INTRODUCTION

Every day, through the mass media, we are confronted with the misery of people all around the world. Probably some of us do not care any longer, because the injustice we see every day seems unsolvable. Still many of us don’t care any longer, because the injustice we see every day seems unsolvable. Still many of us donate large amounts of money for the people in South Asia and Pakistan and we wish we could do something for the hungry and sick in Africa. Most of us consider the misfortunate people we see on television as equal human beings. Of course, we are aware of the differences that exist between these peoples all around the world, but that does not affect the communality we share of being a human being and living in the same world. At the same time, we regret the loss of thousands of jobs for our fellow citizens caused by the moving of multinationals to countries that offer lower wages, and we react against the cheap foreign labourers ‘stealing’ the remaining jobs. We don’t want the emigrants from poor countries, neither political nor economic refugees, as we feel - culturally and economically - threatened by them. This explains the renewed growth of nationalist movements and parties, focusing on our national identity and culture.

Many of us have both experiences. But while the common man has no problems supporting the nationalist parties and at the same time donating money to Pakistan or Unicef, most political philosophers see both tendencies as irreconcilable. In 2004, Kok-Chor Tan published *Justice without Borders. Cosmopolitanism, Nationalism and Patriotism*, trying to reconcile both points of view.¹ In this excellent book, Tan’s aim is to defend cosmopolitan justice, but the book also gives an interesting overview of the different positions contemporary political theorists have taken. As these are my first steps into the global justice debate, the paper is based on my reading of this book, and tries to reproduce his main arguments. My aim is not to be original, but to present an overview of the interesting arguments used in favour of the cosmopolitan approach in global justice. The arguments are structured in three parts. In the first part on Cosmopolitanism, I present the common critique on cosmopolitanism and an overview on the different types of cosmopolitanism. I also present

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Tan’s critique on Rawls. In the second part on Nationalism, I sum up the objections of nationalism against cosmopolitanism and Tan’s rejections. The third part of the paper is on Patriotism. Again, I present the objections against cosmopolitanism and Tan’s solutions for them.

1. COSMOPOLITANISM

1.1. The problem of cosmopolitanism

Cosmopolitanism is an attractive theory as it takes the individual human being as the basic unit. It seems to be the ultimate point of view if one takes equality among people seriously. At the same time, this ‘ultimate equality’ is the origin of its most common criticism. According to nationalists, cosmopolitanism rules out the moral significance of particular ties and obligations. The global egalitarian aspirations of cosmopolitanism leave no space for nationalist and patriotic ideals. It can not take seriously the special relations we have with our fellow countrymen without reducing these nationalist or patriotic concerns to instrumental relations. They only recognize the special ties as an efficient strategy, not as intrinsically valuable.

Kok-Chor Tan claims this contradiction between cosmopolitanism on the one hand, and nationalism and patriotism on the other, to be a false one based on unproven assumptions about both theories. He wants to provide a better way of understanding the cosmopolitan position by clarifying the boundaries of the demands of cosmopolitanism, nationalism, and patriotism. His vision on cosmopolitanism is one defining certain principled limitations on nationalism and patriotism without, however, denigrating these particularist ideals. So, before investigating his arguments, we should define what Tan means by cosmopolitanism.

1.2. Preliminary distinctions: types of cosmopolitanism

In the contemporary literature, there are primarily four distinctions made by different authors. The first distinction, distinguishes cosmopolitanism as a moral ideal and as an institutional ideal. In the former, cosmopolitanism is a set of moral commitments that justifies the kinds of institutions we may impose on individuals; while in the latter, it is a system of
global institutions and organizations that represents a world state of some sort. The latter, commonly understood as the requirement of a world government to fulfil the cosmopolitan ideal of treating every individual equally, is very controversial, as it requires also the cultivation of a world citizenship. A tension arises with nationalism that values the right to national self-determination. But few cosmopolitans actually support the idea of a world state. Moral cosmopolitanism simply says that the ultimate unit of moral concern is the individual person. How we ought to act or what kinds of institutions we need, should be considered on the basis of these units.

The second distinction refers to cosmopolitanism as an ideal about justice and as an ideal about culture or identity. According to cultural cosmopolitans, membership in a particular cultural community is not constitutive of one’s social identity. It claims that such communal membership is irrelevant. According to this doctrine, an individual is truly free when culturally unattached and free to borrow from and adapt to a variety of different cultures. This type of cosmopolitanism is, of course, not reconcilable with nationalist and patriotic ideals who affirm these kinds of memberships. Adherents of cosmopolitanism about justice, however, are concerned with a different subject, namely, the scope of justice. Their claim is that boundaries such as nationality pose are just as irrelevant for justice as gender or social status.

‘Weak’ versus ‘strong’ cosmopolitanism is the third distinction. This distinction refers to the degree of the egalitarian demands: do we want a ‘global distributive equality’ or are we satisfied with ‘minimally adequate lives’ for everyone? This last option is still cosmopolitanism as it respects the moral worth of every individual.

Finally, there is the distinction between ‘extreme’ and ‘moderate’ cosmopolitanism. ‘Extreme’ cosmopolitanism takes the individual as the only justifying source of value. Other moral commitments, such as the ties between compatriots, might be useful to fulfil certain moral goals, but they have no intrinsic value. This type of cosmopolitanism can not recognize the moral concern of patriotism and nationalism. ‘Moderate’ cosmopolitanism, on the contrary, accepts that there can be moral grounds for certain special relations, as long as it does not deny the individual as a moral unit.

