implication that we would have no special duties towards them (Mason, 1997: 434). The gratitude-based solution suggests that since my relationship to my country/compatriots bestows on me certain goods that your relationship to your country/compatriots does not, I owe a debt of gratitude towards my country/compatriots that I do not owe yours. However, as Primoratz points out, this claim is undermined ‘by the fact that many (if not most) of the benefits one receives from one’s country are not gifts, but rather things one has earned or paid for’ (2009: 63).

This does not exhaust the grounds philosophers have posited as solutions to the puzzle, and indeed the briefly stated objections to them may not be infeasible, but the only solution I am concerned to refute in this paper – the one that, if successful, establishes political duties as genuinely *associative* duties – is that which says I have duties towards my country/compatriots that I do not have towards your country/compatriots because my relationship to my country/compatriots is intrinsically valuable to me in a way that your relationship to your country/compatriots is not. In generic form, this ‘associative argument’ may be summarised thus:

- P1: Our relationships to our countries/compatriots are intrinsically valuable;
- P2: To be part of an intrinsically valuable relationship just is (amongst other things) to have associative duties towards those with whom you share it (these being partially constitutive of, and indeed justified by, the very value of those relationships);
- C: Therefore we have associative duties to do things for our countries/compatriots that we do not have towards other countries/non-compatriots.

In the first section of this paper, I suggest that we do not *intrinsically* value our relationships to our countries/compatriots. In the second, I reject the claim that we can have associative duties to nations/co-nationals or *patriae*/fellow patriots on the basis that even allowing that we do intrinsically value national or patriotic attachments, since what we value is not our *relationships* to our nations/co-nationals or *patriae*/fellow patriots, but rather the central role of them in our identities construed in terms of personal projects, these attachments are incapable of generating *duties*.

In the third section, I reject the claim that we have associative duties to our polities/co-citizens. In doing so, I reject various specific associative duties to polity/citizens authors

have posited: associative duties to protect and improve the political institutions of our countries (Lazar, 2010); associative duties of special concern (Mason, 1997; Moore, 2009); associative duties to obey the laws of our countries (Seglow, 2013); and associative duties to participate in our common public life (all). I reject the first three for independent reasons, but the problem that afflicts the last, afflicts all: even allowing for the sake of argument that we can *intrinsically* value our *relationships* to our polities/co-citizens, the special reasons we would have as a result, being hostage to the subjective evaluative will of citizens who bear/reject them, could not be associative duties.

In the fourth section, I assume the truth of the first premise of the ‘associative argument’ despite all of the preceding arguments to the contrary and assess premise 2 – what I term the ‘Constitutive Condition’: that ‘to be part of an intrinsically valuable relationship just is (amongst other things) to have associative duties towards those with whom you share it (these being partially constitutive of, and indeed justified by, the very value of those relationships)’. I reject the Constitutive Condition as a claim about special relationships generally, arguing that associative duties are not straightforwardly constitutive of intrinsically valuable relationships as conventionally assumed. The upshot of this is that even if we did *intrinsically* value our *relationships* to our countries/compatriots, and even if we could not, by acts of our subjective evaluative will, divest ourselves of the duties thereby generated, the occasions when the further condition of instrumental necessity required to trigger associative *duties* would obtain would be so limited as to strip the argument of any practical import.

### **Do we intrinsically value our relationships to our countries/compatriots?**

As a matter of fact, we often do see ourselves as obligated to our countries/compatriots in ways we are not to other countries/non-compatriots. Of course, it does not necessarily follow from the fact that we *feel* obligated that we actually are (Dagger, 2000: 108); that we are not labouring under a kind of ‘false consciousness’ (Simmons, 1996: 264). But nor does the bare possibility that we may be suffering some mass delusion establish that we are mistaken to feel obligated either (Horton, 2006: 431). Indeed, the accusation of slippage from felt to actual obligations seems more a blunt denial of the associative argument rather than an argument against it, at least if we interpret how we feel about our countries/compatriots as indicative of *how we value them*, since it is precisely this

that is said to explain our obligations on the associative argument (van der Vossen, 2011: 483).

In any event, it is hardly surprising that we commonly feel specially obligated to our countries/compatriots; there are, after all, a great many tremendously valuable goods like ‘order, security and some measure of social stability’ (Horton, 2007: 8), amongst others, that we enjoy in virtue of being members of polities that might be otherwise unrealisable in the world as presently situated. We need not deny that membership of a polity is immensely valuable, nor that the realisation of this value is perhaps partly dependent on the fulfilment of some political duties of the sort we commonly take ourselves to have. But none of this commits us to an associative rather than a special solution to the particularisation puzzle. It is perfectly plausible to suppose the obligations many of us feel towards our countries/compatriots derive from some/all of the grounds just mentioned (e.g. gratitude, reciprocity, assigned responsibility), perhaps as part of a multi-grounds model of political obligation.<sup>4</sup> Thus, you might consistently deny you intrinsically value your relationship to compatriots while recognising the various very real ways in which your fates are interconnected, and believe that this generates significant positive civic duties towards them.

Nevertheless, we commonly exhibit a special concern for our countries/compatriots in ways that suggests we *do* value our relationships to them intrinsically (or at least not purely instrumentally). And perhaps, as Jonathan Seglow writes, if we are convinced of the claim that ‘more proximate relationships can embody moral value, then it seems somewhat arbitrary to rule out citizenship as a relationship too large to do so too’ (2010: 58). In particular, to say we cannot intrinsically value our relationships to our countries/compatriots because we are not intimately acquainted might seem especially arbitrary, particularly if we grant that we intrinsically value other ‘imagined communities’ such as religious associations, professional associations, football supporter societies, or local communities. Some authors even suggest that unless compatriots *do* intrinsically value their membership of their political communities and

---

<sup>4</sup> Although none of these ‘solutions’ are without their own problems, it is not obvious that we need a single grounds model of duties to countries/compatriots; that we could not have a multi-grounds model where overlapping principles would paper over each other’s cracks. Indeed, I think this must be the case, although I will not argue for it here. If the arguments of this chapter are correct though, intrinsically valuable relationships to country/compatriots cannot be even one of the grounds of such a model.

take themselves to owe them associative duties, those communities will struggle to function effectively. Iseult Honohan for example thinks it ‘seems implausible that citizens may be effectively bound together by only a vertical commitment to principles or institutions’ (2001: 54). David Miller argues that ‘the instrumental value of nationality...is parasitic on its intrinsic value in the following sense: compatriots must first believe that their association is valuable for its own sake...in order to be able to reap the other benefits that national solidarity brings with it’ (2010: 384). And John Horton believes the generic goods of polity membership to be dependent on citizens feeling a sense of shared community or identifying with each other. Horton recognises that what he calls the objective and the subjective can come apart, but bemoans this as leading inevitably to apathy, cynicism and political alienation:

No doubt a polity can survive a measure of these dysfunctional attitudes, at least under relatively favourable circumstances. However, if extensive, persistent and deep-rooted, the bonds of a polity will in time be corroded; and, ultimately, even its ability to secure the generic good of a polity will be undermined (Horton, 2007: 14).

For these authors then, it is not just that this is how we actually do value our communities, but also how we must value them if they are to function effectively.

Of course, all would perhaps concede that even if true, the mere fact that we intrinsically value our relationships to our countries/compatriots does not suffice to show that they *are* intrinsically valuable. But as Miller writes:

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 (Miller, 2010: 385).

Are people’s actual valuations misguided? Is, as Veit Bader sceptically ponders, ‘a compatriot – the common mix of a co-national (common fate, shared language and culture) and a co-citizen (membership in a liberal democratic state) – really just a stranger?’ (2005: 90).

