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What Is So Special about Our Fellow Countrymen?*

Robert E. Goodin

There are some "general duties" that we have toward other people, merely because they are people. Over and above those, there are also some "special duties" that we have toward particular individuals because they stand in some special relation to us. Among those are standardly supposed to be special duties toward our families, our friends, our pupils, our patients. Also among them are standardly supposed to be special duties toward our fellow countrymen.

Where those special duties come from and how they fit with the rest of morality is a moot point. I shall say little about such foundational issues, at least at the outset. In my view, the best way of exploring foundations is by examining carefully the edifice built upon them.

The bit of the edifice that I find particularly revealing is this: When reflecting upon what "special treatment" is due to those who stand in any of these special relations to us, ordinarily we imagine that to be especially *good* treatment. Close inspection of the case of compatriots reveals that that is not completely true, however. At least in some respects, we are obliged to be more scrupulous—not less—in our treatment of nonnationals than we are in our treatment of our own compatriots.[1]

This in itself is a politically important result. It shows that at least some of our general duties to those beyond our borders are at least sometimes more compelling, morally speaking, than at least some of our special duties to our fellow citizens.

This finding has the further effect of forcing us to reconsider the bases of our special duties to compatriots, with yet further political consequences. Morally, what ultimately matters is not nationality per se. It is instead some further feature that is only contingently and imperfectly associated with shared nationality. This further feature may sometimes

* Earlier versions of this article were presented to the European Consortium for Political Research (ECPR) Workshop on "Duties beyond Borders" in Amsterdam and to seminars at the universities of Essex and Stockholm. I am grateful to those audiences, and to Hillel Steiner, for comments.

1. Unlike David Miller, "The Moral Significance of Nationality," in this issue, I shall here make no distinction between "state" and "nation," or between "citizenship" and "nationality." In this article, they will be used interchangeably.

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be found among foreigners as well. When it is, we would have duties toward those foreigners that are similar in their form, their basis, and perhaps even their strength to the duties that we ordinarily acknowledge toward our fellow countrymen.

I. THE PARTICULARIST'S CHALLENGE

A

Modern moral philosophy has long been insistently universalistic. That is not to say that it enjoins identical performances, regardless of divergent circumstances. Of course universal laws play themselves out in different ways in different venues and demand different things from differently placed agents. But while their particular applications might vary, the ultimate moral principles, their form and content, has long been regarded as essentially invariant across people. The same basic precepts apply to everyone, everywhere, the same.

A corollary of this universality is impartiality.[2] It has long been supposed that moral principles—and therefore moral agents—must, at root, treat everyone the same. Of course, here again, basic principles that are perfectly impartial can (indeed, usually will) play themselves out in particular applications in such a way as to allow (or even to require) us to treat different people differently. But the ultimate principles of morality must not themselves play favorites.

On this much, at least utilitarians and Kantians—the great contending tribes of modern moral philosophy—can agree. Everyone counts for one, no one for more than one, in the Benthamite calculus. While as an upshot of those calculations some people might gain and others lose, the calculations themselves are perfectly impartial. So too with Kant's Categorical Imperative. Treating people as ends in themselves, and respecting the rationality embodied in others, may require us to do different things to, for, or with different people. But that is not a manifestation of any partiality between different people or their various projects. It is, instead, a manifestation of our impartial respect for each and every one of them.

Furthermore, this respect for universality and impartiality is no mere quirk of currently fashionable moral doctrines. Arguably, at least, those are defining features of morality itself. That is to say, they arguably must be embodied in any moral code in order for it to count as a moral code at all.

B

Despite this strong attachment to canons of universality and impartiality, we all nonetheless ordinarily acknowledge various special duties. These

2. Or so it is standardly supposed. Actually, there could be a "rule of universal partiality" (e.g., "everyone ought to pursue his own interests," or "everyone ought to take care of his own children"). A variant of this figures largely in my argument in Section V below.

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are different in content and form from the general duties that universalistic, impartial moralities would most obviously generate for us. Whereas our general duties tell us how we should treat anyone, and are hence the same toward everyone, special duties vary from person to person. In contrast to the universality of the general moral law, some people have special duties that other people do not. In contrast to the impartiality of the general moral law, we all have special duties to some people that we do not have to others.[3]

Special duties, in short, bind particular people to particular other people. How this particularism of special duties fits with the universality and impartiality of the general moral law is problematical. Some say that it points to a whole other branch of the moral law, not captured by any of the standard canons. Others, Kantians and utilitarians among them, say that it is derivative in some way or another from more general moral laws. Yet others say that this particularism marks the limits of our psychological capacities for living up to the harsh standards that the general moral law sets for us.[4]

Be all these foundational questions as they may, it is not hard to find intuitively compelling examples of special duties that we would all acknowledge. At the level of preposterous examples so favored among philosophers, consider this case. Suppose your house is on fire. Suppose two people are trapped in the fire, and you will clearly have time to rescue only one before the roof collapses killing the other. One of those trapped is a great public benefactor who was visiting you. The other is your own mother. Which should you rescue?

This is a story told originally by an impartialist, William Godwin. Being a particularly blunt proto-utilitarian, he had no trouble plunking for the impartialist position: "What magic is there in the pronoun 'my' that should justify us in overturning the decisions of impartial truth?"[5] Nowadays, however, it is a story told more often against impartialists. Few, then or now, have found themselves able to accept the impartialist conclusion with quite such equanimity as Godwin. Many regard the example as a reductio ad absurdum of the impartialist position. And even those

3. The terms "special" and "general" duties—and to a large extent the analysis of them as well—are borrowed from H. L. A. Hart, "Are There Any Natural Rights?" *Philosophical Review* 64 (1955): 175–91.

4. See Robert E. Goodin, *Protecting the Vulnerable* (Chicago: University of Chicago Press, 1985), chap. 1 and the references therein. The strongest arguments for such partiality have to do with the need to center one's sense of self, through personal attachments to particular people and projects; see, e.g., Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), chap. 1. But surely those arguments apply most strongly to more personal links, and only very weakly, if at all, to impersonal links through shared race or nationality. John Cottingham pursues such points in "Partiality, Favouritism and Morality," *Philosophical Quarterly* 36 (1986): 357–73, pp. 370–71.