As we already indicated, some types of cosmopolitanism are not compatible with nationalism or patriotism. It is clear that Kok-Chor Tan is not identifying himself with these types of cosmopolitanism. Tan describes his position as a ‘strong’ but ‘moderate’ moral cosmopolitanism about justice.
1.3. Rawls revised

For Kok-Chor Tan, cosmopolitanism is about justice, more specifically, about social and economic justice. He defines this as the concern with ‘the equal distribution of material goods such as wealth, income, resources, and so on in a social scheme,’ clearly referring to Rawls. Tan adopts Rawls’s egalitarian principle, but applies it on a global scale. Against Rawls, he pleads in favour of a global distributive principle. It must be stressed though, that he does not plead for the Rawlsian model in particular. Other egalitarian liberal models could be possible as well for him. Tan’s claim is that ‘if one accepts egalitarian liberalism in its general form, one ought also to be a cosmopolitan liberal.’ His arguments can be divided based on two different claims that he makes. First, he makes the argument that we do not need principles of humanitarian assistance, but principles of global distributive justice to tackle the problem of global poverty. Second, Tan claims that the egalitarian principles should be cosmopolitan, that is, taking the individual and not other entities as the moral unit. Both claims can be read as criticism of Rawls’s *The Law of Peoples*.

1.3.1. Global distributive principle

In *A Theory of Justice*, Rawls’s goal is justice, defining the ‘primary subject of justice’ as ‘the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.’ But on a global scale, surprising followers and critics, Rawls rejects the idea of global distributive justice. In *The Law of Peoples*, he does, however, recognize duties of assistance. Quoting Rawls: ‘Well-ordered peoples have a *duty* to assist burdened societies. It does not follow, however, that the only way, or the best way, to carry out this duty of assistance is by following a principle of distributive justice to regulate economic and social inequalities among societies.’ And there is also, for Rawls, a duty of assistance in times of famine and drought.

According to Tan, there are two reasons why Rawls rejects global distributive justice. First, the duties of assistance would make it unnecessary. All decent countries would be able to sustain their ‘well-ordered and decent institutions so as to be able to become members in a

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2 TAN, 5-7
1 TAN, 7
4 TAN,19
7 Id., 38
good standing in the Society of Peoples." Second, and this is his main argument, global distributive principles, unlike domestic distributive principles, would have unacceptable results, for we would not be able to make a distinction between careful countries which have increased their wealth by good governance, and countries where poverty is caused by mismanagement. So, Rawls writes: ‘[O]nce the duty of assistance is satisfied and all peoples have a working liberal or decent government, there is no reason to narrow the gap between rich and poor.’ But even without knowing Rawls’s motivation, one could defend the approach of humanitarian duties with an efficiency-argument. At a global scale, it seems politically more realistic and efficient to promote assistance as a duty of the wealthy nations, than to argue for global justice. Most wealthy states already have a tradition of development aid, and supporting institutions are already in place. Nation-states, under pressure of the public and the media, can be forced to raise their funding, and to cancel the debts of developing countries.

There is, however, a crucial difference between both approaches that is an essential element in the debate. This difference also makes clear why it is important not to use ‘Global Ethics’ and ‘Global Justice’ interchangeably. For they have a completely different view on the root of the problem and the way to deal with it. The ethical approach is concerned with the interaction between agents, focusing on the duty of the wealthy countries to help the unfortunate. The wealthy are obliged to assist the developing countries to a critical level of economic and social development. As long as the critical level of development is not reached, the duty is binding, and it is clear that there is still a long way to go. The followers of this approach argue that the wealthy countries simply do not put forth enough of an effort to solve global poverty and want them to spend more money on development aid. Humanitarian duties can call for the creation of some institutions in order to coordinate the distribution of humanitarian aid. They do not, however, directly address the background structure at the root of the present humanitarian crisis.

Justice, on the contrary, is concerned with the basic structure of society. It focuses on the institutions and their basic operating assumptions. So, quoting Tan, ‘[a] theory of global justice would thus not only be concerned with the particular actions and foreign policies of individual countries, but, very importantly and more fundamentally, it would be concerned

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8 Id., 118
9 TAN, 69
also with the background global institutional context within which countries interact.”\textsuperscript{11} This approach recognizes the existence of a global institutional and structural basis, determining a person’s chances and options as profoundly and presently as on the domestic level. Advocates of global justice ground the global poverty and inequality in the global misdistribution of resources. The duty of justice demands us to change the current global background that favours the Western countries, and this duty remains as long as inequality persists between societies.

This is a completely different way of approaching and conceptualizing the questions of poverty and equality. It is a “paradigm shift” in how we understand ownership and entitlements.\textsuperscript{12} While assisting the poor countries, the wealthy countries are still presuming that what they are giving is rightfully theirs. By creating a ‘just’ basic global structure, we give back to the poor what is rightfully theirs and bring them to an equal and just starting position. To do so, we can use the Rawlsian egalitarian principles. This shift also makes it possible to reject Rawls’s argument about the unacceptable results of global justice. Implicitly, he explains the cause of global poverty as being the result of bad governance. With this ‘explanatory nationalism’ as Thomas Pogge calls it, Rawls does not make the distinction between inequality as a result of choice, and inequality due to circumstance.\textsuperscript{13} The aim of distributive justice is precisely to counter the effects of unchosen inequality, inequality due to circumstances. It does not compensate those who fail to make successful use of the opportunities available to them. So, as on the domestic level, the egalitarian principles do not compensate individuals for their poor choices, so on the global level, it would not compensate for bad governance. Global distributive justice wants to counter the effects of global factors outside the control of most poor countries. Its aim is not to counter the effects of national policies. It would still leave room for inequalities between countries due to differences in national pursuits. So, “[g]lobal distributive justice and national self-determination, the latter being the underlying premise in Rawls’s argument, are not incompatible goals.”\textsuperscript{14} It is very important to undermine the myth of ‘explanatory nationalism,’ as it is often the central objection of the developed countries and their citizens against global justice: why should we help if they are responsible for their own misery?