In response to Bader’s question, I am inclined to say yes, agreeing wholeheartedly with Iris Marion Young who wrote: ‘Politics must be understood as a relationship between strangers’ (1990: 234). Someone I have never met is someone I have never met – it scarcely matters if they live one street away from me (making them a member of my

neighbourhood, my community, and potentially my polity, my nation, my *patria*, etc.) or if they live 2000 miles away. I cannot intrinsically value a relationship that I do not have with a stranger whose existence I am not even aware of – someone that has simply never even crossed my moral radar – no matter how many characteristics and attributes I share with them. Surely the time of what Shue called concentric circles of moral responsibility<sup>5</sup> defined by physical proximity is long past (1988: 693).

In order to flesh out the claim that there is nothing *intrinsically* valuable about the relationships between individual compatriots *qua* compatriots, consider Igor Primoratz's adaptation of Bernard Williams' well known 'one thought too many' argument (2009: 65-66). Crudely put, Williams' original argument was designed to show that, if faced with the choice of saving the life of a drowning stranger, or that of my wife, I would be justified in choosing to save my wife because "she is my wife!", and recourse to any further justification would amount, quite simply, to 'one thought too many' (1981: 18). In his assessment of Andrew Mason's claim that co-citizenship generates associative duties internally related to the intrinsic value of co-citizenship (1997: 442), Primoratz employs the same hypothetical scenario, only this time implanting a fellow compatriot in the place of the wife. Now we are asked whether, upon deciding to save your compatriot over the non-compatriot, "she is my compatriot!" is adequate justification in itself, as in the original wife-case. Intuitively, the answer seems to be no, which would seem to undermine the thought that relationships between compatriots *qua* compatriots are intrinsically valuable or capable of grounding associative duties comparable to those which permeate other special relationships, such as that of husband and wife (Primoratz, 2009: 66-67).

### **Do we have associative duties to nations/co-nationals or patriae/fellow patriots?**

I think Primoratz's argument strongly supports the response to Bader's question that I favour: that we do not *intrinsically* value our relationships to strangers who happen to be our co-citizens/co-nationals/fellow patriots. Nevertheless, Miller's

---

<sup>5</sup> The concentric circles picture of positive obligations rests on the assumption that such obligations decline in priority as one reaches circles farther away from the centre (i.e. from: family→friends→neighbors→community→nation→distant foreign strangers). What is wrong with this picture, according to Shue, is not that it highlights a centre of intimates as such, but that there is insufficient reason to think that our positive obligations towards strangers decline progressively with their distance from us (1988: 692-693).

phenomenological observation that many of us do not value our own nations and/or *patriae* purely instrumentally would seem to remain largely intact (there will perhaps be less consensus regarding the way we value citizenship, so the focus of this section is solely on associative duties to co-nationals/fellow patriots). So presumably the onus remains on me to show why our valuations are misguided. However, I need not show this; indeed I share the view that shared national, and/or patriotic identity often does have basic ethical significance for us such that we might be said to intrinsically value it. But to say as much is not to concede that we intrinsically value our relationships to our nations/co-nationals or *patriae*/fellow patriots. Rather, it is to say that Primoratz's proposal 'to use the idea of "one thought too many" as a *test* for finding out whether a relationship is indeed valuable in itself' (original emphasis) (2009: 66) is too quick in presuming that it is the *relationship* that is valued, and not something else. As Simon Keller observes, the implicature of "she is my wife/compatriot!" is somewhat less clear than this suggests, for:

you could be interpreted as implicitly adding, 'which of course means I share with her an intrinsically valuable relationship', but you could just as well be interpreted as implicitly adding, 'which of course means that she has a central place in my ground projects', or 'which of course means that I am especially concerned with her value as an individual in her own right' (Keller, 2013: 74).

The last interpretation whilst perhaps plausible with regards to your wife (although my rejection of the Personal Theory entails rejection of this interpretation), seems clearly unsuitable as regards your compatriot. And of the two remaining options, the Agential Theory interpretation in the compatriot-case seems much closer to the mark than The Relational Theory interpretation.

If this is correct, the actual solution to the particularisation puzzle most proponents of associative duties to co-nationals/fellow patriots posit, is really this: the reason *my* attachment to Ireland/Irish compatriots generates associative duties *for me* in a way that other people's national/patriotic attachments do not, is not because I intrinsically value my *relationship* to Ireland/Irish compatriots exactly, but rather because I intrinsically value being Irish (where being so takes a central place in my ground projects as a defining pillar of my identity) and subjectively identify with Ireland/Irish compatriots in an ethically significant way that I do not with other countries/non-compatriots. On this view then, the onus Miller places on me to show why people's actual valuations are

misguided is displaced. It does not follow from the claim that people do not value their *relationships* to their nations/co-nationals or *patriae*/fellow patriots intrinsically, that their actual intrinsic valuations of them are misguided. All it means is that the source of their reasons for valuing them so is not their *relationship* to them, but their personal projects.

However, this is not an insignificant difference, for whilst my subjectively identifying as an Irish patriot can ground special reasons of partiality towards Ireland/Irish compatriots, it cannot ground associative *duties* of partiality. As I argue elsewhere, only relationship-dependent reasons can translate into associative duties of partiality and my special reasons of partiality towards Ireland/Irish compatriots, being grounded in my identity, are not relationship- but project-dependent. Thus, although I may have project-dependent reasons of permissible partiality towards Ireland/Irish compatriots, since personal projects are incapable of generating *duties*, acceptance of this portrayal entails rejection of associative duties to co-nationals/fellow patriots. And indeed, this mirrors Primoratz's conclusion: whilst it does not appear to be morally *obligatory* to save your drowning compatriot in the same way as it is for your wife, it may still be morally *permissible* to opt to save them (Primoratz, 2009: 66). However, when queried as to the reasoning behind your decision, it seems you would need to produce reasons beyond "she is my compatriot!" to justify your choice. And one such reason might be that, faced with the difficult choice of having to save one or the other, your ability to identify with your compatriot more than the stranger swung the decision in her favour. Moreover, as Primoratz points out, offering up such justification would not seem to be 'one thought too many' (2009: 66). In sum, to deny that our *relationships* to our countries/compatriots are intrinsically valuable is not to deny them any ethical significance whatsoever; it is just to say these attachments are not ethically significant in the requisite sense to generate associative *duties* of partiality.

### **Do we have associative duties to polities/co-citizens?**

Perhaps wary of this problem with associative duties to co-nationals/fellow patriots, some authors have alternatively sought to establish associative duties to co-citizens, usually by identifying broadly acknowledged duties of citizenship, and then showing them to be justified by appeal to the intrinsic value of liberal citizenship, independent of subjective identification. Their solution to the particularisation puzzle then, turns on a

claim about *the way we value* citizenship:<sup>6</sup> your relationship to your polity/co-citizens may be just as extrinsically valuable as my relationship to my polity/co-citizens, but my citizenship generates associative duties for me in a way that yours does not, because I have reason to intrinsically value my relationship to my polity/co-citizens in a way that is different, not from the way you intrinsically value your relationship to your polity/co-citizens, but from the way *I* value your relationship to your polity/co-citizens.<sup>7</sup>

Why then do we have reason to value our relationships to our polities/co-citizens intrinsically? In the first place, it might be responded that to demand an explanation of why we have reason to value our relationships to our countries/compatriots intrinsically is somewhat unfair since explaining why we value relationships intrinsically is not something proponents of associative duties are very clear about generally. Indeed, the thought is often that intrinsic value arguments mark the limits of explanation such that no answer to the question why we value a relationship intrinsically is possible. At some point, it looks like we have to say that we *just do*. This has some plausibility as regards relationships like friendship; that to be someone's friend *just is* to value your friendship with them intrinsically. If you do not – if you value your friendship with them merely instrumentally – then we tend to say you are no friend at all, or at least that you lack understanding of what friendship is. So perhaps proponents of associative citizenship duties may say the same: we *just do* have reason to intrinsically value our polities/co-citizens. However, it is much less obvious that to be a citizen *just is* to value your relationship to your polity/co-citizens intrinsically. At least, if you do not – if you value your citizenship merely instrumentally – then it is not obvious that we would say you are no citizen at all (indeed, to say as much would be clearly false given that citizenship is a legal status based on place of birth or naturalisation), or that you lack understanding of what citizenship is (Primoratz 2009: 65).<sup>8</sup> But if the claim that to be a citizen just is

---

<sup>6</sup> As I have stressed throughout this thesis, even though we can value relationships intrinsically, they can only *possess* extrinsic value, so their claim cannot be that the relationship of citizenship itself *possesses* value solely in virtue of its intrinsic properties.

