

When Duties Clash

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Abstract

It is widely believed that relationships such as those between friends, family members, lovers, and perhaps even colleagues and compatriots generate associative duties—duties to do things for, to and with those with whom we share certain special relationships that we would not have were it not for the relationship. At the same time, many are committed to the view that there exist general duties that all persons owe each other in virtue of common humanity. But what should one do when faced with a choice between performing either a general duty or an associative duty if one cannot perform both?

In this paper, I argue that our associative duties can justifiably take precedence over the general duties we have towards strangers, even if their need is much greater. I contend that when associative and general duties clash, there is no priority rule such that could dictate that one type always takes precedence over the other. However, I further argue that, whilst this tension between associative and general duties is ineliminable, deontic conflicts will be rarer and often less troublesome than is commonly thought. Firstly, associative ‘duties’ are less common than the literature tends to suggest; and secondly, in many of our special relationships, resource distribution does not equate to resource depletion. Thus, whilst the conceptual tension between general and associative duties is genuine, the penchant for the affluent to excuse themselves from attending to their general duties by appeal to associative duties seems, for the most part, morally unsustainable.

Keywords Associative duties • General duties • Partiality • Special relationships •
Distributive Objection

1 Introduction

We are far from impartial in the way we conduct ourselves in our everyday lives. We frequently do things for people with whom we share certain types of special relationships that we would not do for equally deserving strangers, and we take ourselves to have good reason for being partial in this way. At the same time, however, many subscribe to the view that there exist general duties that we bear towards all persons merely in virtue of our common humanity. But what should one do if faced with a choice between performing a general duty and an associative duty when it is impossible to discharge both? More specifically, what we want to know is: can the latter ever justifiably take precedence over the former, even if your associate's need is comparatively less dire than the stranger's?

That is the question that animates this two-part paper. In the first part, I argue that the answer to that question is yes. Associative duties can trump general duties, and do so justifiably, even when the need that is the subject of the former is comparatively less pressing than that of the latter. I begin, in section one, by introducing the claim that underwrites Samuel Scheffler's (2001) 'Distributive Objection' to associative duties, which says that associative duties are unjustifiable to the extent that they work to the detriment of the neediest. In section two, I propose that in situations of impossibility there is no set of priority rules that could determine which type of duty—general or associative—should take precedence over the other across the board. I then go on in section three to suggest that if this is correct, then the Distributive Objection is false.

However, as I go on to demonstrate in the second part of this paper, whilst associative duties can justifiably override general duties, the occasions on which they will do so are rarer and often less troublesome than we are intuitively inclined to imagine. Firstly, associative *duties* (as distinct from associative *reasons*) of partiality are less common than often assumed. As such, the occasions on which clashes with general duties will occur are less common than critics of associative duties would have us believe; and the occasions when they genuinely do clash and the associative duty justifiably does override the general duty less common still. Secondly, once we reject associative duties to countries/compatriots (as I argue we should), the pool of persons to whom one bears associative duties (and thus the incidence of associative duties themselves) is markedly diminished. Thirdly, I observe that the nature of resource transfer sometimes required of us in our special relationships to non-dependent intimates ordinarily does not result in net depletion of resources of the kind that could justify non-fulfilment of general duties.

The conclusion to be drawn, then, is (like the paper itself) bipartite. The findings of the first part of the paper suggest that there is a genuine tension between general and associative duties, such that, at least sometimes, associative duties can and will justifiably override even minimal general duties. That said, however, the findings of the second part suggest that the penchant for the affluent to excuse themselves from fulfilling general positive duties by appeal to associative duties is, by and large, morally unsustainable.

2 The Distributive Objection to Associative Duties

In a discussion of what he terms the ‘Distributive Objection’ to associative duties, Scheffler (2001: 56-59) asks us to imagine three individuals, A, B and C, none of whom share any special relationship to each other. Given the absence of any such relationships we are to assume a distribution of general duties amongst them that is perfectly egalitarian in character. However, A and B then become members of an In Group of which C is not, thereby acquiring associative duties towards each other that in relevant contexts may require them to do things for one another that they are not required to do for C. To flesh this out, suppose A was one of the unfortunate young women in Ireland in the middle of the 20th century to have her new-born daughter born out of wedlock B cruelly snatched away from her by the Catholic Church which then sold her baby to an adoptive American family. And let us suppose, then, that the point at which strangers A and B become members of the In Group is that at which they are eventually reunited and begin to build a socially salient mother-daughter relationship some 30 years later: that is, the point at which stranger A becomes Alice for stranger B, and stranger B becomes Beth for stranger A.¹ It is at this point, then, that the previously egalitarian character of the duties the three women held towards one another starts to look markedly inegalitarian and unfavourable to C. For Alice and Beth are now likely to be prepared and perhaps even required to do much more for one another, than they are prepared to do for C (or indeed, D, E, F...etc.). Finally, let us assume that Alice and Beth are already considerably wealthier than C. This being so, the fact that they are now inclined or even required to do more for each other than for C predictably reinforces and exacerbates the prior inequality of resources. The line of the Distributive Objection, then, is that ‘this is unfair, and...associative duties cannot be justified when they work to the disadvantage of those already worse off’ (Scheffler, 2001: 74).