In the same way that we need principles to regulate the inequalities present in the basic structure on the domestic level, so too do we need principles to regulate inequalities in the

\textsuperscript{11} TAN, 21.
\textsuperscript{12} TAN, 26.
\textsuperscript{13} TAN, 70; Thomas Pogge, \textit{World Poverty and Human Rights}, Cambridge, Polity Press, 2002, 144-145
\textsuperscript{14} TAN, 71-72
basic structure on the global level. Some authors have argued that this analogy is not convincing as there is no global government or global institutions to fulfil this duty of justice. They claim that a shared institutional scheme is necessary for justice. Therefore, as long as there is no common social cooperative scheme, there can be no global justice. But this argument turns Rawls’s theory of justice upside down. The duty of justice requires us to support and to comply with just institutions that already exist, and to establish any further just arrangements that are necessary. Justice informs and constrains our institutions, not the other way around. Hence, it is not because the relevant institutions are lacking, that global justice is not feasible. The duty of justice demands us to establish the relevant institutions. It is another question, though, if and how these relevant global institutions are possible.

Comparing global justice with humanitarian assistance, it is clear that Rawls’s assistance duty would require the developed countries to do much more than they do now. If this duty would be taken seriously, it would already be a huge relief for the poorest. Still, it would not be the cure for global poverty. Tan writes that, ‘humanitarian assistance treats only the symptoms of global poverty, and as important and urgent as this is, it does not address the basic cause of poverty - that of structural injustice.’ Global justice asks for a ‘structural transformation.’

1.3.2 Cosmopolitan justice

A plea for global distributive principles is not necessary cosmopolitan. Global distributive principles can be applicable in two different ways, depending on the choice of the basic moral unit. As Rawls, in *The Law of Peoples*, one could focus on the nations or states as the basic moral units for justice. A cosmopolitan approach focuses on the individual as the basic moral units. Tan claims that ‘if one accepts egalitarian liberalism in its general form, one ought also to be a cosmopolitan liberal.’ Before explaining this claim, let us first resume Rawls’s static approach.

In *The Law of Peoples*, Rawls considers ‘how the content of the Law of Peoples might be developed out of a liberal idea of justice similar to, but more general than, the idea [he] called justice as fairness.’ So Rawls does not extend his egalitarian principles to a global level, but redoes his project of *A Theory of Justice* on a global scale, identifying ‘the international principles that would be agreed to by representatives of liberal societies at a
global original position.\textsuperscript{18} So, Rawls’s Law of Peoples is a theory of justice for a society of peoples, that is, the static approach. This is a fundamental shift in Rawls’s political philosophy. In \textit{A Theory of Justice}, the basic moral units are individuals. In \textit{The Law of Peoples}, on the contrary, the basic moral units are ‘people.’ As Tan writes, [t]he normative individualism fundamental to his domestic theory is replaced by a “communitarianism” of a sort that takes societies or peoples to be the basic subjects of justice.\textsuperscript{19}

What are Rawls’s reasons for rejecting the cosmopolitan ideal in his Law of Peoples? His main argument is that this cosmopolitan justice would ask all parties in the original position to adopt as a first principle that all persons have equal basic rights and liberties. Non-liberal countries are not willing to grant these rights to their citizens. So, to proceed this way, liberal countries would promote a foreign policy that assumes that only liberal democratic societies are acceptable; and, ‘if all societies were required to be liberal, then the idea of political liberalism would fail to express due toleration for other acceptable ways of ordering society.’\textsuperscript{20} But is it really true that one cannot express due toleration for other ways of ordering society by insisting on some liberal conception of distributive justice? Would it not be possible for non-liberal societies to reject liberal civil and political rights, but accept economic and social rights? In fact, in the real world, non-liberal countries tend to be the less well-off ones, and they seem very willingly to accept global justice principles. Developed countries refuse, however, to accept these same principles as long as non-liberal countries do not take over a liberal ordering of society. Of course, it seems morally wrong to support countries which violate human rights; but it might be more efficient, to protect human rights, to fight against poverty first, as human rights violations and poverty are often connected.

Another question is whether a duty of distributive justice between societies goes far enough. Equality between societies does not guarantee equality within societies. As non-liberal societies do not guarantee basic human rights, there is no certainty that the wealth equally distributed between societies is in turn redistributed equally between the individuals within these societies. The domestic institutions of non-liberal societies are put outside the scope of global justice. This criticism can also be used to argue that it is more efficient to organize global justice focused on countries. As already mentioned, the static approach does not guarantee equality within societies.\textsuperscript{21} It is not sufficient to eradicate inequality between states.