<sup>7</sup> The phrasing in terms of '*reason* to intrinsically value' is important here. We can after all fail to intrinsically value relationships we have reason to value (and thus have reasons and duties of partiality we believe we do not), and we sometimes intrinsically value relationships we have no reason to (and thus do not have the reasons and duties of partiality we believe we do). As such, the relationships that generate special reasons and associative duties are only those that we have *reason* to value intrinsically (i.e. in the case of personal relationships those constituted by the good of modally robust special concern – the good which explains *why* we have reason to value them).

<sup>8</sup> Perhaps to be an Irish patriot or a nationalist 'just is' to intrinsically value being Irish or 'just is' to have a special concern for Ireland/Irish people, but: (1) the arguments under discussion here are meant to apply

to intrinsically value one's relationship to one's polity/co-citizens does not satisfy, proponents of associative citizenship duties must offer an explanation of why we have *reason* to intrinsically value our relationships to our polities/co-citizens. So what, according to the proponents of associative citizenship duties, *is* the good of citizenship that gives us reason to value it for its own sake?

One of the authors whose arguments I will consider, Andrew Mason, writes:

Citizenship has intrinsic value because in virtue of being a citizen a person is a member of a collective body in which they enjoy equal status with its other members and are thereby provided with recognition. This collective body exercises significant control over its members' conditions of existence (a degree of control which none of its members individually possesses). It offers them the opportunity to contribute to the cultural environment in which its laws and policies are determined, and opportunities to participate directly and indirectly in the formation of laws and policies (1997: 442).

So for Mason it seems, we have reason to intrinsically value our relationships to our polities/co-citizens, and thus bear associative duties towards them, because in virtue of shared citizenship we enjoy 'equal status (standardly, equal political rights)' (1997: 443), recognition, and the ability to significantly shape our collective conditions of existence.

In his paper 'A Liberal Defence of (Some) Duties to Compatriots' (Lazar, 2010), Seth Lazar writes that:

In general, the sense that we are respected as an equal helps to secure for us the bases of self-respect...in doing political, distributive, and criminal justice, our citizens affirm our moral competence, the importance of our lives going well, and our inviolability to unjustified harms. Each of these gives us the invaluable sense that we matter, [and] that we have dignity in the eyes of others...It is the feeling that we are equals that is such an important part of our well-being, and likewise it is the feeling that our opinion matters, and the fact that we respect one another's moral liberty, that makes political justice non-instrumentally valuable, and the same goes for distributive and criminal justice (Lazar, 2010: 251-252).

For Lazar then, we have reason to intrinsically (or in his words 'non-instrumentally') value our relationships to our polities/co-citizens because without the political, distributive, and criminal justice we enjoy in virtue of liberal citizenship, we could not

---

to citizenship absent subjective identification; and (2) as previously suggested, to value one's patriotic or national identity in this way, though capable of generating special reasons of partiality, cannot generate associative *duties*.

realise the sense of moral equality, or the goods of respect, affirmation, and recognition, which taken together suggest that indeed ‘liberal citizenship does make a non-instrumental contribution to individual well-being’ (Lazar, 2010: 251).

Jonathan Seglow believes ‘many relationships themselves are morally valuable just because they are constitutive of human flourishing’ (2010: 56), and that if, like friendship, family, etc. our relationships to co-citizens ‘also foster human flourishing it is natural to believe that associative duties can obtain in these relationships too’ (2010: 57). And indeed, he believes relationships of citizenship *are* constitutive of human flourishing for through them citizens come to enjoy the good of ‘democratic respect’:

Citizens’ equal standing to shape the law realises a kind of public equality I call democratic respect. Democratic respect is realised by citizens in their role as political agents in a democracy...One dimension of democratic respect...consists in public recognition of each citizen’s equal standing as an ultimate law maker...The other...reflects the other aspect of the civic role: citizens are subject to the law...Democratic respect is realised when citizens obey just those laws which are created and maintained in their name (Seglow, 2013: 140-141).

So I think were Seglow to address the specific question here, his answer would be that it is this good of democratic respect which citizens realise in virtue of being equal co-authors and recipients of their polity’s laws that gives them reason to value their relationships to their polities/co-citizens intrinsically.

Margaret Moore is the final author whose arguments I will consider, but in a way her claim is one to which I think all proponents of associative citizenship duties must subscribe. She marks a number of generic goods of liberal citizenship, such as peace, order, justice, the rule of law, and responsible and accountable government, but recognises that ‘they do not explain why I might owe duties to my legitimate political authority, rather than some other political authority, which is equally effective in realising the said goods’ (2009: 391). What does, she argues, is the fact that my relationship to my polity/co-citizens secures for me not only these goods, but also the good of being a co-participant in and co-creator of a common life through which we imbue our particular political community with the value of being collectively self-determining. In effect then, Moore’s response to our question looks to be that we have reason to intrinsically value our relationships to our polities/co-citizens because by participating in them, they ‘enable us

to be *collectively self-determining* over the conditions of our existence, which is intrinsically valuable' (original emphasis) (2009: 391).

My first point is more observation than argument, but it seems to me that in most of the claims just outlined, the source of your reason to value your relationship to your polity/co-citizens is always something other than the relationship of citizenship itself. That is, it seems to be by appeal to the goods of equal status, democratic respect, recognition, affirmation and/or collective self-determination that we come to understand why we have reason to value citizenship, not by appeal to the value of the relationship itself. As I have defined it, to intrinsically value a relationship X is to value X, and to take X itself to be a source of reasons. If the source of your reasons is anything other than X, then you value X merely extrinsically (either instrumentally or non-instrumentally). And no doubt a great deal of the considerable extrinsic value of citizenship resides in its function of realising these goods which are perhaps themselves modally demanding goods – goods that ought to be robust across other possible worlds in which things were quite different; a world in which I were disabled for example. But nevertheless, it looks to be these goods that give me reason to value my citizenship, and not the good of citizenship itself (even if citizenship is instrumentally necessary to realise them) such that in their absence, there would be nothing left to value. Indeed, even the fact that these authors endorse the claim that only liberal democratic citizenship is intrinsically valuable seems suggestive of this.

Perhaps it will be objected that these authors' arguments are not actually responses to the question: 'why do citizens have reason to intrinsically value their relationships to their own polities/co-citizens, but not others?' but rather the question: 'why do citizens have associative duties towards their own polities/co-citizens, but not others?' This is, as a matter of fact, true, but irrelevant since their responses to both will be the same in light of the broad consensus concerning the Constitutive Claim (the second premise of the 'associative argument'): that 'to intrinsically value a relationship *just is* (amongst other things) to have associative duties towards those with whom you share it (these being partially constitutive of, and indeed justified by, the very value of that relationship)'. In this sense, the two questions are usually not thought to be strictly independent: a positive affirmation of one straightforwardly entails a positive affirmation of the other. In any event, whichever terms the question is couched in, the

outcome is the same. The solution to the particularisation puzzle does not look to be that you have associative duties towards co-citizens that you do not towards non-citizens because your relationship to your polity/co-citizens is intrinsically valuable, but rather because the particular institutional relationship you share with them enables you to realise certain valuable goods critical to well-being such as that of equal status, democratic respect, recognition, affirmation and collective self-determination that might otherwise be unavailable. And if this so, whatever *special* citizenship duties might be grounded by these goods, since they are not grounded in the value of the relationship itself, they cannot be genuinely *associative* duties.