¹ It might be suggested they always have shared the special relationship of mother to daughter biologically speaking. However, given their complete ignorance of anything about each other pre-union, at least for the purposes of depicting their duties to one another, it seems plausible to posit that up until the point of their reunion, their duties to one another as duties between strangers A and B were no different from their general duties to all.

There are two ways the deontic shift resulting from this new relationship dynamic would appear to unfairly disadvantage C. Firstly, prior to reuniting as Alice and Beth and acquiring associative duties towards each other, A and B might on occasion have done things for C despite not having a duty to do so. Now, however, it seems that ‘discharging their responsibilities to each other must take priority over providing [C] any sort of optional assistance’ (Scheffler, 2001: 84). Secondly, there may be situations now in which Alice and Beth are inclined to give the associative duties they have towards each other priority, not just over the provision of optional assistance to C, but over their general duties to C. Of these two ostensibly adverse effects of folding a mother-daughter relationship into the mix, the first need not detain us. For even if it is true that Alice and Beth are now less likely to provide optional assistance to C, so long as the benefits they are less likely to confer are supererogatory anyway, then it is hard to see what grounds C could have for special moral complaint against them (Lazar, 2009: 92-93; Miller, 2003: 116). However, the second predictable effect whereby there may now be times when Alice and Beth will give their associative duties priority over the general duties they owe C suggests a deeper tension that would appear to be somewhat harder to deflect. Yet, according to one counterargument to the Distributive Objection—what I term the Sufficientarian Solution²—that is all that this deontic tension is: merely apparent.

2.1 The Sufficientarian Solution

The Sufficientarian Solution to the Distributive Objection proceeds via two moves. The first move sees proponents note that how serious the Distributive Objection is depends, in part, on the conception of justice one cleaves to. Certainly, if a comparative variant of justice is assumed according to which general duties require that we give *equal* consideration to all persons everywhere, then the Distributive Objection would be conceptually insurmountable, as any acknowledgement of associative duties and the special consideration they embody would immediately impinge on the general ones, thus upsetting the comparative global distribution (Miller, 2003: 117). However, if one opts instead for some non-comparative variant of justice such as sufficientarianism, then the Distributive Objection appears to lose much of its force (Abizadeh and Gilibert, 2008; Ashford, 2003: 108-109; Jeske, 1996: 300; Miller, 2003: 116; Pogge, 2002: 90-91; Seglow, 2010: 61). For if the general duties espoused by the sufficientarian are construed as duties to realise the basic needs and human rights people

² What I term the ‘Sufficientarian Solution’ is sometimes framed as the ‘Additional Duties Defence’ (Seglow, 2010: 65), or the ‘Blanket Priority Thesis’ (Lenard and Moore, 2009: 403).

require to live minimally decent lives rather than comparative global equality, then fulfilment of them will oftentimes be compossible with fulfilment of associative duties.

Note, however, that whilst the first move of the Sufficientarian Solution might serve to somewhat dilute the force of the Distributive Objection, it is not sufficient to defeat it. Adopting a non-comparative conception of justice rather than a comparative one really only increases the scope for compossibility of general and associative duties (and when compossible, presumably there is no morally compelling excuse for not fulfilling both). So, the real question we are concerned with—the question of what to do when the duties in question are impossible—remains untouched by the first move. Enter, then, the second move of the Sufficientarian Solution. At this juncture, it is claimed that although situations of genuine impossibility will arise and duties may clash as a result, any perceived deontic tension is merely apparent, for associative duties can never override their more fundamental general counterparts. In this vein, Thomas Pogge observes that whilst ‘special relationships can *increase* what we owe our associates...they cannot *decrease* what we owe everyone else’ (original emphasis) (2002: 90-91). Similarly, Diane Jeske writes: ‘I must continue to give Henry’s needs [where Henry is a stranger] the same weight in deliberations as I would have given to those needs if I did not have special obligations to Emma’ (1996: 300). Thus, despite appearances to the contrary, “clashes” between general duties and associative duties pose no problem on the Sufficientarian Solution, since the former always trump the latter. If correct, the Distributive Objection is defeated.

2.2 Is it never permissible for an associative duty to trump a general duty?

I will not query the first move of the Sufficientarian Solution here. To do so would require an extended discussion of whether we should conceive of justice in comparative or non-comparative terms that is beyond the scope of this paper. What I will question, however, is the second move of that argument: that is, the purportedly tension-dissolving claim that in situations of impossibility general duties always trump associative duties. In this section, I articulate two reasons to doubt the veracity of that claim.