\textsuperscript{18} TAN, 63
\textsuperscript{19} TAN, 75
\textsuperscript{21} TAN, 36
without paying attention to individuals who should benefit from global justice. By taking a static approach, we run an even greater risk of giving the wrong answer to the question what indicators we should use to measure equality. If states are treated as the basic distributive subjects, one might be too easily tempted to take GNP as an equality indicator. ‘A focus on individuals, which is central to the cosmopolitan idea, […] would remind us that what is basic to human well-being is not just a country’s aggregate income, but its people’s level of education, its literacy rate, its degree of gender equality, its infant mortality rate, the life expectancy of its population, its healthcare standards, and so on.’

As a conclusion, then, let us retake Tan’s claim that egalitarian liberalism ought to be cosmopolitan. Rawls’s shift from normative individualism on a domestic level to communitarianism on a global level is not tenable. It cannot be justified within a liberal framework. For a real ‘extension of a liberal conception of justice’ on a global scale, one has to remain steadfast to its normative individualism. This might mean that liberalism has to take stance against non-liberal countries. But for Tan, this is a better option than being inconsistent. ‘[L]iberals ought to take distributive principles to apply to all individuals of the world equally regardless of their nationality and other contingent facts about them.’

2. NATIONALISM

In contradiction to Tan’s claim, however, an growing group of liberal authors argue that a theory of nationalism is implicit in liberalism. Liberalism and nationalism are mutually reinforcing ideals: ‘As nationalism needs liberalism to tame it and to set moral constraints on it, so liberalism needs nationalism in order to achieve its ends.’ According many liberal nationalists, social justice and democracy are best realized within the context of a national culture. Kymlicka for example writes that ‘there must be some sense of common identity and common membership uniting donor and recipient, such that sacrifices being made for anonymous others are still, in some sense, sacrifices for ‘one of us’. Thus, Tan’s claim that...
liberals ought to be cosmopolitan liberals can be rejected by saying that Rawls’s *A Theory of Justice* implicitly requires the existence of a single national community. Expanding the Rawlsian principles to a global level is not possible, as there is not a global community with a common culture and identity. Many nationalists doubt if a global community will ever be possible. Therefore, liberal nationalism seems to rule out cosmopolitan liberalism.

This leaves cosmopolitan liberals two possibilities. One is to deny the doctrine of liberal nationalism. Another is to reject the incompatibility of nationalism and cosmopolitanism, as Tan does. According to him, the alleged tension between cosmopolitanism and liberal nationalism is only apparent. ‘Once the goals and content of cosmopolitan global justice, on the one hand, and the parameters of liberal nationalism, on the other, are properly defined and identified, the perceived conflict between liberal nationalism and cosmopolitanism disappears.’\(^{27}\) He claims that ‘liberal nationalists must also be *international egalitarians*.’\(^{28}\) Tan’s argumentation is, again, built up in two steps. First, the nationalist objections are presented and rejected. Secondly, Tan gives arguments for the stronger claim that liberal nationalists who take their nationalistic agenda seriously must be international egalitarians.

2. 1. Compatibility of national liberalism with cosmopolitanism

Cosmopolitanism is not inherently incompatible with the basic claims of nationalism. This, however, does not mean that cosmopolitan global justice is compatible with all forms of nationalism. Tan only argues for the compatibility with national liberalism, which he defines as ‘a form of nationalism in that it affirms the general nationalist thesis that all states, including liberal ones, should promote and inculcate a sense of shared nationality among their respective citizens.’\(^{29}\) It is liberal ‘because liberal principles set constraints on the kinds of nationalist goals that may be legitimately pursued and the strategies that may be deployed to further these goals.’\(^{30}\) It does not assume that states are homogeneous nation-states, and that is opposed to episodic humanitarian assistance in times of emergency) beyond the level of kin groups or confessional groups’. Another example is David Miller, *On Nationality*. Oxford, Clarendon Press, 1995, 82: ‘Nations are communities of obligation, in the sense that their members recognize duties to meet the basic needs and protect the basic interests of other members. However, they are also large and impersonal communities, so in order for these duties to be effectively discharged, they must be assigned and enforced.

\(^{27}\) TAN, 87
\(^{28}\) TAN, 107
\(^{29}\) TAN, 87-88
\(^{30}\) TAN, 88
why it recognizes the role of the nation-state to inculcate a sense of shared nationality. Liberal nationalism is essentially universalist and individualist in its scope and foundation. It accepts the right to national self-determination as a universal right of all nations. In this way, if nationalism wants to remain liberal, it has to stay consistent with the universalist and individualist tenets of cosmopolitanism, according to Tan. This can be explained by considering the nationalist objections and Tan’s rejections of them.

2. 1. 1. National self-determination

National self-determination means that nations have a sovereign right over their resources, and that they have full responsibility for their own economic development. According to nationalists, a theory of global justice that obliges nations to redistribute their sources, contradicts their sovereign right and the idea of being responsible for one’s own domestic decisions. Liberal nationalists grant this right to all nation-states, as it is essential for every nation to have the necessary resources and freedom to promote and secure a cultural identity.

At this point, Tan refers to the limits that liberal nationalists accept on how to pursue their nationalist goals. And, of course, the nation-states cannot use more than what is their fair share of the world’s resources when exercising their rights. Currently, global distribution permits some liberal nation-states to have more at their disposal than is rightfully theirs, while others do not have enough resources to build up the necessary institutions to promote and secure their national identity. If liberals want to take self-determination seriously, they should create a ‘just’ basic global structure, giving the poor countries their fair share and bringing them in an equal and just starting position. It is only in this fair context that self-determination and responsibility can be taken seriously: when more powerful nations can no longer determine what the domestic policies of other nations should be. Only then can the “explanatory nationalism,” attributing the misery of the poor countries to their bad policies, be valid. If the liberal nationalists want to fully legitimize their right and exercise of self-determination, they have to be actively committed to ‘global equality.’ Later on, Tan will take this argument a step further, claiming that the national pursuits of national liberals are only legitimate within a just global framework.