There is, however, a more concrete way to respond to these authors' arguments, which involves assessing the specific associative citizenship duties each of them posit. Lazar for instance claims to establish associative duties to 'protect and improve the institutions [of liberal citizenship] through which we do justice to one another' (2010: 253), from a conception of citizenship which he describes as 'substantive liberalism':

Substantive liberalism starts from the obvious premise that each person is of great, and equal, moral worth, and aims to establish, on this basis, what we owe to each other as a matter of justice – that is, what we can demand from one another, and coercively enforce...These are general duties of justice, owed equally to all. However, since they require the establishment of stable political institutions for their realisation, they are at present performed only within subsets of humanity (2010: 249).

Ostensibly, this looks more like a Goodinesque account of *special* duties of citizenship rather than *associative* duties *per se*, given '(t)he relationship of liberal citizenship...is wholly constituted by the performance of our [general] duties of justice to one another' (Lazar, 2010: 252). And indeed, Lazar readily concedes that citizens' assigned special duties of justice cannot be genuinely 'associative', since given the fact that citizenship's 'value as a relationship must entirely reduce to the value of performing those duties' (Lazar, 2010: 252), to appeal to the value of the relationship, is effectively only to appeal to the value of the duties to justify the duties. The argument is therefore circular and the value of the relationship superfluous to the justification of the duties of justice we have as citizens, so Lazar concludes that we cannot justify particularising duties of justice to co-citizens by appeal to the value of the relationship, and therefore they cannot be genuinely *associative* duties (2010: 252).

This does not however, according to Lazar, mean that we can defend *no* associative duties to liberal co-citizens; in order to do so, he argues, ‘we simply have to distinguish them adequately from the duties that constitute that relationship’ (2010: 253). So whilst he suggests that although duties of justice may be special, they cannot be ‘associative’, he argues that duties to protect and improve institutions of liberal citizenship are not only special, but indeed genuinely *associative* duties, ‘grounded in the non-instrumental value of the relationship of liberal co-citizenship between us’ (Lazar, 2010: 254). The latter *can* be justified by appeal to the value of the relationship, because although instrumentally necessary for the relationship to obtain, they are not wholly constitutive of its value, thus freeing up ‘the “wider context” of value that we need’ (Lazar, 2010: 253) to ground associative duties (and avoid circularity). What really matters for Lazar’s argument, it seems, ‘is that there be a clear distinction between the duty and the value of the relationship’ (2010: 257 fn.35), and that the duty (in this case the duty to protect and improve institutions) be ‘clearly distinct from the good of liberal citizenship – the realisation of justice’ (Lazar, 2010: 254).

However, even if this duty is not wholly constitutive of, and clearly distinguishable from, the value of the relationship, this alone cannot suffice to establish the ‘wider context’ of value required to generate associative duties as Lazar suggests it does, for the ‘wider context’ of value must still be one of *intrinsic* value. And in order to establish the intrinsic value of citizenship it will not suffice to show that *this* duty to protect and improve institutions is not wholly constitutive; it must be the case that *no* duty is wholly constitutive of the value of citizenship. It is here then, that I believe Lazar’s argument runs into a problem. If his argument against associative duties of justice on the grounds that they are wholly constitutive of the value of citizenship is correct, then Lazar succeeds in demonstrating not only that duties of justice cannot be genuinely associative duties, but also that the relationship of citizenship *is not itself intrinsically valuable*, and since it is this self-same relationship that generates special duties to protect and improve institutions, they cannot, by definition, be associative.

The thought here is that if the performance of some particular duty is wholly constitutive of the value of the relationship that generates it, then it is obscure in what sense that relationship could be said to be intrinsically valuable. Or, put another way, if one cannot conceive of a world in which the performance of the particular duty in question would

not be required but in which the valuable relationship said to generate it would nevertheless obtain, then to the extent that this reveals the duty to be wholly constitutive of the value of the relationship, it is unclear on what basis one could be said to have reason to value that relationship intrinsically. If this is right, and since on Lazar's conception the relationship of liberal citizenship could never obtain without duties of justice, I think we must conclude not only that special duties of justice are not associative (*pro* Lazar), but that (*contra* Lazar) citizenship is not itself intrinsically valuable at all.

It may, however, seem that there is a flaw to this argument, and consideration of it bears on the second type of associative citizenship duties to which I now turn: the claim made by Mason and Moore (amongst others) that we have associative duties of special concern to protect and promote the interests of co-citizens (Mason, 1997: 429; Moore, 2009: 392). The apparent problem is this: if associative duties of special concern are wholly constitutive of the value of special relationships, such that it is indeed impossible to conceive of a world in which any special relationship could obtain absent a duty of special concern for the person(s) with whom you share it, not only must we conclude that citizenship relationships are not intrinsically valuable, but also that *no* special relationship is intrinsically valuable – not even your relationships to your friends, lovers and family members. This is not so however, for there is an alternative conclusion we may draw. That is, if some purported duty to X is wholly constitutive of the value of the relationship, it may yet be that the relationship is intrinsically valuable, but the supposed duty to X in fact not a duty at all, and I think this is the right conclusion as regards the purported duty of special concern.

Admittedly, it may sound strange to say I am a friend of Tommy's but I have no duty of special concern for him. However, something about that thought does not seem quite right to me. It would not of course make sense to say I am Tommy's friend, but have no special or greater concern for him than I do for all persons generally; that simply could not be friendship. However, nor does it seem to me that 'special concern' is itself a duty, but rather a necessary feature of special relationships of the kind that are capable of generating associative duties. As such, I do not believe I have a *duty* of special concern for Tommy, nor he for me, but rather that the good of our friendship – the good that gives us reason to value it intrinsically – is constituted by the good of our modally robust special concern for each other, from which specific associative duties to do things

for each other (duties we would not have duties to do in the absence of our friendship) arise, as and when they are instrumentally necessary to substantiate the good of modally robust special concern we enjoy, i.e. the good of our friendship. On this view then, to have a special concern for Tommy is for me to inhabit an evaluative disposition towards him, and although I must have reason *for* special concern, or reason to be so disposed towards him (i.e. because he is my friend) and as a result I will sometimes have special reasons *of* partiality and duties to actually do things for him that I otherwise would not, being so disposed cannot itself be a duty.

Thus, *contra* Mason and Moore, I reject the claim that we have associative duties of special concern to protect the needs and promote the interests of co-citizens, not because of anything to do with the particular instance of citizenship, but because there is simply no such thing as an associative duty of special concern – not towards citizens, friends, lovers, family members or, for that matter, anyone with whom you share an intrinsically valuable special relationship. Lazar and Seglow, it should be noted, also reject the claims that citizens have an ‘associative duty of favouritism’ (Lazar, 2010: 254) or an associative duty ‘to put each other’s interests ahead of non-citizens’ (Seglow, 2010: 68). They offer independent grounds for their claims, but if what I have argued here is correct, they need not concern us, since the composite claim they seek to rebuff is in fact a straw man.

Despite rejecting the claim that we have an associative duty of special concern towards co-citizens, Seglow believes that since, like our more proximate special relationships, relationships of citizenship also foster ‘human flourishing it is natural to believe that associative duties can obtain in these relationships too’ (2010: 57); in particular, he posits associative citizenship duties to obey the laws which are created and maintained in our name (2013: 141). As regards the first observation, even if it is true that all intrinsically valuable relationships are constitutive of human flourishing, it does not of course follow that all human flourishing is constituted by intrinsically valuable relationships. Special relationships are undoubtedly one our most cherished sources of human flourishing, but they do not have the monopoly on it. To most people the enactment of their agency through the pursuit and realisation of their personal projects is a source of human flourishing, and indeed perhaps they intrinsically value their

personal projects, but as I argue elsewhere, special reasons that are project-dependent cannot translate into duties at all.