5. William Godwin, *Enquiry Concerning Political Justice* (1793; reprint, Oxford: Clarendon, 1971), bk. 2, chap. 2.

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who want to stick up for the impartialist side are obliged to concede that impartialists have a case to answer here.[6]

But the debate is not confined to crazy cases like that one. In real life, just as surely as in moral fantasies, we find ourselves involved in special relations of all sorts with other people. And just as we intuitively feel that we should save our own mothers rather than Archbishop Fenelon in Godwin's example, so too do we intuitively feel we should show favoritism of some sort to all those other people likewise. The "mere enumeration" of people linked to us in this way is relatively uncontentious and has changed little from Sidgwick's day to Parfit's. Included in both their lists are family, friends, benefactors, clients, and co-workers, and—especially important, in the present context—compatriots.[7]

Intuitively, we suppose that, on account of those special relations between us, we owe all of those people special treatment of some sort or another: special "kindnesses," "services," or "sacrifices"; "we believe that we ought to try to give them certain kinds of benefit."[8] According to Parfit, "Common-Sense Morality largely consists in such obligations"; and, within commonsense morality, those obligations are particularly strong ones, capable of overriding (at least at the margins) our general duties to aid strangers.[9]

C

Here, I do not propose to focus (initially, at least) upon the precise strength of those duties. Rather, I want to direct attention to their general tendency. Notice that there is a presumption, running through all those standard discussions of special duties, that the special treatment due to those who are linked to us by some special relation is especially *good* treatment. We are said to be obliged to do more for those people than for unrelated others in an effort to spare them harm or to bring them benefits. To those who stand in some special relation to us, we are said to owe special "kindnesses," "services," or "sacrifices."

That assumption seems to me unwarranted. Agreed, special relations do sometimes permit (and sometimes even require) us to treat those specially related to us better than we need to, absent such a link. Other times, however, special relations permit (and perhaps even sometimes require) us to treat those thus linked to us worse than we would be obliged to treat them, absent such a link.[10] Exploring how that is so, and why,

6. See, e.g., Williams, *Moral Luck,* pp. 17–18, for the former position; and R. M. Hare, *Moral Thinking* (Oxford: Clarendon, 1981), p. 138, for the latter.

7. Henry Sidgwick, *The Methods of Ethics,* 7th ed. (London: Macmillan, 1907), bk. 3, chap. 4, sec. 3; Derek Parfit, *Reasons and Persons* (Oxford: Clarendon, 1984), pp. 95, 485.

8. Sidgwick, *The Methods of Ethics,* bk. 3, chap. 4, sec. 3; Parfit, pp. 95, 485.

9. Parfit, p. 95.

10. Sometimes special duties specifically require the opposite. Parents, teachers, and prison wardens are all, from time to time, required by special duties to inflict punishment upon those under their care. But at least some—and arguably all—of these are pains

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sheds light upon the true nature and strength of special duties. It also, not incidentally, limits the claims for exclusive special treatment that can be entertained under that heading.

II. THE CASE OF COMPATRIOTS

When discussing what special claims compatriots, in particular, have against us, it is ordinarily assumed that we owe more to our fellow countrymen and less to foreigners. The standard presumption is that "compatriots take priority" over foreigners, "at least in the case of duties to aid"; "the state in determining what use shall be made of its own moneys, may legitimately consult the welfare of its own citizens rather than that of aliens."[11] Thus, it makes a salutory start to my analysis to recall that, at least with respect to certain sorts of duties, we must be more scrupulous—not less—in our treatment of foreigners.

In the discussion that follows, "we" will be understood to mean "our community, through its sovereign representatives." In discussing what "we" may and may not do to people, I shall require some rough-and-ready guide to what our settled moral principles actually are. For these purposes, I shall have recourse to established principles of our legal codes: though the correspondence is obviously less than perfect, presumably the latter at least constitute a rough approximation to the former. Public international law will be taken as indicative of what we may do to foreigners, domestic public law as indicative of what we may do to our compatriots. In both cases, the emphasis will be upon customary higher law rather than upon merely stipulative codes (treaties, statutes, etc.).[12]

Consider, then, all these ways in which we must treat foreigners in general better than we need to treat our compatriots:[13]

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inflicted for the recipient's own greater, long-term good. See Herbert Morris, "A Paternalistic Theory of Punishment," *American Philosophical Quarterly* 18 (1981): 263–71; cf. John Deigh, "On the Right to Be Punished: Some Doubts," *Ethics* 94 (1984): 191–211.

11. Henry Shue, *Basic Rights* (Princeton, N.J.: Princeton University Press, 1980), p. 132; Benjamin Cardozo, *People v. Crane,* 214 N.Y. 154, 164, 108 N.E. 427, 437. This report of what constitutes the conventional wisdom is echoed by: Thomas Nagel, "Ruthlessness in Public Life," in *Public and Private Morality,* ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), pp. 75–93, p. 81; Charles R. Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton University Press, 1979), p. 163; and Goodin, *Protecting the Vulnerable,* chaps. 1 and 2. Among them, only Cardozo could be said to accept that conventional wisdom uncritically.

12. Unlike stipulative law, which might be made by a small body of people on the spur of the moment, customary law represents the settled judgments of a great many people over some long period. Thus, it is better qualified for use in a quasi-Rawlsian "reflective equilibrium." For other uses of legal principles in such a role, see Robert E. Goodin, *The Politics of Rational Man* (London: Wiley, 1976), chap. 7, and *Protecting the Vulnerable,* chap. 5.

13. These all refer to ways that we must treat foreigners in general, absent specific contractual or treaty commitments. The latter may require better treatment, or permit worse, or both in different respects. The principles set out in the text, however, constitute the normative background against which such contracts or treaties are negotiated.

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Example a.—We, through our public officials, may quite properly take the property of our fellow citizens for public purposes, provided they are duly compensated for their losses; this is especially true if the property is within our national boundaries but is even true if it is outside them. We cannot, however, thus commandeer an identical piece of property from a foreigner for an identical purpose in return for identical compensation. This is especially true if the propety is beyond our borders;[14] but it is even true if the property is actually in our country, in transit.[15]

Example b.—We can conscript fellow citizens for service in our armed forces, even if they are resident abroad.[16] We cannot so conscript foreign nationals, even if they are resident within our own country.[17]

Example c.—We can tax fellow citizens, even if they are resident abroad.[18] We cannot so tax foreigners residing abroad on income earned abroad.[19]

14. This is true even if it is a piece of movable property, so there is no question of expropriating a piece of another nation's territory. Suppose, e.g., that the British government needs to requisition a privately owned ship to provision troops in the South Atlantic: it may so requisition a ship of British registry, even if it is lying in Dutch waters; it may not so requisition a ship of Dutch registry, even if lying in British waters (except in a case of extreme emergency).