31 TAN, 99
32 TAN, 102: ‘Global equality’ is misleading here, as this argument leads to the necessity of equality among nations, not among all individuals. Later, Tan uses the better term ‘international egalitarianism’. International egalitarianism is of course not cosmopolitanism, as it takes nations instead of individuals to be the moral unit.
2. 1. 2. National affinity

‘The national affinity argument claims that justice depends on shared meanings and common understandings about the goods to be distributed.’\(^{33}\) Shared meanings and common understandings are available in a national context. As Miller says, [w]here a national state exists, it can develop and regulate a set of institutions –what Rawls has called ‘the basic structure of society’ - which together allocate rights and responsibilities to people in the way that their conception of social justice demands.\(^{34}\) This implicitly claims that these shared understandings are not available in a transnational or global context.

This can be understood in two different ways. First, it can mean that an agreement about the goods and the way they should be distributed is only possible on a national level. The tension between a nation-centric and a transnational idea of justice would make it impossible to accommodate both. Tan rejects this by saying that development economists have provided us with a common cross-societal standard against which to compare developmental levels and life-quality globally. It is based on a widespread, cross-cultural agreement on the basic needs of every human being: health, housing, literacy, and so on. Second, it can also be understood as a claim about moral motivation. Before expecting individuals to comply with the demands of justice, there has to be a common belonging, a moral community. That is exactly why a nation-state cultivates some sort of shared nationality among its citizens. On a global scale, however, according to Walzer, there cannot be a moral community as there are no global shared communalities such as a common history, language, culture, or way of life.\(^{35}\)

Saying that national affinity provides an important precondition for social justice is of course hard to deny, but is it also saying that nationality is the only available basis for social justice? Can affinity not be expanded beyond nationality? Rawls points out that ‘[w]hat encourages the statesman’s work is that relations of affinity are not a fixed thing, but may continually grow stronger over time as peoples come to work together in cooperative institutions they have developed,’ and that ‘[t]he relatively narrow circle of mutually caring peoples in the world today may expand over time and must never be viewed as fixed.’\(^{36}\) Rawls means, of course, the affinity needed for humanitarian duties, but can not the same argument be used in the case of justice? As we expanded our affinity through nationalism for

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\(^{33}\) TAN, 102.


\(^{36}\) John Rawls, \textit{The Law of Peoples}. Cambridge, Harvard University Press, 1999, 112-113. And also: ‘It is the task of the statesmen to struggle against the potential lack of affinity among different peoples[.]’
strangers within a state, why could we not expand our affinity for strangers outside the state? How to do so is, of course, a different question. But it just seems arbitrary to stop at our national borders. ‘There is nothing in the liberal nationalist idea of affinity to suggest that our moral world has to cease suddenly at our national borders.’

So, for Tan, the national objections of self-determination and affinity, commonly thought of as anti-cosmopolitan, do not rule out cosmopolitanism. Liberal nationalism is consistent with cosmopolitan justice. In the next paragraph, Tan goes one step further, claiming that liberal nationalists must also be international egalitarians.

2.2. Necessity of liberal nationalists to be international egalitarians

The international egalitarianism that Tan is discussing means ‘equality with respect to the international order or institutional scheme.’ Tan uses Rawls’s egalitarian model on the international order, saying that ‘a just egalitarian international order is one in which the worst-off benefits most compared to alternative international arrangements. Tan’s claim that to pursue nationalist goals in an unjust international order, subverts the liberal principles of justice. Accordingly, apart from the liberal reasons in support of cosmopolitan justice, there are also national reasons to support international equality. Liberal nationalists must also be international egalitarians. Tan provides two different arguments for this claim. The first argument refers to self-determination, taking the argument from above one step further. The second argument is based on the migration problems that nations are faced with.

2.2.1. Self-determination and equality

As we already saw, national self-determination means that nations have a sovereign right over their resources, and that they have full responsibility for their own economic development. This right is integral to nationalism and is granted to all nation-states, as it is universal: all nation-states, under the appropriate conditions, are entitled to this right. As an implication, nation-states using their right of self-determination should not infringe upon another nation’s similar right. ‘Treating the principle of self-determination as a universal

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37 TAN, 104
38 TAN, 109
39 TAN, 111: Tan acknowledges that this is so ‘under the appropriate conditions’, but avoids the question what these are. According to Tan, ‘[t]o be consistent with its own fundamental commitments, a liberal Law of Peoples has to take a stance against non-liberal hierarchical societies’. So, the question remains if liberal nation-states should respect non-liberal hierarchical nation-states.
principle, therefore, imposes constraints on how a nation may exercise this right both in the domestic and international spheres,’ according to Tan.\(^40\) At the same time, however, this principle also legitimizes liberal nationalism as the only acceptable form of nationalism. Self-determination only applicable to one’s own nation, then, would be an illegitimate form of nationalism.