Seglow's more specific claim about associative citizenship duties to obey the law seems to be this: whilst I have a duty to obey laws everywhere, being an Irish citizen, my duties to obey Irish laws are stronger compared to my duties to obey the laws of other polities because, as a putative co-author of them, my obedience of them signifies recognition of my co-citizens' equal standing with me as co-authors and subjects of Irish law, thereby realising for them the good of democratic respect that only Irish citizens can realise for Irish citizens. Thus, when I disobey Irish law, I commit a special wrong that I do not when I disobey, for example, Australian law. This is because I fail 'to honour the equal standing that citizens enjoy in a democratic society' (Seglow, 2013: 142); I fail 'to honour the dimension of democratic respect which highlights each person's equal civic status with respect to the law' (Seglow, 2013: 142); and I fail 'to honour the other dimension of democratic respect as public recognition of each citizen's equal standing as an ultimate lawmaker' (Seglow, 2013: 142). In sum, by disobeying Irish laws, I signify that I count my interests as more important than those of my fellow citizens, and thereby fail to honour their democratic equality.

Seglow's claim here has a certain intuitive plausibility, although again it does not appear to me to be the value of the relationship of citizenship itself that matters, but the fact that you have co-authored the laws (in which case the duty would be special, but not associative). In any case, there are other reasons for doubt. In the first place (and this is so whether the duties are special or genuinely associative), whilst my breaking a rule I have myself penned does seem like a special wrong – e.g. suppose I institute a ban on smoking in my share-house, but then smoke in the house whenever I feel like it – it is not obviously worse than my breaking the same rule that somebody else has penned in their house. There seems to be something quite distasteful and at least equally disrespectful about seeing myself as being outside the rules in both cases. Or consider two men whose disobedience of UK law arguably showed a flagrant disrespect for them (as if they did not apply to them); who seemingly did not regard the multitude of UK citizens to be in any sense their equals; and by dint of their violation of UK law showed a flagrant disrespect for the public equality of the UK citizens who co-authored them: Jimmy Saville and Rolf Harris. It would seem odd, I think, to say that any single instance

of child molestation that Saville committed constituted a greater moral wrong than any single instance of child molestation that Harris committed, simply on the basis that Saville was a co-author of the laws he violated, whereas Harris was not.

Moreover, if I do have an associative duty not to disobey the laws of Ireland in virtue of my Irish citizenship, it seems that, in essence, this is a negative associative duty to refrain from breaking the laws which I have co-authored. And that may be so, for whilst negative associative duties tend to receive scant shrift in the literature, I am inclined to agree with Scheffler that it would be ‘a mistake to think of associative duties as exclusively positive in character’ (2001: 53). Thus, since my flouting the law would constitute a distinct species of disrespect towards my fellow Irish citizens that is only possible in virtue of our shared citizenship, it seems plausible to say the duty here is a negative one. However, if this is indeed what Seglow has in mind, it is not clear that such a finding would be particularly interesting in the broader scheme of the discourse. In general, negative duties are not zero-sum in the way that positive duties are, thus it is not obvious why my fulfilling my associative duty to refrain from breaking Irish laws would necessarily be impossible with my fulfilling whatever general duties I have (whether negative or positive). But then, if the associative duty never comes into conflict with general duties at all, much of the sting in the tail of the debate is lost anyway.

There is however an obvious response Seglow might offer here, which brings us to the final associative citizenship duty, and one that I suggested all of the authors considered here would endorse: the associative citizenship duty to participate fully in the collective self-determination of our common public lives and conditions of existence. Thus, Seglow might respond that the realisation of the good of democratic respect that citizens enjoy from one another will require not only that they observe the negative duty to refrain from breaking their laws, but also that they fulfil various positive duties derived thereof in order to sustain their legal system – amongst them a positive associative duty to participate fully in the collective determination of their legislation and shared conditions of existence.

As Margaret Moore writes: ‘If we think there is value in protecting a common life, and ensuring that the political community can be collectively self-determining over its conditions of existence, then we can also justify or explain associative duties to protect

and promote the interests of the community' (2009: 392). I have already argued that we do not have 'associative duties to protect and promote the interests' of our polities/co-citizens on the basis that duties of special concern do not exist generally, but as I interpret Moore's argument, I think she means to say more than this. That is, given the pivotal importance she accords the value of collective self-determination in her argument, I take it that the associative duties to protect and promote the interests of the community she speaks of might be more broadly interpreted as associative duties to actively participate in the self-determination of our shared conditions of existence. Mason is more explicit in claiming that citizens have an associative duty 'to participate in public life' (1997: 429). The thought then might be that it is not just that I co-authored the laws by which me and my fellow citizens do justice to one another, but that participating in co-determining our collective conditions of existence is itself intrinsically valuable to me in a way that your participating in co-determining your collective conditions of existence with your co-citizens is not. So a civic republican of sorts might say that citizenship is intrinsically valuable because it is about more than simply doing justice to one another; it is about participating in the common public life, and not just because doing so realises the goods of democratic respect, or moral equality and dignity, or justice, but because actively participating in the common life of one's own community is simply a good in its own right.

For Moore then we should find justifying or explaining associative citizenship duties to participate in the collective self-determination of our polities eminently feasible '*if* we think there is value in protecting a common life, and ensuring that the political community can be collectively self-determining over its conditions of existence' (emphasis added) (Moore, 2009: 392). Yet, whilst the conditionality of Moore's statement here is not intentional, it is, I think, telling when taken in tandem with her claim that being 'collectively self-determining over the conditions of our existence...is intrinsically valuable' (2009: 391). Taken together, the claim looks to be: *if* you intrinsically value participating in the protection of the common life you share with your co-citizens and ensuring your polity is collectively self-determining over your shared conditions of existence, *then* you will have associative duties to participate in your political community in ways that protect and promote the interests of your community/co-citizens.

The problem however is that even if this is correct, it brings the duty to participate under the subjective evaluative will of the duty-bearer; that is, a citizen who genuinely does not subjectively endorse the value of political participation as a good in its own right could not be said to have associative citizenship duties to participate in their political community so as to protect and promote the interests of their polity/co-citizens. Of course, the same could be said of a person who genuinely does not subjectively endorse the value of friendship as a good in its own right: they cannot be said to have associative duties of friendship. But then, a person who genuinely does not intrinsically value friendship cannot, I think, be a friend at all, or at least not a genuine one. And furthermore, you would imagine such a person would studiously avoid being friends with anyone. It may not be appealing to most of us, but we must respect the subjective will of anyone who chooses such a solitary course: if they genuinely don't find any value in friendship, and as a result do not engage in friendships, no-one will want to say they have associative duties of friendship nonetheless. But are proponents of associative citizenship duties to participate in public life willing to say the same? Supposing it were not intrinsically valuable *to me* to participate in the common political life of Ireland and the processes through which myself and other Irish citizens collectively determine our conditions of existence, and as a result do not engage with it/them on those terms, would they concede that I therefore have no associative citizenship duties at all?

Moore seems willing to accept this in the case of nationalism – that having associative duties to one's nation/co-nationals will depend on whether or not one subjectively identifies with them (2009: 397) – so unless she denies that that it is possible that subjectively an Irish citizen might not intrinsically value participating in the collective self-determination or common life of Ireland – a hermit living on the remote Aran Islands say – then the conclusion to her 'collective self-determination argument' must mirror that of her 'well-being argument': '*if* the persons feels X and thinks that there is value in the X culture and way of life, *then* he or she may have some [associative] duties of support toward that common life' (emphasis added) (Moore, 2009: 397). On this account then, only those citizens who do in fact intrinsically value participating in the collective self-determination of their polity would have associative duties of citizenship, whilst those who do not will not.