The first reason derives from the observation that, in fact, the obverse priority claim is more plausible in situations where impossible general and associative duties are ‘content-symmetric’. Impossible general and associative duties are content-symmetric if the actions required of the agent who bears them aim to realise ends that are qualitatively identical; that is, the choice they face is between performing either their general duty to realise X or their associative duty to realise X. For example, if Beth and C are drowning, and Alice can save one

but not both, the two duties she must choose between—her duty to save Beth’s life and her duty to save C’s life—can be described as content-symmetric in this fashion. What we see, however, is that, *contra* the Sufficentarian Solution, associative duties tend to generally and justifiably take precedence over general duties when the duties in question are impossible and content-symmetric. Thus, in the drowning case, we typically think Alice might justifiably attend to her associative duty to save Beth’s life rather than her general duty to save C’s life. And whilst C might think herself tragically unlucky that the prospective rescuer who happens upon the scene turns out to be the mother of the other drowning person and not a mutual stranger (in which case she would presumably have a 50% chance of rescue), or even her own mother (in which case she would presumably have a 100% chance of rescue), she could have no moral complaint against Alice for opting to save Beth.

A proponent of the Sufficentarian Solution might respond at this point by suggesting that it is misrepresentative to depict the drowning case as a clash between an associative duty and a general duty. At least, reductionists about partiality will argue that the clash is really between two general duties, one of which—Alice’s duty to save Beth’s life—is simply amplified by the existence of a special relationship. As such, the existence of Alice and Beth’s relationship merely acts as a tie-breaker between impossible general duties. If so, the drowning case does not constitute an instance of an associative duty trumping a general duty at all. However, even if all the duties we have towards our loved ones were ultimately reducible to general duties as reductionists about partiality contend they are, it would not fundamentally alter the contention here, for controversies concerning the grounds of legitimate partiality are not strictly relevant to the priority question. Whether Alice’s duty to Beth is labelled ‘associative’ (i.e. it derives from the intrinsic value of their relationship), or ‘special’ (i.e. it derives from a general duty that is merely amplified by the existence of their relationship), the result carries. When the clashing duties are impossible and content-symmetric, Alice may justifiably save her daughter Beth rather than stranger C, and C can have no moral complaint against Alice, even if Alice and Beth are much wealthier than she is. Thus, if it is justifiable to attend to a duty of partiality over a general duty when the duties in question are impossible and content-symmetric, then the claim that general duties *always* trump duties of partiality (whether ‘associative’ or ‘special’ in virtue of their grounding) is false.

But perhaps proponents of the Sufficentarian Solution might reply that the priority rule is only meant to apply in those cases in which impossible duties are content-*asymmetric*. Impossible general and associative duties are content-asymmetric if the ends of the actions required of the agent who bears them are qualitatively different; that is, the relevant choice is

between a general duty to realise X and an associative duty to realise Y. For example, if Beth is struggling to meet her credit card repayments, and stranger C (amongst others) is dying from easily preventable poverty-related causes, and Alice has limited resources, the two duties she must choose between—her associative duty to help Beth make her credit card repayments and her general duty to maintain her monthly donation to Oxfam—can be described as content-asymmetric in this fashion. Restricted to scenarios like this, the claim that general duties should take priority over associative duties exhibits a certain intuitive appeal. Nevertheless, this reply would come at a steep cost for proponents of the Sufficentarian Solution. For if the priority clause is only triggered when the duties in question are impossible and content-asymmetric, they must still relinquish the claim that general duties always trump associative duties.

In any case, there is another more fundamental reason to doubt the veracity of the claim that general duties always trump associative duties, even when they are content-asymmetric. The problem is that the claim that associative duties can never justifiably override general duties is typically assumed by proponents of the Sufficentarian Solution rather than argued for. Yet, it is not at all clear why we should assume this. Presumably, the claim cannot be that general duties are *morally* prior, for to assert as much would be question-begging. Perhaps *temporal* priority is what is implied, but that seems questionable too. On the one hand, it seems descriptively inaccurate, for some of our associative duties seem at least co-originary with our general duties, or at least to deny this would appear unduly dismissive of the conviction that we are always and inextricably socially embedded within morally valuable relationships from the start. On the other hand, it is simply unclear why we should treat temporal priority as an indicator of moral priority at all (Lazar, 2009: 96). A and B's general duties to each other and C (D, E, F...etc.) undoubtedly pre-date the associative duties Alice and Beth incur upon reunion as mother and daughter, but it does not follow that they are therefore secondary, morally speaking, to their general duties to strangers C, D, E, F...etc., at least not absent any argument why this should be so. But perhaps what really matters for the Sufficentarian Solution is not that Alice's and Beth's general duties pre-date their associative duties to each other temporally, but rather that the latter are all derivative of the former. Yet, some associative duties at least do not admit of explanation in derivative terms, or so the non-reductionist claims. Not all of Alice's parental duties to Beth will be amplifications of pre-existing general duties she owed her when they were strangers A and B. Some at least will be morally basic associative duties to do things for, to and with her that would not exist at all were it not for the relationship, since they derive from the value of the relationship itself, and not from the equal moral value of persons *qua* persons.