15. Adrian S. Fisher, chief reporter, *Restatement (Second) of the Foreign Relations Law of the United States* (St. Paul, Minn.: American Law Institute, 1965), sec. 185c. The "right of safe passage" for people and goods in transit, for purposes of commerce or study, was firmly established even in early modern international law; see Hugo Grotius, *On the Law of War and Peace,* trans. F. W. Kelsey (1625; reprint, Oxford: Clarendon Press, 1925), bk. 2, chap. 2, secs. 13–15; Christian Wolff, *The Law of Nations Treated according to a Scientific Method,* trans. Joseph H. Drake (1749; reprint, Oxford: Clarendon, 1934), sec. 346; and Emerich de Vattel, *The Law of Nations, or the Principles of Natural Law,* trans. Joseph Chitty (1758; reprint, Philadelphia: T. and J. W. Johnson, 1863), bk. 2, chap. 10, sec. 132. This rule, too, is subject to an "extreme emergency" exception.

16. L. Oppenheim, *International Law: A Treatise,* ed. H. Lauterpact (London: Longman, 1955), 1:288. This, and the similar result in example *c* below, follows from the fact that a state enjoys continuing "personal" sovereignty over its own citizens but possesses merely those powers derived from its "territorial" sovereignty over aliens within its borders. This distinction, emphasized in modern international law (e.g., throughout the first volume of Oppenheim's treatise, *International Law*), appears in a particularly clear early formulation in Francisco Suárez's 1612 *Treatise on Laws and God the Lawgiver,* in *Selections from Three Works,* trans. and ed. Gwladys L. Williams, Ammi Brown, John Waldron, and Henry Davis (Oxford: Clarendon, 1944), chap. 30, sec. 12.

17. Oppenheim, 1:288. The practice in the United States, of course, is to conscript alien nationals who are permanently resident in the country into its armed forces; see Alexander M. Bickel, *The Morality of Consent* (New Haven, Conn.: Yale University Press, 1975), p. 49. But the long-standing rule in international law is that, while we may require resident aliens to help with police, fire, and flood protection, foreigners are exempt from serving in the militia; see Vattel, bk. 2, chap. 8, secs. 105–6 for one early statement of the rule.

18. Oppenheim, 1:288. Bickel, p. 48. Again, this is a long-standing rule of international law; see Wolff, sec. 324; and Vattel, bk. 2, chap. 8, sec. 106. Of course, having the right to tax nationals abroad, states may waive that right (as, e.g., through double-taxation agreements).

19. A partial exception to this rule might be that an alien with permanent residency in one state but temporarily resident in another might be taxable in the first country for

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Example d.—We can dam or divert the flow of a river lying wholly within our national territory to the disadvantage of fellow citizens living downstream. We may not so dam or divert rivers flowing across international boundaries to the disadvantage of foreigners downstream.[20]

Example e.—We can allow the emission of noxious factory fumes that damage the persons or property of fellow citizens. We may not do so if those fumes cross international frontiers, causing similar damage to the persons or property of foreigners there.[21]

Example f.—We may set arbitrarily low limits on the legal liability of manufacturers for damages done by their production processes or products domestically to our fellow citizens. We may not so limit the damage recoverable from them for harm done across international boundaries to foreigners.[22]

Example g.—According to international law, we may treat our fellow citizens "arbitrarily according to [our own] discretion." To aliens within our national territory, however, we must afford their persons and property protection "in accordance with certain rules and principles of international law," that is, "in accordance with ordinary standards of civilization."[23] Commentators on international law pointedly add, "It is no excuse that [a] State does not provide any protection whatever for its own subjects" in those respects.[24]

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earnings in the second; the United States, at least, would try to collect. Some authors maintain that even resident aliens should be exempt from certain sorts of taxes. One example Wolff offers (sec. 324) is a poll tax: since aliens are precluded by reason of noncitizenship from voting, they ought for that reason to be exempt from a poll tax, too. Another example, offered by Battel (bk. 2, chap. 8, sec. 106), is that foreigners should be "exempt from taxes . . . destined for the support of the rights of the nation"; since resident aliens are under no obligation to fight in defense of the nation, they should be under no obligation to pay taxes earmarked for the defense of the nation either.

20. Oppenheim, 1:290–91, 348, 475.

21. Ibid., 1:291.

22. Thus, e.g., the Price-Anderson Act sets the limit for liability of operators of civilian nuclear reactors within the United States at $560 million. But had the Fermi reactor in Detroit experienced a partial meltdown similar to that at Chernobyl, spreading pollution to Canada, international law would not have recognized the legitimacy of that limit in fixing damages due to Canadians. "It is," according to Oppenheim's *International Law,* 1:350, "a well-established principle that a State cannot invoke its municipal legislation as a reason for avoiding its international obligations."

23. Oppenheim, 1:686–87. Indeed, "black letter" international law—as codified in the American Law Institute's *Restatement (Second) of the Foreign Relations Law of the United States,* sec. 165(1)(a)—holds that "conduct attributable to a state and causing injury to an alien is wrongful under international law . . . if it departs from the international standard of justice." For elaboration, see Oppenheim, 1:290, 350, 641; and J. L. Brierly, *The Law of Nations,* 2d ed. (Oxford: Clarendon, 1936), pp. 172 ff.

24. Oppenheim, 1:687–88. Elsewhere Oppenheim explicitly draws attention to the "paradoxical result" that "individuals, when residing as aliens in a foreign state, enjoy a measure of protection . . . denied to nationals of a State within its own territory" (1:641, n. 1). In the past, this has been the subject of some controversy. Premodern international lawyers tended to hold that there was some external (god-given) standard of "just suitable" laws that must be adhered to in prescribing differential treatment for aliens; see Suárez, chap. 33, sec. 7. But early modern writers like Wolff (sec. 302); and Vattel (bk. 2, chap. 8,

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These are all examples of ways in which we must treat foreigners better than compatriots. In a great many other respects, of course, the conventional wisdom is perfectly right that we owe better treatment to our compatriots than we do to foreigners. For example, we have a duty to protect the persons and property of compatriots against attack, even when they are abroad.[25] Absent treaty obligations, we have no such duty to protect noncitizens beyond our borders. We have a duty—morally, and perhaps even legally—to provide a minimum level of basic necessities for compatriots. Absent treaty obligations, we have no such duty—legally, anyway—to assist needy noncitizens beyond our borders.