Taking this right of self-determination seriously means recognizing that all nation-states are equal on the international scene. In international law, this equality has been affirmed for centuries. However, political reality proves us differently. The current global distribution permits some liberal nation-states to have so much at their disposal that they can even export their national culture; while other nations do not have enough resources to build up the necessary institutions to promote and secure their national identity, let alone influence other nations. If liberals want to take self-determination serious, all nation-states should at least be able to enjoy the material conditions needed for self-determination. What does equality mean if one cannot make use of one’s right, that is, if it is just a formal right? ‘The equal worth of the right to self-determination cannot be ensured when some societies are burdened by economic needs,’ says Tan.\(^41\) This means that we should make sure that all nation-states have the material resources for self-determination. This is also what Rawls says by arguing for a duty of assistance to achieve internally just institutions. But ‘[o]nce that end is reached, the Law of Peoples prescribes no further target such as, for example, to raise the standard of living beyond what is necessary to sustain those institutions.’\(^42\) International egalitarianism is not to be mistaken with global justice. Tan protests, however, saying that the line is not so easily drawn. Rawls and others overlook the power differences between nations, which obstruct the right to self-determination of the weakest nations. ‘The power differential between nations, […], has an important impact on how nations are able to enjoy their independence and autonomy.’\(^43\) It is mostly the economic relations between nations and their position on the global economic market that affects their political power. Hence, a nation-state’s economic status determines the degree of control and participation it has in the global decision-making and in the international organizations. This economic inequality affects in a direct way the material living standards of people, the national agenda, and can threaten the cultural life of a community. If liberal nationalists take seriously the idea of self-

\(^{40}\) TAN, 111
\(^{41}\) TAN, 116
\(^{43}\) TAN, 118
determination, their goal should be to turn the legal equality into a substantive equality. This goal can only be obtained by achieving more economic equality between nations.

2.2.2. Immigration and international equal opportunity

Liberal nationalism does not only support nationalist, but also liberal goals, such as the Rawlsian egalitarian principles. In this last argument, Tan points out a tension between the liberal commitments and the nationalist commitments. He claims that liberals convinced of the right of equal opportunity have nationalist reasons to support international equality. His argument is based on the idea of nation-building, as discussed earlier. Self-determination involves nation-building strategies, such as regulating immigration into the nation-state. Nation-states can restrict movement of people into their country to protect and preserve the national identity. This is a legitimate national goal as it is essential to sustain the internal institutions. Regulating immigration, then, is not against the idea of liberalism. Only the selection criteria can be illiberal. In today’s world, however, the central reason for immigration is economic advancement, the pursuit for economic opportunities. Taking the liberal idea of equal opportunity serious would mean more than ever to open borders. Tan says, ‘[t]he liberal nationalist idea that liberal states may regulate immigration, therefore, sits uncomfortably with the standard of liberal commitment to equality.’\(^44\) How can this “tragic conflict” between liberal equality and nation-building be solved? Maybe the most tragic about this conflict is the fact that this conflict is not inevitable. Liberal nationalists can avoid this conflict by striving for a world in which all individuals have more equal opportunities. Distributing wealth and resources more equitably, not only within our borders, but also outside our borders, would reduce immigration drastically. ‘Improving international equality is one institutional solution helping to avoid, or at least to minimize, the cost of immigration restrictions on individuals’ access to equal opportunity.’\(^45\) Many authors argue that the right to regulate immigration in the name of nation-building depends on the satisfaction of the duties of international distributive justice. Kymlicka, for example says, ‘[i]f rich countries are unwilling to share their wealth in this way, then […] they forfeit the right to restrict admission into their borders.’\(^46\) And it might just be a more effective strategy to move resources to people, than to try to stop people from moving to resources. If nationalism takes itself

\(^{44}\) TAN, 125

\(^{45}\) TAN, 126

seriously, it should not only worry for its own nation identity, but also for the nation’s identity that has many emigrants. The exodus to wealthier countries also worsens the poor countries’ conditions and undermines their identity and self-determination. Thus, liberal universalists, as well as liberal nationalists, have good independent reasons to promote ‘global equality.’

3. PATRIOTISM

Many critics find cosmopolitanism untenable, as it is not capable of taking serious enough the individual’s associative relationships. It regards all individuals of the world as being of equal concern regardless of their nationality or citizenship. Given the prominence of patriotic commitments in ordinary human life, patriotism is seen as a special challenge for cosmopolitan justice. Tan defines patriotism as ‘the love for and loyalty to one’s country’. This love and loyalty gives compatriots priority above strangers. It is hard to see the difference with nationalism, as this also promotes the solidarity and mutual commitment towards compatriots. For nationalists, patriotism is a nation-building strategy. Patriots however are not necessarily nationalists. Patriotism can emphasize for example shared citizenship in a constitutional order, as Jürgen Habermas does.

The priority given to compatriots seems to contradict with the cosmopolitan ideal of impartiality for several reasons. First, patriotism provides a common identity that makes possible a sense of mutual indebtedness and mutual concern among people that are otherwise strangers. This is necessary to implement distributive principles, or in more extreme cases, to defend the nation-state in war. Secondly, cosmopolitanism seems out of touch with our commonsense morality. It offends our ordinary moral conception and experience not to be able to prefer our fellows above strangers. ‘Cosmopolitans who reject the relevance of particular ties and special associations seem to prioritize a commitment to abstract principles over the concrete and personal values that make life worthwhile and meaningful.’ For Tan, the tension between cosmopolitanism and patriotism is the confrontation of two opposing demands: while the first claims that nationality is to be factored out, the latter says that nationality is a relevant point of consideration. The best way to reconcile both is, according to Tan, ‘limited patriotism’, as it has an affinity with both demands. Tan’s arguments for this