Of course, nothing said in this section proves definitively that general duties are *not* morally prior to associative duties, but it is sufficient to show that proponents of the Sufficientarian Solution supply no persuasive reason to think that they are, either. Despite the best efforts of proponents of the Sufficientarian Solution, then, the Distributive Objection to associative duties remains unassailed.

2.3 Rejecting the Distributive Objection

Although the Sufficientarian Solution lacks the conceptual resources to close out the Distributive Objection, closer attention to what it is that it is lacking—i.e. an argument that establishes the priority of general duties over associative duties—suggests an alternative solution. To tease out what that is, it will be useful to consider how Scheffler himself responds to the Sufficientarian Solution. Scheffler offers what is essentially a two-pronged response, the first of which is to say that although the Sufficientarian Solution might partially defuse the Distributive Objection, in doing so, ‘it would nevertheless grant the conclusion that objection seeks to establish’ (2001: 86). That is, even though it might eliminate the apparent tension between general duties and associative duties in situations of compossibility, it would be self-defeating to the extent that it concedes that when the affluent invoke associative duties in order to legitimate resistance to the claims of global justice, the associative duties invoked would be unjustifiable. On the second prong then, he goes on to say:

[A]lthough the argument is not altogether without merit, it is ultimately untenable. We may grant that special responsibilities serve in part to increase one’s total share of responsibility. Yet at the same time, part of it what it is to have such responsibilities to one’s associates is to be required, within limits, to give their interest priority over the interests of non-associates, in cases in which the two conflict (Scheffler, 2001: 86-87).

This second prong of Scheffler’s Distributive Objection is further elaborated in his response to variants of the Sufficientarian Solution posited by Elizabeth Ashford (2003) and David Miller (2003). The tension, he argues, cannot ‘be simply defused by suggesting that the claims of justice constitute a set of minimum general obligations’ (Scheffler, 2003: 128), for most affluent people ‘do not seem to believe that they must give the fulfilment of global human rights priority over every less urgent need of their own children, or even that it would be morally acceptable for them to do so’ (Scheffler, 2003: 129). And that seems plausible; it is not inconceivable that Alice might on occasion be required, within limits, to give the less urgent needs of her daughter Beth priority over the basic needs and interests of strangers C, D, E, F...etc. if she cannot dispense her duties to both. Ultimately, then, the first conclusion I think

we should draw from the discussion of this section (and the last), is that when associative and general duties clash, there is no priority rule such that could dictate which type takes precedence across the board.

But now we see, however, that acceptance of this first conclusion entails rejection of the Distributive Objection. For one can either reject the claim that associative duties can never justifiably trump general duties (as per the second prong of Scheffler's response); or, one can endorse the claim that although in practice associative duties will occasionally trump even minimal general duties, whenever they do and their doing so works to the detriment of the neediest who do not even enjoy minimally decent lives, they are morally unjustifiable (as per the first prong of Scheffler's response). But one cannot have it both ways. If one subscribes to the latter claim, then one must relinquish the former, for the claim that associative duties are unjustifiable to the extent that they disadvantage those already worse off presupposes the moral priority of general duties; and if one holds fast to the former, it seems one must reject the latter, for if general duties do not in fact enjoy absolute moral priority, then associative duties that trump them are not *prima facie* morally unjustifiable. If this is so, then we should reject the claim that underwrites the Distributive Objection; that is, we should reject the claim that associative duties are always unjustifiable to the extent that they work to detriment of those who are worse off.

3 Just how common are clashes between general and associative duties?

In many respects, the conclusion of the first half of this paper is not especially morally appealing. That is, it might have sat better with our moral sensibilities were we able to affirm rather than reject the claim that associative duties are unjustifiable whenever they work to the disadvantage of those who do not even enjoy minimally decent lives. However, the claim that on occasion duties to attend to the less urgent needs of our associates can be justified, even if performing them precludes us from fulfilling our general duties to needy strangers, should not be overstated. For the occasions on which clashes with general duties will occur are less common than critics of associative duties would have us believe; and the occasions when they genuinely do clash and the associative duty justifiably does override the general duty less common still. There are three reasons or "mitigating factors" that lend support to this conviction.

3.1 First Mitigating Factor: Not all associative reasons are associative duties

Whilst some of our associative reasons of partiality to those with whom we share special relationships are properly associative *duties*, not all of them are. The generic account of associative duties favoured by Scheffler (2001), Raz (1989), Moore (2009), and Kolodny (2003) (amongst others), says that to intrinsically value your relationship to someone just is (amongst other things) to have associative duties towards them (these being partially constitutive of, and justified by, the very value of those relationships). In short, associative duties are part and parcel of the value of rewarding special relationships, absent which, those relationships simply could not obtain. However, the move from saying you intrinsically value your relationship to someone, to the claim that you therefore bear associative duties towards them is too swift. As a matter of fact, many of the special relationships we enjoy are not deontically demanding, at least not all of the time. Indeed, even though I value them intrinsically, most of even my close friendships rarely require anything much that looks like a *duty* of me in the normal scheme of things. And in my thinner friendships—my “friendship-lites”—the fact they are not deontically demanding is precisely part of their appeal; it is what makes them uncomplicatedly enjoyable. It thus appears mistaken to think that all intrinsically valuable special relationships are constitutively dependent on the fulfilment of associative duties. This claim—that not all associative reasons are associative duties—is trivially true, and yet it is an endemic feature of the literature concerning partiality that most commentators fail to adequately distinguish associative reasons and associative duties of partiality.