Even within our borders, we may treat citizens better in all sorts of ways than we treat noncitizens, just so long as some "reasonable" grounds for those discriminations can be produced and just so long as the protection we provide aliens' persons and property comes up to minimal internationally acceptable standards.[26] Not only are aliens standardly denied political rights, like voting and office-holding, but they are also standardly excluded from "public service." This has, in the past, been interpreted very broadly indeed: in the United States, an alien could have been debarred from being an "optometrist, dentist, doctor, nurse, architect, teacher, lawyer, policeman, engineer, corporate officer, real estate broker,

sec. 100)—right down to Henry Sidgwick, *The Elements of Politics* (London: Macmillan, 1891), pp. 235–36—seemed to suppose that, since the state could refuse admission to aliens altogether, it could impose any conditions it liked upon their remaining in the country, however discriminatory and however short that treatment may fall from any international standards of civilized conduct. At the very least, aliens are not wronged if they are treated no worse than nationals—or so it was thought by many (predominantly European and Latin American) international lawyers prior to 1940 (Ian Brownlie, *Principles of Public International Law* [Oxford: Clarendon, 1966], p. 425). By now, it is decidedly the "prevailing rule" of international law that "there is an international standard of justice that a state must observe in the treatment of aliens, even if the state does not observe it in the treatment of its own nationals, and even if the standard is inconsistent with its own law" (*Restatement [Second] of the Foreign Relations of the United States,* sec. 165, comment *a;* and Louis B. Sohn and R. R. Baxter, "Responsibility of States for Injuries to the Economic Interests of Aliens (Harvard Law School Draft Convention)," *American Journal of International Law* 55 [1961]: 545–84, pp. 547–48. There is no longer any doubt that "national treatment" is not enough; the only persisting question is whether the international standard demanded should vary with, e.g., the wealth or educational attainments of the people to whom it is being applied—as, e.g., standards of "due diligence" and "reasonable care" perhaps should (Brownlie, p. 427).

25. States are under obligations arising from customary and higher domestic law to do so, even if those obligations are unenforceable under international law, as they seem to be (see Oppenheim, 1:686–87).

26. Suárez, chap. 33, sec. 7; Wolff, sec. 303; Sidgwick, *Elements of Politics,* p. 235; Brierly, pp. 172–73; Oppenheim, 1:689–91; Brownlie, pp. 424–48; Gerald M. Rosberg, "The Protection of Aliens from Discriminatory Treatment by the National Government," *Supreme Court Review* (1977), pp. 275–339; Edward S. Corwin, *The Constitution, and What It Means Today,* ed. H. W. Chase and C. R. Ducat (Princeton, N.J.: Princeton University Press, 1978), pp. 90–92, and *1980 Supplement,* pp. 159–61; "Developments in the Law: Immigration Policy and the Rights of Aliens," *Harvard Law Review* 96 (1983): 1286–1465.

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public accountant, mortician, physiotherapist, pharmacist, pedlar, pool or gambling-hall operator";[27] in the United Kingdom the range of prohibited occupations has included harbor pilots, masters of merchant ships, and skippers of fishing vessels.[28] Besides all those quasi-public functions from which aliens are excluded, they also suffer other disadvantages of a purely material sort. Perhaps the most significant among them are the rules, found in some states denying aliens the right to own land.[29] All of this can be perfectly permissible, both under international law and under higher domestic law.

Thus, the situation is very much a mixed one. Sometimes we are indeed permitted (sometimes even required) to treat our fellow citizens better than we treat those who do not share that status with us. Other times, however, we are required to treat noncitizens better than we need to treat our own fellow citizens.

I pass no judgment on which pattern, on balance, predominates. The point I want to make here is merely that the situation is much more mixed than ordinary philosophical thinking on special duties leads us to expect. That in itself is significant, as I shall now proceed to show.

III. SPECIAL DUTIES AS MAGNIFIERS AND MULTIPLIERS

In attempting to construe the effect that special relationships have on our moral duties, commonsense morality tends to employ either of two basic models (or both of them: they are nowise incompatible). On the face of things, these two models can only offer reinforcing interpretations for the same one half of the phenomenon observed in Section II above. Digging deeper to see how such models might account for that other half of the phenomenon drives us toward a model that is even more deeply and familiarly flawed.

A

One standard way of construing the effect of special relationships on our moral duties is to say that special relationships "merely magnify" preexisting moral duties. That is to say, they merely make more stringent duties which we have, in weaker form, vis-à-vis everyone at large; or, "imperfect duties" are transformed by special relationships into "perfect" ones. Thus, perhaps it is wrong to let anyone starve, but it is especially wrong to let kin or compatriots starve. And so on.

That kind of account fits only half the facts, as sketched in Section II above, though. If special relationships were merely magnifiers of preexisting duties, then the magnification should be symmetrical in both positive and negative directions. Positive duties (i.e., duties to provide positive assistance to others) should become more strongly positive vis-

27. Bickel, pp. 45–46. Also, see Corwin, pp. 90–92, and *1980 Supplement,* pp. 159–61; and "Developments in the Law."

28. Brierly, p. 173; Oppenheim, 1:690.

29. Brierly, p. 173; Bickel, p. 46; "Developments in the Law," pp. 1300–1301.

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a-vis those linked to us by some special relationship. Negative duties (i.e., duties not to harm others) should become more strongly negative vis-à-vis those linked to us by some special relationship. When it comes to our duties in relation to compatriots, however, the former is broadly speaking true, while the latter is not.

It is perfectly true that there is a variety of goods that we may or must provide to compatriots that we may at the same time legitimately deny to nonnationals (especially nonresident nonnationals). Rights to vote, to hold property, and to the protection of their persons and property abroad are among them. In the positive dimension, then, the "magnifier" model is broadly appropriate.[30]

In the negative dimension, it is not. All the examples *a* through *f* in Section II above point to ways in which we may legitimately impose burdens upon compatriots that may not properly be imposed upon nonnationals (especially nonresident nonnationals). We may poison our compatriots' air, stop their flow of water, deprive them of liberty by conscription, deny them legal remedies for damage to their persons and their property—all in a way that we cannot do to nonresident nonnationals. If anything, it is our negative duties toward nonnationals, not our negative duties toward compatriots, that are here magnified.

B

A second way of construing the effect of special relationships on our moral duties is to say that special relationships "multiply" as well as magnify preexisting duties. That is to say, special relationships do not just make our ordinary general duties particularly stringent in relation to those bound to us by some special relationship; they also create new special duties, over and above the more general ones that we ordinarily owe to anyone and everyone in the world at large. Thus, contracts, for example, create duties de novo. I am under no general duty, strong or weak, to let Dick Merelman inhabit a room in my house; that duty arises only when, and only because, we sign a lease. The special (here, contractual) relationship has created a new duty from scratch.