If correct, this conclusion, though not as far-reaching as proponents of associative citizenship duties might have hoped, would nevertheless be a significant finding in its own right. Or at least it would be if we see no reason to think all citizenship duties must share a single ground, for if the preceding argument establishes *one* of those grounds, that would be a coup for anyone interested in developing a multi-grounds model of citizenship duties. But the conclusion is not correct. It cannot be the case that *if* I intrinsically value my Irish citizenship *then* I owe associative duties to Ireland/fellow Irish citizens; if not, then I do not (though I may still have non-associative special duties of citizenship). With regard to associative duties to co-nationals, Moore readily concedes that the ‘subjective element in the...argument is in some tension of how we think of obligations’ (2009: 397), but does not go so far as to deny they can be obligations at all. However, I think we must, for surely a definitive feature of a duty to do X is that whether to do/not do X must not be answerable to the subjective will of the duty-bearer. If citizens can, by acts of their subjective will, divest themselves of associative citizenship duties, then surely they are not duties at all. If this seems right, the conclusion is weaker still: if I intrinsically value my Irish citizenship, then I may be *permitted* (but not *required*), to do things for the Ireland/Irish citizens that I would not necessarily do for say Australia/Australian citizens.

The temptation of course is to say that I would simply be mistaken not to value my Irish citizenship for without it there would many goods that I would not enjoy, but it is difficult to imagine how such an appeal could coexist with the claim that the citizenship duties I have (whether I like it or not) are grounded in the value of the relationship of citizenship itself, and not its extrinsic value derived from whatever further goods are alluded to. And in any case, I do value my Irish citizenship, just not intrinsically. Ultimately then, the claim that co-citizens have associative duties to participate in the collective self-determination of their common public lives fails for the same kind of reason arguments from co-nationality and patriotism do: that is, even if we did have reason to intrinsically value our relationships to the polities of which we are citizens/co-citizens, to say that it is our intrinsic valuation of them that generates associative citizenship duties is to bring citizenship duties under the subjective evaluative will of the duty-bearer in a way that ill-befits the notion that they are genuinely duties at all.

It will perhaps be countered that this problem, though real enough, is not unique with respect to the grounding of associative citizenship duties. It might seem, that is, that consistency would force us to conclude that for example, a deadbeat dad who does not intrinsically value his relationship to his daughter has no associative duties towards her. However, this is not so, because there is something quite different about our close personal special relationships to those we stand in to impersonal groups/communities. Part of what explains why a special relationship that I share with someone and have reason to value intrinsically generates special reasons and duties *for me*, is the fact that I am the *only* person who can confer on them the rich good of *my* robust special concern. This is why we think the deadbeat dad has reason to conduct himself as a father appropriately should, because in his failure to do so, he deprives his daughter of the intrinsic good of a father-daughter relationship – the good of knowing that whatever happens, her father will be there for her no matter what; a good she certainly cannot enjoy so long as he is not even there for in the here and now. Thus, the fact that no other person in the world can realise this particular rich good of paternal special concern for her, except *him*, explains not only why he has *reason* to intrinsically value their relationship, but also why it generates special reasons and associative duties *for him* in a way that it does not for anyone else, irrespective of the fact that he does not *actually* intrinsically value their relationship, or see himself as having such reasons/duties.

Perhaps one way to appeal to the deadbeat dad might be to say: you have reason to intrinsically value your relationship to your daughter because it is only through your relationship to her that you can enjoy the rich good of her modally robust filial concern; an intrinsically valuable good which is unavailable to you except through your particular relationship to your daughter. And perhaps the same could be said to the deadbeat citizen: you have reason to intrinsically value your relationship to your polity/co-citizens because it is only through your relationship to it/them that you can enjoy the good of participating in the common public life; an intrinsically valuable good which is unavailable to you except through that particular relationship. But if this were all, so long as both sincerely did not endorse the intrinsic value of modally robust filial concern or participating in the common public life respectively, then it would be difficult to see on what grounds we could charge them with special reasons or associative duties of partiality at all.

However, there looks to be a further move available to the cajoler of the deadbeat dad that is not so obviously available to the cajoler of the deadbeat citizen. That is to say to the deadbeat dad: you have reason to intrinsically value your relationship to your daughter because it is only through your relationship to her that *she* can enjoy the rich good of your robust paternal concern; an intrinsically valuable good which is unavailable to her except through your particular relationship to your daughter; a good which no-one else in the world can realise for her except you. Thus, whether you like it or not, you have special reasons and duties of partiality (and she legitimate moral claims to them) which you lack the unilateral authority to disregard, irrespective of whether you actually value your relationship to her or not. By contrast, it is more difficult to see how the deadbeat citizen's associative citizenship duties could be enforced irrespective of the fact that he does not intrinsically value participating in the common public life of his polity on the grounds that his failure to fulfil special reasons and duties of partiality towards his co-citizens would deprive them of the intrinsic good of participating in the common public life. Indeed even if 99% of the citizenry consisted of deadbeat citizens who found no intrinsic value in participating in common public affairs, it is not obvious that even then this good would be unavailable to the 1% who do intrinsically value political and civic participation. It might be thought that there would be much wrong with such a situation, but to say as much only assumes the conclusion I have sought to rebut: that were citizens to value their citizenship merely extrinsically (in response to both the 'embodied extrinsic value' of their citizenship – what they have put into, as well as its instrumental extrinsic value – what they get out of it), that something of deep irreducible value would be lost, irrespective of whatever further goods their citizenship realises for them/embodies.

It will be seen that this last argument depends on a claim that goes beyond the typical claim of proponents of ethical partiality. That is, I do not think that even the fact that I have reason to intrinsically value a special relationship sufficiently explains why one relationship – i.e. my friendship with Tommy (through which we enjoy the rich good of each other's modally robust special concern, which in turn explains why we have reason to value it intrinsically) – generates special reasons and duties of partiality *for me*, whilst another relationship – e.g. your friendship with Agatha (through which you enjoy the good of each other's modally robust special concern, which in turn explains why you have reason to value it intrinsically) – does not. On most accounts, the answer tends to

be that intrinsically valuing my friendship *just does* generate reasons and duties *for me* in a way that your friendship does not. On the account developing here however, it is not that my friendship with Tommy *just does* generate reasons and duties for me, but that they are reasons and duties for me and no-one else, because only I can realise for Tommy the rich good of my – Robbie’s – modally robust special concern. And your friendship with Agatha does not generate reasons and duties for me in the way it does for her, because not I, nor anyone else, can realise for you the rich good of Agatha’s modally robust special concern – only she can. The upshot of rejecting the primitivist claim in favour of mine, however, is that it would perhaps render any relationship to a group/community incapable of generating associative duties. I think that is correct, and that we can only have associative duties in personal relationships.<sup>9</sup> But since this is not an argument anyone else makes, I will focus instead on the one that most do. Indeed, for the purposes of the final section, I will assume that all of the preceding arguments fail. That is, I will suppose that you do have reason to *intrinsically* value your attachments to your countries/compatriots; that what you value is your *relationships* to them, and not the fact that you identify with them as central constituents of your personal projects; and that failure to value them so is not sufficient to divest you of the associative duties that you have in virtue of being a participant in those relationships.

### **Rejecting the Constitutive Claim**

With these concessions in place, on most models of associative political duties the day is won. This is because philosophers who have sought to establish such duties almost universally agree that it is a conceptual fact that intrinsically valuable special relationships entail associative duties. I refer to this as the Constitutive Claim. Just as it is said to be a conceptual fact that in virtue of our intrinsically valuable friendship, Tommy and I find ourselves with associative duties of friendship towards each other that we would not have had were we not friends, so too, in virtue of our intrinsically valuable relationships to our countries/compatriots, we simply find ourselves with associative duties towards it/them that we would not have had were we not compatriots. Essentially, the Constitutive Claim is the second premise of the generic ‘associative

---

<sup>9</sup> This, incidentally, would evade the earlier charge that it would be unconscionably arbitrary to rule that our relationships to countries/compatriots are not intrinsically valuable/cannot generate associative duties whilst holding that other ‘imagined communities’ including religious associations, professional associations, football supporter societies, local communities and extended families are/can.

argument' and states that 'to be part of an intrinsically valuable relationship just is (amongst other things) to have associative duties towards those with whom you share it (these being partially constitutive of, and indeed justified by, the very value of those relationships)'.