There is not the space here to comprehensively articulate and defend a principled method of delineating associative reasons and duties, but I will attempt a brief sketch of one that seems promising to me. I take it that if you and I share an intrinsically valuable special relationship, your being there for me merely as things stand will not suffice to sustain the value of our relationship. That is, it must be the case that you would also be there for me even were I/you/circumstances somewhat altered. To channel The Beatles, if I am to count you a genuine friend, it must be the case that you would not simply stand up and walk out on me if I were to suddenly lose my ability to sing in tune. If this is indeed the case, we may say I enjoy the “rich” good of your robust concern. To say the good of robust concern is “rich” is to invoke the adjective as Philip Pettit employs it: as shorthand for ‘robustly demanding’ (2015). To illustrate what it is for a good to be robustly demanding, consider Pettit’s account of the “rich” good of honesty: ‘I enjoy [the “rich” good of] your honesty insofar as I enjoy [the corresponding “thin” good of] your truth-telling, not just in the actual world where it is more or less convenient for you to tell the truth, but also in various possible worlds where it becomes

inconvenient' (2012: 9). Mapping Pettit's theoretical framework onto Alice and Beth's newly minted mother-daughter relationship, I propose that the relevant "thin" goods Beth begins to enjoy upon embarking on a socially salient relationship with her mother Alice are the goods or benefits of partial parental treatment Alice now provides her with on discrete occasions as and when suitably prompted; the corresponding "rich" good, then, is the good Beth enjoys as a result of Alice's providing her with the thin goods of her parental partiality robustly (i.e. the good of robust parental concern).

With this theory of partiality, I think we can begin to discern a potential method for distinguishing Alice's associative reasons from her associative duties towards Beth. Whenever Alice's provision of the thin good of parental partiality in some particular instance is *merely conducive* to Beth's enjoyment of the rich good of her parental concern, we may say Alice has an associative reason to provide Beth with whatever it is that the thin good of partiality comprises in this instance. If, however, Alice's provision of the thin good of parental partiality is not merely conducive but *instrumentally necessary* to substantiate Beth's enjoyment of the rich good of her parental concern (such that were she to refrain from providing Beth with the thin good of her partiality on this occasion it would radically undermine Beth's confidence that she really enjoys Alice's robust parental concern at all), we may say Alice has an associative duty to furnish Beth with whatever the thin good of partiality in this instance comprises.

If this method of delineating associative reasons and duties does what it purports to, it will drastically circumscribe the range of acts of partiality that are obligatory, which in turn will restrict the range of cases in which general duties of justice will cede priority to partial considerations. For if much of the partiality we show towards our loved ones is actually explicable in terms of associative reasons rather than duties, since associative reasons are not (by hypothesis) instrumentally necessary to substantiate the good of those relationships, there can be no question of their interfering with our general duties. Of course, when they *are* instrumentally necessary and thus properly associative *duties*, and where the performance of them is *genuinely* impossible with the performance of general duties, then a considered judgement specific to the circumstances will need to be made as to which ought to prevail. The point is merely that situations of this type are less common than often suggested.

3.2 Second Mitigating Factor: The duties we have towards compatriots are not 'associative' duties

Arguably, a predominant motivation of the Distributive Objection rests with the thought that there is something terribly wrong with a world in which members of affluent societies invoke

associative duties to their compatriots to legitimate resistance to the claims of distant strangers who are denied even the most rudimentary of basic needs and human rights. However, on reflection, it is not clear that we have *associative* duties to compatriots at all, whether we are said to have these duties in virtue of the value we attach to our relations as co-citizens, co-nationals, or fellow patriots.³ Importantly, this is not to deny that you might have *non-associative* special duties to your compatriots. You might consistently deny that you intrinsically value your relationship to your compatriots in the fashion necessary to ground associative duties while recognising the various ways in which your fates are interconnected, and believing that these generate significant special civic duties. Such non-associative special duties may well have important distributive implications, but they are not the target of this paper.