The "multiplier" model bolsters the "mere magnifier" model's already broadly adequate account of why we have especially strong positive duties toward those linked to us by some special relationship. Sometimes those special relationships strengthen positive duties we owe, less strongly, to everyone at large. Other times, special relationships create new positive duties that we owe peculiarly to those thus linked to us. Either way, we have more and stronger positive duties toward those who stand in special relationships to us than we do the world at large. And that broadly fits

30. "Broadly," because example *g* above arguably does not fit this pattern. It all depends upon whether we construe this as a positive duty to provide aliens with something good ("due process of law") or as a negative duty not to do something bad to them ("deny them due process of law"). This, in turn, depends upon where we set the baseline of how well off they would have been absent our intervention in the first place.

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the pattern of our special duties vis-à-vis compatriots, as revealed in Section II above.

On the face of it, though, it is hard to see how this multiplier model can account for the weakening of negative duties toward compatriots observed there. If special relationships multiply duties, then we would ordinarily expect that that multiplication would produce more new duties in each direction. Consider the paradigm case of contracts. Sometimes contracts create new special duties enjoining us to help others in ways that we would not otherwise be bound to do. Other times, contracts create new special duties enjoining us not to harm others (e.g., by withdrawing trade, labor, or raw materials) in ways that we would otherwise be at liberty to do. It is hard, on the face of it, at least, to see what the attraction of special duties would be—either for agents who are anxious to incur them or for philosophers who are anxious to impose them—if they make people worse off, opening them up to new harms from which they would otherwise be protected.

Yet, judging from examples *a* through *f* in Section II above, that is precisely what happens in the special relationship between compatriots. Far from simply creating new negative duties among compatriots, that special relationship seems sometimes to have the effect of canceling (or at least weakening or mitigating) some of the negative duties that people owe to others in general. That hardly looks like the result of an act of multiplication. Ordinarily, we would expect that multiplication should produce more—not fewer—duties.

C

Digging deeper, we find that there may be a way to explain why special relationships have this curious tendency to strengthen positive duties while weakening negative ones. This model quickly collapses into another, more familiar one—and ultimately falls prey to the same objections standardly lodged against it, as Section IV will show. Still, it is worth noting how quickly all the standard theories about special duties, when confronted with certain elementary facts about the case of compatriots, collapse into that familiar and flawed model that ordinarily we might have regarded as only one among many possible ways of filling out those theories.

The crucial move in reconciling standard theories about special duties with the elementary facts about compatriots laid out in Section II is just this: whether special relationships multiply duties or merely magnify them, the point remains that a relationship is inherently a two-way affair. The same special relation that binds me to you also binds you to me. Special duties for each of us will usually follow from that fact.[31]

31. I say "usually" because there are some unilateral power relations (like that of doctor and patient or parent and child) that might imply special duties for one but not the other party to the relationship; see Goodin, *Protecting the Vulnerable.*

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Each of us will ordinarily benefit from others' being bound by those extra (or extra strong) duties to do for us things that they are not obliged (or not so powerfully obliged) to do for the world at large. Hence the apparent "strengthening" of positive duties in consequence of special relationships.

Each of us will also ordinarily suffer from those extra (or extra strong) duties imposing an extra burden on us. Hence the apparent "weakening" of negative duties in consequence of the special relationship. We may legitimately impose burdens upon those standing in special relationships to us that we may not impose upon those in no special relation to us, merely because we have special rights against them, and they have special duties toward us. Those extra burdens upon them are no more, and no less, than the fair price of our being under special duties to provide them with valued assistance.

Many of the findings of Section II above lend themselves quite naturally to some such interpretation. When we say that compatriots may have their incomes taxed, their trucks commandeered, or other liberties curtailed by conscription, that is surely to say little more than that people may be required to do what is required in order to meet their special duties toward their fellow citizens—duties born of their fellow citizens' similar sacrifices to benefit them.[32] When we say that nonnationals (especially nonresident nonnationals) may not be treated in such ways, that is merely to say that we have no such special claims against them nor they any such special duties toward us.

Others of the examples in Section II above (especially examples *d* through *g*) do not lend themselves quite so obviously to this sort of analysis. But perhaps, with a sufficiently long story that is sufficiently rich in lurid details, we might be persuaded that polluting the air, damming rivers, limiting liability for damages, and denying people due process of law really is to the good of all; and suffering occasional misfortunes of those sorts really is just the fair price that compatriots should be required to pay for the benefits that they derive from those broader practices.

Notice that, given this account, the motivational quandary in Section III*B* disappears. People welcome special relationships—along with the attendant special rights and special duties (i.e., along with the strengthening of positive duties and the weakening of negative ones)—because the two come as part of an inseparable package, and people are on net better off as a result of it. That is just to say, their gains from having others' positive duties toward them strengthened exceeds their costs from having others' negative duties toward them weakened, and it is impossible for them to realize the gains without incurring the costs.

Notice, however, how quickly these standard theories of how special relationships work on our moral duties—the magnifier and the multiplier

32. The sacrifices might be actual or merely hypothetical (i.e., should the occasion arise, they would make the sacrifice).

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models—have been reduced to a very particular theory about "mutual-benefit societies." Initially, the magnifier and multiplier theories seemed to be much broader than that, open to a much wider variety of interpretations and not committing us to any particular theory about why or how the "magnification" or "multiplication" of duties occurred. Yet if those models are to fit the elementary facts about duties toward compatriots in Section II at all, they must fall back on a sort of mutual-benefit logic that provides a very particular answer to the question of how and why the magnification or multiplication of duties occurred. As Section IV will show, that is not an altogether happy result.

IV. THE MUTUAL-BENEFIT-SOCIETY MODEL

According to the conventional wisdom about international relations, we have a peculiarly strong obligation to leave foreigners as we found them. "Nonintervention" has long bid fair to constitute the master norm of international law.[33] That is not to say that it is actually wrong to help foreigners, of course. It is, however, to say that it is much, much more important not to harm them than it is to help them. Where compatriots are concerned, almost the opposite is true. According to the flip side of that conventional wisdom, it is deeply wrong to be utterly indifferent toward your fellow countrymen; yet it is perfectly permissible for fellow countrymen to impose hardships on themselves and on one another to promote the well-being of their shared community.

Perhaps the best way to make sense of all this is to say that, within the conventional wisdom about international relations, nation-states are conceptualized as ongoing mutual-benefit societies. Within mutual-benefit-society logic, it would be perfectly permissible to impose sacrifices on some people now so that they themselves might benefit in the future; it may even be permissible to impose sacrifices on some now so that others will benefit, either now or in the future.

Precisely what sorts of contractarian or utilitarian theories are required to underpin this logic can be safely left to one side here. It is the broad outline, rather than the finer detail, that matters for present purposes. The bottom line is always that, in a mutual-benefit society, imposing harms is always permissible—but only on condition that some positive good comes of it, and only on condition that those suffering the harm are in some sense party to the society in question.