47 TAN, 129. Tan uses misleadingly ‘global equality’.
48 TAN, 137
49 TAN, 138
approach start with ‘justice as impartiality’: ‘[J]ustice as impartiality does not aim to regulate individuals’ day-to-day interaction with each other as such; rather it aims to define and regulate the background social context within which such interactions occur.’\textsuperscript{50} If one has fulfilled their duties toward the state and its institutions, one is free to dispose of their resources as one likes. Distributive justice does not prevent my special concern for family and friends. Global impartiality works in the same way. It does not want to eliminate all forms of national or other associative concerns and commitments, but wants to regulate the global social background within which these concerns occur. It establishes the borders within patriotism is legitimate. Individuals can pursue their commitment to fellow patriots within the limits of a just global setting. The crucial question is, then, what does impartiality at a global level require? To answer this question we have to set aside all factors that are arbitrary from a moral point of view, such as gender, race and social status. From a global standpoint, nationality also should be put aside, as it is an accident of birth that has grave implications for one’s opportunities. We have to decide what people’s basic needs and rights are regardless of nationality. Once these requirements are met, however, concern for compatriots is permitted. So, instead of limiting our cosmopolitan commitment against patriotism, patriotism is subordinate to cosmopolitanism, according to Tan.

Tan’s analogy between the justice as impartiality on the domestic level and on the global level sounds very plausible. If, however, we reformulate his argument – that special concern is only allowed in a more egalitarian world - it sounds too demanding. Tan tries to reconcile this by saying that a cosmopolitan theory should not be so rigorous as to leave insufficient space for personal pursuits, but that is not very convincing. Besides, there might be very good reasons for limiting the demands of global justice. In the next paragraph, we reproduce the patriot arguments against global justice and Tan’s rejections of them.

3. 3. Citizenship and special obligations

Maybe the analogy between domestic and global justice is not as plausible as Tan would like it to be. Patriotic concern might be more than simply a preference for certain people. It might be an obligation, grounded on reasons for justice, to prefer compatriots to

\textsuperscript{50} TAN, 157. ‘Anti-cosmopolitanism’ and ‘restricted cosmopolitanism’ is left out in this paper.
complete strangers. Tan discusses two arguments. First, he gives the instrumental and the institutional argument. The second argument he presents, is the nationality argument.

3.3.1. The instrumental and institutional argument

The instrumental argument purports that ‘special obligations provide an efficient and effective strategy for coordinating and apportioning our general duties to humanity at large.’\textsuperscript{51} Special obligations are useful for dividing up our moral labour ‘by assigning and locating our otherwise complex and indeterminate general duties within specific groups of individuals and institutions.’\textsuperscript{52} This argument discharges us from our general duties we have to all, by replacing them with special obligations we have to members of our own group. It takes the special obligations that we have between citizens as the best way to fulfil our universal duties. This does not, however, provide an account for patriotism that trumps the demands of global justice. The instrumental argument presupposes the force of certain universal duties.

The institutional argument says that ‘the fact that there are institutional arrangements within domestic society […], but not in the international arena, shows that the only claims of justice there are are those between compatriots.’\textsuperscript{53} The only duties of justice we have are those derived from participation in shared institutions. Tan replies to this argument with two short remarks. ‘First, the premise that there are no global institutions is quite exaggerated.’\textsuperscript{54} Second, it is not the existence of institutions that create obligations. It is the duty of justice that demands us to extend the existing institutions or to create new institutions.

In fact, both arguments do not take the patriotic claim seriously, as they reduce the ties between compatriots to being of merely instrumental value. Instead of standing up for patriotism, both arguments undervalue and describe the special commitment between compatriots wrongly. Taking patriotism seriously asks for the recognition of ‘associative obligations’ which derive their moral force from the relationship itself. The fundamental principles are attached directly to the special ties we have with our fellow-citizens.\textsuperscript{55} Special obligations arise from features particular to the relationship itself. It is precisely this recognition of patriotism in terms of ‘associative obligations’ that is the real challenge for global justice. Tan calls it the ‘nationality argument.’ Does the nationalist defence of patriotism as associative obligations limit global justice? Before answering this question, we

\textsuperscript{51} TAN, 167
\textsuperscript{52} TAN, 167
\textsuperscript{53} TAN, 169
\textsuperscript{54} TAN, 169
\textsuperscript{55} For example: David Miller, \textit{On Nationality}. Oxford, Clarendon Press, 1995, 50
should first answer another question. Being committed to friends and family seems morally obvious. But why would we be concerned about strangers that differ from other strangers only in so far as nationality? How can nationality evoke associative obligations? Contemporary nationalist theorists provide different answers. David Miller talks about nations as ‘communities of obligations.’ Will Kymlicka calls it ‘a common societal culture’ – a set of public institutions and practices operating under a common language and a shared sense of history and destiny among members. What is essential for all nationalists is that ‘there are present certain objective traits (shared language, common history, and so on), however these traits are cultivated or acquired[.]’ But a sense of membership can also be grounded by a shared commitment to abstract principles. This is the position of Jürgen Habermas and his concept of ‘constitutional patriotism.’ It presents a more inclusive alternative to a patriotism based on nationality, although its alternative value can be questioned.