Some will challenge the claim that relationships between compatriots are not intrinsically valuable relationships of the requisite kind necessary to ground associative duties. Indeed, some will be quick to point out that, as a matter of fact, we commonly do exhibit a special concern for our compatriots that suggests we *do* value our relationships to them intrinsically (or at least not purely instrumentally). But such claims arguably rest on a category error. As a proud Irishman, it is not that I intrinsically value my *relationship* to Irish compatriots exactly, but rather that I intrinsically value being Irish (where being Irish features in my ground projects as a defining pillar of my identity), as a result of which I subjectively identify with Irish compatriots in an ethically significant way that I do not with non-compatriots. However, this is not a trivial difference, for whilst my subjectively identifying as Irish might ground associative reasons of partiality towards Irish compatriots, it cannot ground associative *duties* of partiality. Framed generally, if what one values in intrinsically valuing one's membership of a polity, *natio* or *patria* is really the role it plays in one's subjective identity-project and not one's relationships to one's co-citizens, co-nationals, or fellow patriots, to the extent that one is capable of unilaterally disregarding that element of one's identity, it follows that whatever associative reasons one might be said to have towards one's compatriots are similarly susceptible to being unilaterally disregarded. If this is so, and it is a conceptual feature of deontic requirements that they must be independent of the subjective will of duty-

³ Some authors argue we have associative citizenship duties (Mason, 1997; Honohan, 2001; Lazar, 2010; Seglow, 2010); others refer more broadly to associative political obligations (Horton, 2006, 2007; Simmons, 1996; van der Vossen, 2011); others speak in specific terms of associative duties of patriotism (Moore, 2009; Primoratz, 2009); and still others defend associative duties to co-nationals (Miller, 2010; Moore, 2001). In this unavoidably all-too-brief discussion of the matter, I treat 'compatriots' as an umbrella term for co-citizens, co-nationals, and fellow patriots.

bearers, then associative reasons of partiality towards compatriots are constitutively incapable of translating into associative *duties* at all. As such, associative duties towards compatriots are objectionable not because of the injustice of their distributive effects, but simply because they cannot be justified at all. Taking associative duties to compatriots off the table will not dispel the tension between general and associative duties entirely, but it does reveal what seems to me an insidious hi-jacking of it for self-serving purposes.

3.3 Third Mitigating Factor: Resource transfer is not always resource depletion

The third mitigating factor I consider here runs the argument that one cannot justify renegeing on one's general duties by appeal to associative duties to transfer monetary resources to non-dependent intimates, since such duties do not ordinarily deplete one's net monetary resources. Before unpacking the details of that claim, however, it is worth taking a step back to consider whether associative duties that require transfers of resources impede the realisation of global distributive justice at all. According to Niko Kolodny (2002), at least, it is not clear that they do.

In his paper 'Do Associative Duties Matter?' (2002), Kolodny puts forward a basic case in which A and B are associates, as are C and D, and we begin with a distribution of $\langle 8, 0, 0, 0 \rangle$ where A has 8 and the rest have zero. Assuming a global duty to realise equality of resources, A should act so as to bring about $\langle 2, 2, 2, 2 \rangle$ if there were no associative duties in play. However, given that there are, and that Kolodny assumes associative duties to take sequential priority over general duties, from $\langle 8, 0, 0, 0 \rangle$, A is duty-bound to bring about $\langle 4, 4, 0, 0 \rangle$ (assuming associative duties also require realising equality of resources). With 4 each A and B have fully realised their associative duties to each other, but the distribution cannot stay at $\langle 4, 4, 0, 0 \rangle$ because A and B each have a general duty to give C and D 2 each, and they cannot appeal to their associative duties towards each other to escape their general duties because they are already fully realised at $\langle 4, 4, 0, 0 \rangle$. And so, short of A and B invoking some sort of 'personal prerogatives' (Kolodny, 2002: 262) that would permit them to retain all or part of their resources even though this would prevent them fulfilling their general duties to C and D (in which case it would be the personal prerogatives and not associative duties that prevent distributive equality), the ultimate distribution must be $\langle 2, 2, 2, 2 \rangle$. Thus, Kolodny concludes that, in the basic case at least, '[a]ll that associative duties accomplish is to exchange one initial distribution for another...The global duty still applies at the new distribution, and it still requires the same result, $\langle 2, 2, 2, 2 \rangle$ ' (2002: 251). His suggestion then, is that associative duties that require mere transfers of resources do not adversely affect the global distribution.

Kolodny's basic case assumes a comparative conception of justice, but he believes the same conclusion—that associative duties to transfer resources do not impede distributive justice—follows even on a non-comparative conception. In the examples he draws upon to demonstrate this, however, the duties are either compossible (and thus obviously cannot justifiably impede the realisation of distributive justice), or impossible, but content-symmetric:

If the initial distribution is $\langle 2, 0, 0, 0 \rangle$ and resources...come in indivisible units, then $\langle 0, 0, 1, 1 \rangle$, $\langle 0, 1, 0, 1 \rangle$, $\langle 0, 1, 1, 0 \rangle$, $\langle 1, 0, 0, 1 \rangle$, $\langle 1, 0, 1, 0 \rangle$, and $\langle 1, 1, 0, 0 \rangle$ all satisfy leximin. If there are associative duties, then a is required to transfer one unit to b , making the distribution $\langle 1, 1, 0, 0 \rangle$. Since $\langle 1, 1, 0, 0 \rangle$ already fully satisfies leximin, a and b have no global duties to alter the distribution...associative duties do not make the distribution worse according to the global principle or...cause fewer people to have the basic minimum or leximin to be unsatisfied (Kolodny, 2002: 257).