33. Standard prescriptions along these lines of medieval churchmen were strengthened by each of the early modern international lawyers in turn—Grotius, Wolff, and Vattel—so that by the time of Sidgwick's *Elements of Politics,* the "principle of mutual non-interference" (p. 231) could be said to be "the fundamental principle" of international morality with no equivocation. It remains so to this day, in the view of most lawyers and of many philosophers; see, e.g., Michael Walzer, *Just and Unjust Wars* (New York: Basic, 1977), and "The Moral Standing of States," *Philosophy and Public Affairs* 9 (1980): 209–30.

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Suppose, now, that national boundaries are thought to circumscribe mutual-benefit societies of this sort.[34] Then the broad pattern of duties toward compatriots and foreigners, respectively, as described in Section II above, becomes perfectly comprehensible. In dealing with other people in general (i.e., those who are not party to the society), the prime directive is "avoid harm": those outside our mutual-benefit society ought not be made to bear any of our burdens; but neither, of course, have they any claim on any of the benefits which we have produced for ourselves, through our own sacrifices. In dealing with others in the club (i.e., compatriots), positive duties wax while negative ones wane: it is perfectly permissible to impose hardships, so long as some positive good somehow comes of doing so; but the point of a mutual-benefit society, in the final analysis, must always be to produce positive benefits for those who are party to it.

There are many familiar problems involved in modeling political communities as mutual-benefit societies.[35] The one to which I wish to draw particular attention here is the problem of determining who is inside the club and who is outside it. Analysis of this problem, in turn, forces us back to the foundational questions skirted at the outset of the article. These will be readdressed in Section V below, where I construct an alternative model of special duties as not very special, after all.

From the legalist perspective that dominates discussion of such duties, formal status is what matters. Who is a citizen? Who is not? That, almost exclusively, determines what we may or must do to people, qua members of the club.

Yet formal status is only imperfectly and contingently related to who is actually generating and receiving the benefits of the mutual-benefit society. The mismatch is most glaring as regards resident aliens: they are often net contributors to the society, yet they are equally often denied its full benefits.[36] The mismatch also appears only slightly less glaringly,

34. This thought finds its fullest contemporary expression in the notion of the "circumstances of justice" that John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 126–30, borrows from David Hume, *A Treatise of Human Nature* (London: John Noon, 1739), bk. 3, pt. 2, sec. 2, and *An Enquiry Concerning the Principles of Morals* (London: Cadell, 1777), sec. 3, pt. 1. Some international relations theorists defend this analysis at length; see e.g., Wolff's *Law of Nations,* and Beitz's *Political Theory and International Relations,* pp. 143–53 (cf. his "Cosmopolitan Ideals and National Sentiment," *Journal of Philosophy* 80 [1983]: 591–600, p. 595). Other commentators seem almost to fall into this way of talking without thinking (see Nagel, p. 81; and Tony Honoré, "The Human Community and the Principle of Majority Rule," in *Community as a Social Ideal,* ed. Eugene Kamenka [London: Edward Arnold, 1982], pp. 147–60, p. 154).

35. These are addressed, in their particular applications to the mutual-benefit model of international obligations, in Brian Barry, "Humanity and Justice in Global Perspective," in *NOMOS XXIV: Ethics, Economics and the Law,* ed. J. R. Pennock and J. W. Chapman (New York: New York University Press, 1982), pp. 219–52, pp. 225–43; and in Goodin, *Protecting the Vulnerable,* pp. 154–60.

36. Both domestic and international law go some way toward recognizing that in many respects resident aliens are much more like citizens than they are like nonresident aliens.

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as regards natural-born citizens who retain that status although they are and will inevitably (because, e.g., severely handicapped) continue to be net drains on the mutual-benefit society.[37]

In its starkest form, mutual-benefit-society logic should require that people's benefits from the society be strictly proportional to the contributions they have made toward the production of those benefits. Or, minimally, it should require that no one draw out more than he has paid in: the allocation of any surplus created by people's joint efforts may be left open. On that logic, we have special duties toward those whose cooperation benefits us, and to them alone. That they share the same color passport—or, indeed, the same parentage—is related only contingently, at best, to that crucial consideration.

It may well be that mutual-benefit logic, in so stark a form, is utterly inoperable. Constantly changing circumstances mean that everything from social insurance to speculative business ventures might benefit us all in the long run, even if at any given moment some of them constitute net drains on the system. And lines on the map, though inherently arbitrary at the margins, may be as good a way as any of identifying cheaply the members of a beneficially interacting community. So we may end up embracing the formalistic devices for identifying members of the mutual-benefit society, knowing that they are imperfect second-bests but also knowing that doing better is impossible or prohibitively expensive.

The point remains, however, that there are some clear, straightforward adjustments that ought to be made to such "first stab" definitions of membership, if mutual-benefit logic underlay membership. That they are not made—and that we think at least one of them ought not be made—clearly indicates that it is not mutual-benefit logic that underlies membership, after all.

Reflect, again, upon the case of resident aliens who are performing socially useful functions over a long period of time. Many societies egregiously exploit "guest workers," denying them many of the rights and privileges accorded to citizens despite the fact that they make major and continuing contributions to the society. Politically and economically, it is no mystery why they are deprived of the full fruits of their labors in this way.[38] But if the moral justification of society is to be traced to mutual-

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But by and large those acknowledgments come *not* in the form of awarding them the same benefits as are enjoyed by citizens but, rather, in the form of imposing many of the same burdens on resident aliens as on citizens. A state may, e.g., compel resident aliens to pay taxes and rates and to serve in local police forces and fire brigades "for the purpose of maintaining public order and safety" in a way it may not require of nonresident aliens; Oppenheim, 1:680–81.

37. Brian Barry, "Justice as Reciprocity," in *Justice,* ed. Eugene Kamenka and Alice E.-S. Tay (London: Edward Arnold, 1979), pp. 50–78, pp. 68–69; Robert E. Goodin, *Political Theory and Public Policy* (Chicago: University of Chicago Press, 1982), pp. 77–79.

38. The argument here would perfectly parallel that for supposing that, if a workers' cooperative needed more labor, it would hire workers rather than selling more people

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benefit logic, that is transparently wrong. The entry ticket to a mutual-benefit society should, logically, just be conferring net benefits on the society.[39] That membership is nonetheless denied to those who confer benefits on the society demonstrates that the society is not acting consistently on that moral premise. Either it is acting on some other moral premise or else it is acting on none at all (or none consistently, which morally amounts to the same).