There are particular problems the Constitutive Claim gives rise to that others have sought to dispel. For example, it would seem to suggest that even inherently unjust and morally despicable associations may generate associative moral duties providing their members intrinsically value their membership of them. Those troubled by this tend to either bite the bullet and accept the logical consequence, but say the associative duties the unjust associations generate will be subject to being outweighed by more general moral duties (Tamir, 1993: 102); or, they build in further conditions to the effect that the association 'should not inherently involve injustice' (Miller, 2010: 383) if it is to be capable of generating associative duties at all. In the context of this debate, I think the 'outweighing' view is the more plausible, but will not argue for it here. Instead I want to suggest that the context against which the debate is set is itself wrong. That is, the Constitutive Claim, as a claim not just about associative political duties but about special relationships and associative duties generally, is wrong. It is not true that to intrinsically value a relationship *just is* to have associative duties to the person(s) with whom you share it.

There are good reasons to reject this widely endorsed claim. It is not the fulfilment of associative duties that is constitutive of the value of special relationships, but rather the disposition to fulfil them as and when they are instrumentally necessary to substantiate the rich good of modally robust special concern. And there are two considerations that favour this interpretation. One is that you can often enjoy the good of knowing that someone will be there for you even when, whether because of circumstance (e.g. you live on opposite sides of the world) or because the relationship shared with them is undemanding (e.g. friendship-lite), they are rarely required to fulfil anything like an associative duty towards you. And the second is that, in the absence of the condition of instrumental necessity, the apparent truth that not *all* special reasons of partiality are associative *duties* tends to be unsatisfyingly explained away as a mysterious conceptual fact: some special reasons *just are* associative duties.

Insofar as the authors considered here (if not all) are concerned to show that we have associative duties, not just special reasons or permissions of partiality towards our countries/compatriots, it must be that the duties they purport to establish would be instrumentally necessary to substantiate the intrinsic good of those relationships (whatever that may be). Yet, it seems doubtful that the sorts of duties that those relationships are ordinarily thought to entail typically satisfy this condition. If I really needed Tommy's support on some occasion, but his support was not forthcoming (absent any good reason why he couldn't be there for me), I might well feel that he has badly failed me in my time of need and I will likely feel that his inaction demonstrates not just a lack of concern for me in the here and now, but more importantly that he does not have the modally robust special concern for me that I thought he did; that I don't, after all, enjoy the good of his friendship that I thought I did. Though not always clear-cut, it is I think, on occasions like this, when an action of some kind is instrumentally necessary in order to substantiate the rich good of robust special concern, that said action is properly an associative *duty*.

By contrast, it is not obvious that any particular duties citizens have will ordinarily be instrumentally necessary to realise the intrinsic good of citizenship for their co-citizens in the same way, be it the good of democratic respect, equal status, recognition, or being collectively self-determining over the conditions of our shared existence. At least, my failure to fulfil any particular duty of citizenship will not rob my fellow citizens of the good of citizenship in anything like the same way Tommy's failure to fulfil his duty of friendship robs me of the good of our friendship. On this model, associative citizenship duties would remain a live possibility (if counterfactually we did *intrinsically* value our *relationships* to our countries/compatriots and not the pivotal place of national or patriotic identity in the personal *projects* and self-understanding of many compatriots; and if failure to value them so was not sufficient to divest you of the associative duties that you have in virtue of being a participant in those relationships). That is, were such a situation to arise in which an action of some kind were truly instrumentally necessary to substantiate whatever the intrinsic good of citizenship is, then that action would indeed be an associative citizenship duty. However, it seems such duties would be so rarely triggered as to have negligible practical import, and certainly the sorts of citizenship duties proponents of the associative argument commonly profess to establish, would not satisfy the conditions required of an associative duty on this model.

### **Conclusion**

The claims of this paper are both ambitious and modest. They are ambitious in that if correct, they show we do not have duties to co-citizens, co-nationals or compatriots in virtue of those shared relationships. They are modest in that firstly, they allow that your being a citizen, co-national, and/or patriot may generate special reasons towards your co-members that you lack towards non-members; and secondly, they allow that you may have other kinds of non-associative special duties towards them. All I have sought to establish is that if you do have some such duties, it is not because they are your co-citizens, co-nationals, or compatriots.

Yet, one niggling doubt remains. Consider the following scenario: Whilst holidaying in America I fall into the clutches of an evil mastermind who is bent on causing destruction on a vast scale. He has two nuclear missiles in position – one aimed at Ireland, and the other at Norway. He informs me that if I choose one and press the launch button that will fire the missile at that country, obliterating it from the face of the earth, then he will spare the other country. If I refuse, perhaps on some sort of acts and omissions logic, he informs me that he will obliterate both countries. In this situation, my intuition is that as an Irishman, I would indeed feel obligated to save Ireland and trigger the missile that would obliterate Norway. If then required to somehow justify my choice to save Ireland and not Norway, it seems that the response because “it is my country!” might well be justification in itself, such that any further justification could be said to require “one thought too many”. Ostensibly then, as regards the hypotheticals discussed in the first section of this paper, “it is my country!” seems closer to “she is my wife!” in Williams’ argument than it is to “she is my compatriot!” in Primoratz’s.

As per the argument of the second section however, this need not imply that it is my *relationship* with Ireland/Irish compatriots that I intrinsically value. “It is my country!” may just as well be shorthand for ‘which of course is to say I intrinsically value my Irish identity as a defining part of who I am; asking me to obliterate Ireland would, in effect, be akin to asking me to obliterate part of myself. If this fully spelled-out version of the “It is my country!” claim is plausible, then the justification of my choice to save Ireland over Norway would look to be project-dependent rather than relationship-dependent. However, if this is so, I can at best be said to be morally permitted to save Ireland as project-dependent reasons of partiality cannot translate into (associative) duties of

partiality. Indeed, it is this consideration that yielded the conclusion of section 2: forms of political membership that turn on subjective identification with nations/co-nationals or *patriae*/fellow patriots cannot generate *duties* at all. And ultimately, the argument for associative *citizenship* duties falls at the same fence, as I argued in section 3. That is, it seems that if I do not, in fact, intrinsically value my citizenship of Ireland/Irish co-citizens, then I cannot be said to have an *associative* citizenship duty to save Ireland, despite being objectively speaking an Irish citizen.

And yet, I'm inclined to think I have not just a permission, but genuinely a duty to save Ireland in this situation. And if I do, it would intuitively seem like an *associative* duty of partiality. In the final section, I rejected the Constitutive Claim of the associative argument, but in replacing it opened a window to associative citizenship duties whereby I allowed for the possibility that under circumstances in which some act were instrumentally necessary to substantiate the good of citizenship, it could perhaps be a genuinely associative citizenship duty. The evil mastermind scenario undoubtedly satisfies the instrumental necessity condition. Moreover, it echoes a far less fantastical scenario in which the substantiation of the good of your relationship to your polity/co-citizens, nation/co-nationals, or *patria*/fellow patriots might well necessitate action on your part in the form of a duty: the duty to protect it/them from unjust aggression in times of war. And arguably, of all the duties we owe to our countries/compatriots, the one that looks more obviously associative rather than otherwise special, is the duty to protect or fight for one's country when its very life and liberty is at stake. If these were to turn out to be associative duties however, the implications for my overall claim would be stark, for recall that opening the window to associative citizenship duties required not only that they satisfy the condition of instrumental necessity, but also that all of the preceding arguments failed. Is this then an example of a genuinely associative duty that I owe to my Irish compatriots *qua* compatriots?