This makes the force of Kolodny's argument somewhat difficult to judge. His only consideration of what looks like a clash between impossible and content-*asymmetric* duties features in a footnote, and whilst he recognises it to be problematic, he perhaps underestimates how problematic it is. I adapt it here to our Alice, Beth, and stranger C case so as to highlight the problem more clearly, but without altering Kolodny's basic contention. Suppose the initial distribution between strangers A, B, and C is $\langle 8, 0, 0 \rangle$, the associative distributive principle is maximal welfare, and the global distributive principle a minimum of two units. In the absence of associative duties, A should bring about $\langle 4, 2, 2 \rangle$. Once reunited as Alice and Beth however, the distribution Alice brings about will be $\langle 2, 6, 0 \rangle$. From here, Beth fulfils her general duty to C so as to bring about $\langle 2, 4, 2 \rangle$. However, this is not the final distribution, for Beth must now bring about $\langle 4, 2, 2 \rangle$, then Alice must bring about $\langle 2, 4, 2 \rangle$, and so on. Though distributively unstable, the result is nevertheless distributively just (Kolodny, 2002: fn11).

The problem, however, is that this would appear inconsistent with Kolodny's concession to grant associative duties full sequential priority over general duties,⁴ for surely from $\langle 2, 6, 0 \rangle$ Beth should bring about $\langle 6, 2, 0 \rangle$, then Alice $\langle 2, 6, 0 \rangle$, and so on. If so, it would seem the addition of associative duties to the mix *does* render global distributive justice impossible in this case. Thus, we should conclude that associative duties to transfer resources

⁴ Although Kolodny's endowing associative duties with sequential priority serves the point here, much as with temporal priority, there is no reason to suppose that sequential priority matters morally at all. Indeed, it seems that whatever about sequential ordering, the examples Kolodny cleverly develops in his paper in fact all ultimately assume the moral priority of general duties. To that extent, Kolodny's argument looks like just another Sufficientarian Solution, and thus the claim that associative duties do not adversely affect global distributive justice rings hollow in much the same fashion.

are not constitutively incapable of upsetting global distributive justice (whether comparative or not), despite Kolodny's protestations to the contrary. Even if this is true, however, the extent to which the performance of resource-focused associative duties may legitimate renegeing on general positive duties will tend to be limited by two further considerations.

Firstly, oftentimes associative duties to transfer resources will not terminally diminish the net resources one has at one's disposal for discharging one's general positive duties, since in many instances both parties to a special relationship are associative duty-bearers. As such, when you lend a friend money, you usually expect to get it back at some point. Of course, your friend might not repay you, in which case your resource-pool will indeed be depleted, but assuming they have no good excuse for not doing so, it is not your performance of your associative duty to them that depletes your resources (thus impairing your ability to discharge your general duties), but rather their non-compliance with theirs. No doubt some associative duties do deplete material resources—most obviously associative duties to transfer resources to financially dependent intimates—and these may be *substantially* demanding in that respect. But few, I think, would deny that it is justifiable (within reason) to direct some portion of one's material resources towards realising the well-being of one's young children, one's aged parents, or one's infirm or impoverished spouse or friends where the return of one's resources does not amount to non-compliance on their part, perhaps even when doing so would leave you with insufficient resources to perform your general positive duties of assistance towards the neediest. The question remains of course of what ought to be the limits of partiality regarding how much of one's material resources it is justifiable to allocate to dependent intimates, but almost all difficult moral questions require careful weighing of competing moral claims. The fact that such difficulties remain is neither surprising, nor a reason for rejecting the moral force of associative duties.

Secondly, often what associative duties require is not transfer of resources at all, but *expenditure* of them. Kolodny suggests that it is the exercise of personal prerogatives to retain or spend resources that exacerbates distributive justice, and not associative duties at all, for 'if prerogatives *are* exercised, equality *will not* be achieved *whether or not there are associative duties*, and if prerogatives are *not* exercised, then equality *will* be achieved *whether or not there are associative duties*' (original emphasis) (2002: 263). However, some expenditure of one's resources is surely an inescapable consequence of attending to many of one's associative duties. For example, if occasionally visiting and staying in continual contact with my parents is an associative duty, my spending money on flights and phone calls, etc. seems an unavoidable feature of my fulfilling this associative duty, even if doing so depletes my

resources to the point that I am unable to perform my general duties as a result. The fulfilment of associative duties is, one suspects, scarcely an entirely cost-free exercise.