Or consider, again, the case of the congenitally handicapped. Though born of native parents in the homeland, and by formalistic criteria therefore clearly qualified for citizenship, such persons will never be net contributors to the mutual-benefit society. If it were merely the logic of mutual benefit that determined membership such persons would clearly be excluded from the benefits of society.[40] (If their parents cared about them, they could give them some of *their* well-earned benefits.) Yet that does not happen, no matter how sure we are that handicapped persons will be net drains on the society for the duration of their lives. And most of us intuitively imagine that it is a good thing, morally, that it does not happen. Thus, society here again seems to be operating on something other than mutual-benefit logic; and here, at least, we are glad that it is.

V. THE ASSIGNED RESPONSIBILITY MODEL

The magnifier, multiplier, and mutual-benefit-society models all take the specialness of special duties particularly seriously. They treat such duties as if they were, at least in (large) part, possessed of an independent existence or of an independent moral force. I want to deny both of those propositions.

My preferred approach to special duties is to regard them as being merely "distributed general duties." That is to say, special duties are in my view merely devices whereby the moral community's general duties get assigned to particular agents. For this reason, I call mine an "assigned responsibility" model.[41]

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shares in the cooperative. Demonstrations of this have been developed independently by J. E. Meade, "The Theory of Labour-Managed Firms and of Profit Sharing," *Economic Journal* 82 (1972): 402–28; and David Miller, "Market Neutrality and the Failure of Co-operatives," *British Journal of Political Science* 11 (1981): 309–21.

39. The "participation" model of citizenship is a close cousin to this mutual-benefit-society model. Participating in a society is usually (if not quite always) a precondition for producing benefits for others in that society; and usually (if not quite always) the reason we think participants in society deserve to enjoy the fruits of formal membership is that that is seen as fair return for the benefits they have produced for the society. See "Developments in the Law," pp. 1303–11; and Peter H. Schuck, "The Transformation of Immigration Law," *Columbia Law Review* 84 (1984): 1–90.

40. Since they are, ex hypothesi, congenital handicaps, there is no motive for those who have safely been born without suffering the handicap to set up a mutual insurance scheme to protect themselves against those risks.

41. "Nationality" and the duties to compatriots to which such notions give rise are just the sorts of "institutions" that Henry Shue ("Mediating Duties," this issue) shows to

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This approach treats special duties as much more nearly derivative from general duties than any of the other approaches so far considered. Certainly it is true that, on this account, special duties derive the whole of their moral force from the moral force of those general duties. It may not quite be the case that, existentially, they are wholly derivative from general duties: we cannot always deduce from considerations of general duties alone who in particular should take it upon themselves to discharge them; where the general principle leaves that question open, some further (independent, often largely arbitrary) "responsibility principle" is required to specify it. Still, on this account, special duties are *largely* if not wholly derivative from considerations of general duty.

The practical consequences of this finding are substantial. If special duties can be shown to derive the whole of their moral force from their connections to general duties, then they are susceptible to being overriden (at least at the margins, or in exceptional circumstances) by those more general considerations. In this way, it turns out that "our fellow countrymen" are not so very special after all. The same thing that makes us worry mainly about them should also make us worry, at least a little, about the rest of the world, too.

These arguments draw upon larger themes developed elsewhere.[42] Here I shall concentrate narrowly upon their specific application to the problem of our special duties toward compatriots. The strategy I shall pursue here is to start from the presumption that there are, at root, no distinct special duties but only general ones. I then proceed to show how implementing those general duties gives rise to special duties much like those we observe in the practice of international relations. And finally I shall show how those special duties arising from general duties are much more tightly circumscribed in their extended implications than are the special duties deriving from any of the other models.[43]

A

Let us start, then, from the assumption that we all have certain general duties, of both a positive and negative sort, toward one another. Those

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be so crucial in implementing any duties of a positive sort. How, precisely, the "assignment" of responsibility is accomplished can safely be left open: sometimes, people and peoples get assigned to some national community by some specific agency (the UN Trusteeship Council, e.g.); more often, assignments are the products of historical accidents and conventions. However they are accomplished, these "assignments" must specify both who is responsible for you and what they are responsible for doing for you. Even so-called perfect duties, which specify the former precisely, are characteristically vague on the latter matter (specifying, e.g., a duty to provide a "healthful diet" for your children), and require further inputs of a vaguely "institutional" sort to flesh out their content.

42. Goodin, *Protecting the Vulnerable;* Philip Pettit and Robert E. Goodin, "The Possibility of Special Duties," *Canadian Journal of Philosophy* 16 (1986): 651–76.

43. Broadly the same strategy is pursued by Shue in "Mediating Duties," this issue.

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general injunctions get applied to specific people in a variety of ways. Some are quasi-naturalistic. Others are frankly social in character.

For an example of the former, suppose we operate under some general injunction to save someone who is drowning, if you and you alone can do so. Suppose, further, that you happen to find yourself in such a position one day. Then that general injunction becomes a compelling commandment addressed specifically to you.

The same example is easily adapted to provide an instance of the second mode as well. Suppose, now, that there are hundreds of people on the beach watching the drowning swimmer flounder. None is conspicuously closer or conspicuously the stronger swimmer; none is related to the swimmer. In short, none is in any way "naturalistically" picked out as the appropriate person to help. If all of them tried to help simultaneously, however they would merely get in each other's way; the probable result of such a melee would be multiple drownings rather than the single one now in prospect. Let us suppose, finally, that there is one person who is not naturalistically but, rather, "socially" picked out as the person who should effect the rescue: the duly-appointed lifeguard.[44] In such a case, it is clearly that person upon whom the general duty of rescue devolves as a special duty.

Notice that it is not a matter of indifference whom we choose to vest with special responsibility for discharging our general moral duties. Obviously, some people would, for purely naturalistic reasons, make better lifeguards than others. It is for these naturalistic reasons that we appoint them to the position rather than appointing someone else. But their special responsibility in the matter derives wholly from the fact that they *were* appointed, and not at all from any facts about why they were appointed.

Should the appointed individuals prove incompetent, then of course it is perfectly proper for us to retract their commissions and appoint others in their places. If responsibility is allocated merely upon the bases here suggested, then its reallocation is always a live issue. But it is an issue to be taken up at another level, and in another forum.[45] Absent such a thoroughgoing reconsideration of the allocation of responsibilities, it will almost always be better to let those who have been assigned responsibility get on with the job. In all but the most exceptional cases of

44. This, incidentally, provides an alternative explanation for why we should appoint lifeguards for crowded but not uncrowded beaches. The standard logic—true, too, in its way—is that it is a more efficient allocation of scarce resources since it is more likely that more people will need rescuing on crowded beaches. Over and above all that, however, it is also true that an "obvious" lifesaver will be needed more on crowded than uncrowded beaches to keep uncoordinated helpers from doing each other harm.