3. 3. 2. The nationality argument

The nationality argument is often seen as the greatest challenge for cosmopolitanism. So, does this argument override the demands of global justice? As we already saw, some liberal nationalists do not think so. By extending the analogy between personal pursuits and justice on the domestic level to national claims and global justice, they argue that national goals are limited by the principles of global justice. The special commitments for compatriots must be limited by the more general duties of global justice. What Tan calls ‘communitarian nationalists,’ reject, however, the privileging of these more general duties. They argue that the analogy between the domestic and global level does not hold. What we owe on a global scale is to be determined in light of what we owe on the domestic level. Communitarian nationalists claim that the nation constitutes a distinctive ‘ethical community.’ The nation has an irreducible ethical status against which other duties of justice need to be balanced.

But does this moral independency of the nation also means that limiting conditions are not possible? In the domestic context, the concern for personal ties is only allowed within the framework of justice. Why should the analogy not hold in the global context? The duties of global justice do not strip the nationalist commitments of their moral worth.

56 See footnote 28
58 TAN, 182
59 TAN, 187
One might say that this rejection misunderstands the significance of the argument. According to David Miller, the analogy is misleading. The nation is, as Michael Walzer calls it, a distinctive ‘sphere of justice.’\footnote{Michael Walzer, \textit{Spheres of Justice}, New York, Basic Books, 1983, 345} Global justice is another sphere of justice that conflicts with the sphere of justice on the domestic side. It does not need to be dominant. In fact, why not turn it around, as some nationalists suggest? One could take the national point of view directly into account when determining the terms of global justice.

Tan answers by saying that even if there are two or more different spheres of justice, it still makes sense to say that one needs to be constrained by the other. The pursuit of justice in one sphere must not violate the principles of justice that apply to the other sphere. However, giving priority to domestic justice above global justice contradicts our common understanding of justice. Global terms of justice that are determined from a nationalistic point of view miss the impartiality that we demand of justice. The priority of domestic justice is not an alternative concept but a rejection of global justice.

This is also the direction of the last argument of communitarian nationalists. It claims that individuals have the prerogative, even if this does not best advance the goal of global justice.\footnote{Thomas Nagel, \textit{Equality and Partiality}, Oxford, Oxford University Press, 1991, 14} Thomas Nagel points out the general problem of the competing perspectives of the impersonal and personal points of view that are required by justice. To reconcile both on the domestic level has been achieved by nation-building and by creating institutions. To reconcile both on the global level, however, seems less feasible, because of ‘the enormous gap between rich and poor’, according to Nagel.\footnote{Id., 14} ‘Thus, advocates of global egalitarianism have to, at some point, accept that citizens of rich countries could legitimately resist further global redistribution in favour of their prerogatives (and indeed obligations) to support their national commitments and interests.’\footnote{TAN, 193} For Tan, this is a bit of an overreaction. Before this argument is valid, there is still a long way to go, as our domestic goals are far from being threatened by our contributions to global justice. And even if this crucial point would be realized, it is still unclear why the national goals would have priority above global justice when familial and friendship relationships do not have priority on the domestic level. Can the domestic sphere of justice not be limited by other spheres of justice? There is of course a tension between national commitments and global equality, and there can of course be conflicts between both spheres of justice, but that is no reason to put global justice aside, as we do not put domestic justice aside in favour of personal pursuits. In fact, global justice does not ask us to put our
national commitments aside. ‘It only requires that national obligations and pursuits be discharged and exercised within a basic global structure that is regulated by the same kinds of egalitarian principles that we would require of our domestic structure.’\textsuperscript{65} So, the crucial question for global justice is not partial concern in itself, but how the rules of the global structure are to be determined.

CONCLUSION

The cosmopolitan idea of justice is commonly criticized because it fails to take seriously the ties and commitments of nationalism and patriotism. The criticism takes the form of a dilemma: either we promote the special relations we have with our fellow citizens and reject cosmopolitan justice; or we promote cosmopolitan justice and reject nationalism and patriotism. Kok-Chor Tan claims that this dilemma is false and that reconciliation is possible. In his view on cosmopolitanism, cosmopolitan justice sets boundaries to patriotism and nationalism without denigrating these ideals. He makes the analogy with the domestic level. As the pursuits of our personal goals and commitments are limited by distributive justice, so must the pursuits of nationalism and patriotism be limited by global distributive justice. It is only within the boundaries set by global distributive principles that nation-states have the right to self-determination. From this, it follows that liberal nationalists should be international egalitarians, promoting political and economic equality among states. Doing so will create equal international opportunities, and will reduce the pressure on the borders of richer countries. Also, the priority given to compatriots does not necessarily contradict the cosmopolitan ideal, according to Tan. As long as patriotism respects the borders set by global justice, it can be recognized as an associative obligation with a moral worth in itself. Cosmopolitan justice, properly understood, can appreciate and integrate nationalist and patriotic commitments. It simply means that before personal commitments and projects may be pursued, just entitlements must be established and secured by creating the necessary global institutions.

In his work, Kok-Chor Tan elaborates upon an interesting shift of the point of departure. Instead of demanding global justice to legitimize itself against nationalism and patriotism, he turns this around. The commitments of nationalism and patriotism have to be

\textsuperscript{65} TAN, 196-197
justified in a global context. His arguments for international egalitarianism are quite convincing. However, Tan is a bit hasty with equating international egalitarianism with the cosmopolitan ideal of justice, because both have different moral units. Tan is well aware that justice between nations does not necessarily improve justice within nations, but his arguments are unclear when it comes to taking the step from international to cosmopolitan justice. Of course, one can refer to Tan’s critique on Rawls, but this critique is not valid anymore as soon as one adds the claim that a theory of nationalism is implicit in liberalism, as liberal nationalists do.