There are, I think, at least two possible responses to this. The first would deny that this is really any different to the drowning compatriot case. That is, just as in that case, presuming I am morally required to save one given that I am in a position to do so – that it would be impermissible to step away and watch the evil mastermind obliterate both – we may say it is permissible for me to choose to execute my duty to save Ireland rather than Norway given the fact that Ireland is my country. But note that what this response

depicts is not an associative duty at all but a general one. Thus, my duty to save Ireland on this account would be an instance of a general duty that is amplified by the fact that I subjectively identify as Irish; it would not, that is, be generated by the morally valuable relationship I share with Ireland/Irish people itself, and would not therefore be genuinely associative.

Whilst the first response would support the claim that we do not in fact have associative duties to countries and compatriots, I think it does not sit quite right with our intuitions in this case. The second response by contrast would say that my duty to save Ireland genuinely *is* an associative duty and not merely permissible partiality, and I believe this response to be the right one. And the reason I do, is because I think the source of this associative duty is not my relationship to Ireland/Irish people *per se* (for that relationship is not intrinsically valuable), and nor is it my Irish identity (for projects cannot generate duties); rather, I think the duty arises out of the associative duties I have to protect my loved ones in Ireland. Indeed, as Lazar suggests, the same explanation may even go some way to explaining the intuition that we have an *associative* duty to protect our countries in the event of unjust aggression (2013: 30-33). They are duties we have, not as compatriots, but as fathers, mothers, sons, daughters, brothers, sisters, husbands, wives, uncles, aunts, nephews, nieces, lovers and friends, and they are duties that are operationalised through our authorising our armed forces to be the executors of them (Lazar, 2013: 32). This will perhaps be clearer if we imagine a more primitive time of smaller villages consisting of closely interlinked family and friendship networks. Were some evil warlord to abduct me and inform me that I must torch either my own village or some other village, or else he will torch both, then if we think I have a duty to choose to torch the other village so that mine will be spared, the justification for my opting to torch the other village surely derives from the associative duties I owe to my family and friends in my village to protect them from unjust harm.<sup>10</sup>

---

<sup>10</sup> Lazar develops an account of how the associative duties we have to protect our loved ones become institutionalised via transferral to our armed forces which we authorise as executors of them (2013: 30-33). I cannot give his argument the attention it deserves here, but the basic thought is clear enough. Supposing the evil warlord remains at large after my ordeal, at the next village meeting, we collectively decide that a number of the strongest and best warriors in the village should be made full-time guardians of the community so that all villagers will be better protected from harm, abduction, etc. These warriors are paid a small sum so as to relieve them of the need to leave the village on hunting expeditions and enable them to spend their days training and honing their fighting skills. However, creating this ‘army’ does not change the fact that their duty to protect the village is fundamentally derived from all our associative duties owed to protect our families and friends; it is just that through our assent to, and

So I think we may say that I have an associative duty to save Ireland in the evil mastermind scenario, and that the source of this duty is not my relationship to Ireland/Irish people, but that it rather derives from the special relationships I have to all manner of loved ones and friends in Ireland – that it is a duty to protect *them*, not a duty to protect compatriots *qua* compatriots. Would this mean that I would have no associative duty to save Ireland if all of my loved ones were evacuated first? I think not for it seems to me that I would still have a duty to save Ireland, and that the duty still fundamentally derives from my special relationships to my loved ones and not my compatriots *qua* compatriots. Whilst my evacuated loved ones may no longer be in physical harm themselves, the associative duties I have towards them even in normal circumstances ordinarily stretch to more than merely securing their bodily integrity. In this situation that is, I think my associative duties towards them extend to protecting the integrity of their homes, the integrity of their wider families and friendship networks, the integrity of their communities and indeed the integrity of their psychological selves which would surely be shattered irreparably were Ireland obliterated off the face of the earth.

More would need to be said to establish these rather controversial claims, but considered in their own right, these claims are not what should trouble us most about the evil mastermind scenario. What *should* perhaps, is what this associative duty I purportedly have in virtue of my special relationships to loved ones in Ireland requires me to do: after all, it requires me to kill some 5 million innocent strangers in Norway. Can this be? Can the associative duties I have towards family, friends, lovers, etc. ever really outweigh the general duties I owe to all persons everywhere to refrain from harming them, or perhaps even killing them? To answer this, we will need to assess the apparent tension between general and associative duties more broadly, but that issue will, for now, have to await another time.

---

provision for, this institution on the basis that it will protect us more effectively, we – the villagers – authorise the army warriors to be the executors of our associative duties to protect our families and loved ones in the village.

**Bibliography**

- Bader, Veit (2005) 'Reasonable Impartiality and Priority for Compatriots: A Criticism of Liberal Nationalism's Main Flaws', in *Ethical Theory and Moral Practice*, 8. pp.83-103.
- Brandt, R.B. (1964) 'The Concepts of Obligation and Duty', in *Mind*, 73, 291. pp.374-393.
- Dagger, Richard (2000) 'Membership, Fair Play and Political Obligation', in *Political Studies*, 48, 1. pp.104-117.
- Goodin, Robert (1988) 'What is So Special about Our Fellow Countrymen?', in *Ethics*, 98, 4. pp.663-686.
- Hart, H.L.A. (1955) 'Are there any Natural Rights?', in *The Philosophical Review*, 64, 2. pp.175-191.
- Honohan, Iseult (2001) 'Friends, Strangers or Countrymen? The Ties between Citizens as Colleagues', in *Political Studies*, 49. pp.51-69.
- Horton, John (2006) 'In Defence of Associative Political Obligations: Part One', in *Political Studies*, 54. pp.427-443.
- Horton, John (2007) 'In Defence of Associative Political Obligations: Part Two', in *Political Studies*, 55. pp.1-19.
- Horton, John (2008) 'Associative Political Obligations and the Distributive Objection', paper presented at a conference on *Global Justice & Political Obligation* held at the University of Stirling. Available from: <<http://lawphil2008.50webs.com/Horton's%20paper.pdf>> [Accessed 27 September 2014].
- Keller, Simon (2013) *Partiality*. Princeton: Princeton University Press.
- Lazar, Seth (2010) 'A Liberal Defence of (Some) Duties to Compatriots', in *Journal of Applied Philosophy*, 27, 3. pp.246-257.
- Lazar, Seth (2013) 'Associative Duties and the Ethics of Killing in War', in *Journal of Practical Ethics*, 1, 1. pp.3-48.
- Mason, Andrew (1997) 'Special Obligations to Compatriots', in *Ethics*, 107, April. pp.427-447.
- Miller, David (2010) 'Cosmopolitanism', in Garrett Wallace Brown and David Held (eds) *The Cosmopolitanism Reader*. Cambridge: Polity. pp.377-392.
- Moore, Margaret (2001) *The Ethics of Nationalism*. Oxford: Oxford University Press.
- Moore, Margaret (2009) 'Is Patriotism an Associative Duty?', in *Journal of Ethics*, 13. pp.383-399.
- Primoratz, Igor (2009) 'Patriotism and the Value of Citizenship', in *Acta Analytica*, 24. pp.63-67.

Renzo, Massimo (2012) 'Associative Responsibilities and Political Obligation', in *The Philosophical Quarterly*, 62, 246. pp.106-127.

Scheffler, Samuel (2001) *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press.

Seglow, Jonathan (2010) 'Associative Duties and Global Justice', in *Journal of Moral Philosophy*, 7, 1. pp.54-73

Seglow, Jonathan (2013) *Defending Associative Duties*. New York: Routledge.

Simmons, A. John (1996) 'Associative Political Obligations', in *Ethics*, 106, 2. pp.247-273.

Tamir, Yael (1993) *Liberal Nationalism*. Princeton: Princeton University Press.

van der Vossen, Bas (2011) 'Associative Political Obligations', in *Philosophy Compass*, 6, 7. pp.477-487.

Young, Iris Marion (1990) *Justice and the Politics of Difference*. Princeton, New Jersey: Princeton University Press.