Moreover, assuming it is justifiable to spend X amount of resources on oneself⁵ in the absence of special relationships, it is not clear that adding special relationships to the mix will ordinarily require spending more than X amount of resources (again, assuming those relationships bear the hallmark of reciprocity special relationships to non-dependents usually do). Imagine that A has no friends, but nevertheless enjoys going out to his local restaurant alone and enjoying a nice meal every Friday night. Now imagine an individual B who is rather more sociable and is part of a group of 4 friends who get together for dinner every Friday night. A buys himself dinner and drinks at a cost of \$40. B contributes \$40 for his share of the bill, safe in the assurance that each of his three friends will also contribute their share. The amount of money A and B spend is the same; the fact that B has special relationships and A does not, makes no difference regarding their respective expenditure of resources. Of course, B may be very popular, having say 7 different sets of friends, but it would scarcely be justifiable were B to cancel his subscription to Oxfam so as to be able to dine out every night of the week. For one thing, whilst some degree of self-directed partiality (or resource-equivalent partiality towards friends) need not amount to selfishness, according *excessive* weight to one's own satisfactions regardless of the consequences for others arguably does. And, for another, it is extremely unlikely that B's taking up each and every dinner opportunity will be instrumentally necessary to substantiate the good of each of his friendships, and thus his attendance will not, for the most part, be the subject of associative *duties* (capable of overriding his general duties) anyway. In the general mill of things, being unable to keep your social life in check will scarcely suffice as an excuse for renegeing on general duties. And just as we would not think it justifiable for loner A to renege on his general duties so that he may dine out every night of the

⁵ Whilst some expenditure of resources on one's dependent children for example is likely to be regarded as entirely appropriate (within limits), expenditure of resources on oneself, even when such expenditure is essential to what one regards to be a worthwhile life, is likely to invite greater moral censure. Certainly it would seem problematic to posit the prioritising of one's own interests as a 'duty'. And yet, one must surely be entitled to have special concern for one's own well-being, needs and interests, for 'to be a person, to have a sense of identity and personal integrity, implies the possession of plans, projects and desires which have a *special status* in your scale of values precisely because they are *yours*' (original emphasis) (Cottingham, 1983: 87), and these rarely come for free. As Diane Jeske suggests, whilst the idea of having duties of partiality to oneself seems somehow awkward, it nonetheless seems plausible that individuals have various kinds of agent-relative reasons that are fundamental, and that one of these is to take special care of oneself (2014: §7). Indeed, some degree of self-directed partiality is arguably not only defensible, but in fact an essential pillar of any conceivable moral framework (Cottingham, 1986: 365).

week, the same I think must be said of B. The fact that he eats with friends rather than alone does not fundamentally alter anything.

In sum, I have argued that, despite Kolodny's claim to the contrary, associative duties to transfer resources are capable of impeding the realisation of global distributive justice. Even here, however, we find mitigating factors, for generally speaking partaking in special relationships to non-dependent intimates will not ineluctably alter the resource-pool at one's disposal to perform general duties that one would have had in the absence of those relationships (assuming some expenditure of resources on oneself is justifiable within limits). If this is right, then perhaps the only real site of tension is that between general duties and associative duties to dependent intimates (at least as regards resource transfer specifically), but a genuine tension it is nonetheless.

4 Conclusion

In some respects, there is really only so much we can conclude about the extent to which fulfilment of our associative duties might impinge upon our capacities to attend to general duties in the absence of a fuller account of what their content is precisely. Certainly, the arguments of this paper will scarcely appeal to those who believe global justice requires a comparative egalitarian distribution. My own conviction (though not one I have defended here) is that a viable account of global distributive justice will have to be non-comparative, the primary objective of which should be to establish a set of baseline obligations on the parts of individuals to human beings everywhere that can be institutionally delivered. In the world as it is, it is arguably not the needier who require our immediate concern, but the neediest who fall below even the most minimal baseline standards of living.

However, if the arguments of this paper are plausible, even some minimum baseline requirement of global justice would *still* be susceptible to defeat by associative duties in certain circumstances. Thus, I am at least in agreement with Scheffler that '(t)his tension cannot...be defused simply by suggesting that the claims of justice constitute a set of minimum general obligations' (2003: 128). To some extent, however, my agreement with Scheffler ends there, for once we jettison the claim that general duties always take priority over associative duties, it becomes impossible to reconcile this with Scheffler's further claim that 'it is unfair if special responsibilities work to the detriment of people who already have less' (2001: 92). Defenders of associative duties can simply deny that it is always "unfair" for associative duties to trump general ones on the basis that we have two independent sources of moral duties which come

with no set of priority rules such that could determine which should take precedence across the board. Clashes between general and associative duties may be less common than we tend to think, but when they genuinely do clash, as reality tells us they sometimes will (*contra* Kolodny), at least sometimes the associative duty will win out, and win out justifiably (*contra* the Sufficientarian Solution).

In the final analysis, I trust it is abundantly clear that I do not argue that associative duties *always* trump general duties; my aim has been only to show that we have no good reason to believe general duties *always* trump associative duties. And whilst the objective of this paper has been to highlight that, at least sometimes, general moral considerations will be pared back by partial considerations, it was never any part of that objective to deny the sense in which they stand in a mutual relation of bilateral constraint. The alternative—to endorse unilateral constraint instead so as to curtly resolve the tension once and for all—would seem to require either repudiating the deep moral value of our relationships and the partial treatment partaking in them sometimes requires, or repudiating the fundamental equal moral worth all persons possess and the impartial treatment that respect of that value demands. Neither is plausible, but more than this, neither is especially appealing.

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