45. That is to say that the ascription of "role responsibilities" takes on the same two-tier structure familiar to us from discussions of "indirect consequentialism"; see Hare, pp. 135–40, 201–5; and Bernard Williams, "Professional Morality and Its Dispositions," in *The Good Lawyer*, ed. David Luban (Totowa, N.J.: Rowman & Allanheld, 1983), pp. 259–69.

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clear and gross incompetence on the part of the appointed individual, it will clearly be better to get out of the way and let the duly appointed lifeguard have an unimpeded chance at pulling the drowning swimmer out of the water.

That seems to provide a good model for many of our so-called special duties. A great many general duties point to tasks that, for one reason or another, are pursued more effectively if they are subdivided and particular people are assigned special responsibility for particular portions of the task. Sometimes the reason this is so has to do with the advantage of specialization and division of labor. Other times, it has to do with lumpiness in the information required to do a good job, and the limits on people's capacity for processing requisite quantities of information about a great many cases at once. And still other times it is because there is some process at work (the adversarial system in law, or the psychological processes at work in child development, e.g.) that presuppose that each person will have some particular advocate and champion.[46] Whatever the reason, however, it is simply the case that our general duties toward people are sometimes more effectively discharged by assigning special responsibility for that matter to some particular agents. When that is the case, then that clearly is what should be done.[47]

Thus, hospital patients are better cared for by being assigned to particular doctors rather than having all the hospital's doctors devote one *n*th of their time to each of the hospital's *n* patients. Someone accused of a crime is better served, legally, by being assigned some particular advocate, rather than having a different attorney appear from the common pool of attorneys to represent him at each different court date.[48] Of course, some doctors are better than others, and some lawyers are better than others; so it is not a matter of indifference which one is handling your case. But any one is better than all at once.

B

National boundaries, I suggest, perform much the same function. The duties that states (or, more precisely, their officials) have vis-à-vis their own citizens are not in any deep sense special. At root, they are merely the general duties that everyone has toward everyone else worldwide.

46. Nagel, p. 81; Williams, *Moral Luck,* chap. 1.

47. Assigning responsibility to some might have the effect of letting others off the hook too easily. It is the job of the police to stop murders, so none of the onlookers watching Kitty Genovese's murder thought it their place to get involved; it is the lifeguard's job to rescue drowning swimmers, so onlookers might stand idly by watching her botch the job rather than stepping in to help themselves; and so on. This emphasizes the importance of back-up responsibilities, to be discussed below, specifying whose responsibility it is when the first person assigned the responsibility fails to discharge it.

48. This is the "division of labor model" of the adversary system discussed by Richard Wasserstrom, "Lawyers as Professionals: Some Moral Issues," *Human Rights* 5 (1975): 1–24, p. 9, and "Roles and Morality," in Luban, ed., pp. 25–37, p. 30.

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National boundaries simply visit upon those particular state agents special responsibility for discharging those general obligations vis-à-vis those individuals who happen to be their own citizens.[49]

Nothing in this argument claims that one's nationality is a matter of indifference. There are all sorts of reasons for wishing national boundaries to be drawn in such a way that you are lumped together with others "of your own kind"; these range from mundane considerations of the ease and efficiency of administration to deep psychological attachments and a sense of self that may thereby be promoted.[50] My only point is that those are all considerations that bear on the drawing and redrawing of boundaries; they are not, in and of themselves, the source of special responsibilities toward people with those shared characteristics.[51]

The elementary facts about international responsibilities set out in Section II above can all be regarded as fair "first approximations" to the implications of this assigned responsibility model. States are assigned special responsibility for protecting and promoting the interests of those who are their citizens. Other states do them a prima facie wrong when they inflict injuries on their citizens; it is the prima facie duty of a state, acting on behalf of injured citizens, to demand redress. But ordinarily no state has any claim against other states for positive assistance in promoting its own citizens' interests: that is its own responsibility. Among its own citizens, however, it is perfectly proper that in discharging that

49. This is, I believe, broadly in line with Christian Wolff's early analysis. Certainly he believes that we have special duties toward our own nations: "Every nation ought to care for its own self, and every person in a nation ought to care for his nation" (sec. 135). But it is clear from Wolff's preface (secs. 9–15) that those special rights and duties are set in the context of, and derived from, a scheme to promote the greater common good of all nations as a whole. Among contemporary writers, this argument is canvassed, not altogether approvingly, by Shue, *Basic Rights,* pp. 139–44; and William K. Frankena, "Moral Philosophy and World Hunger," in *World Hunger and Moral Obligation,* ed. William Aiken and Hugh La Follette (Englewood Cliffs, N.J.: Prentice-Hall, 1977), pp. 66–84, p. 81. Hare, pp. 201–2, is more bullish on the proposal.

50. Sidgwick, *Elements of Politics,* chap. 14; Brian Barry, "Self-government Revisited," in *The Nature of Political Theory,* ed. David Miller and Larry Siedentop (Oxford: Clarendon, 1983), pp. 121–54; Alasdair MacIntyre, "Is Patriotism a Virtue?" (Lawrence: University of Kansas, Lindley Lecture, March 26, 1984). Compare Cottingham, pp. 370–74. Notice that the principle urged by David Miller in arguing for "The Moral Significance of Nationality" (this issue) is very much in line with my own in its practical implications: *if* people have national sentiments, then social institutions should be arranged so as to respect them; but Miller gives no reason for believing that people should or must have such sentiments, nor does he pose any objection to people's extending such sentiments to embrace the world at large if they so choose.

51. That is to say, if general duties would be better discharged by assigning special responsibilities to a group of people who enjoy helping one another, then we should so assign responsibilities—not because there is anything intrinsically good about enjoying helping one another, but merely because that is the best means to the intrinsically good discharging of general duties.

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responsibility the state should compel its citizens to comply with various schemes that require occasional sacrifices so that all may prosper.[52]

C

So far, the story is strictly analogous in its practical implications to that told about mutual-benefit societies in Section IV above. Here, as there, we have special duties for promoting the well-being of compatriots. Here, as there, we are basically obliged to leave foreigners as we found them. The rationale is different: here, it is that we have been assigned responsibility for compatriots, in a way that we have not been assigned any responsibility for foreigners. But the end result is much the same—so far, at least.

There are, however, two important points of distinction between these stories. The first concerns the proper treatment of the useless and the helpless. So far as a mutual-benefit society is concerned, useless members would be superfluous members. Not only may they be cast out, they ought to be cast out. If the raison d'être of the society is mutual benefit, and those people are not benefiting anyone, then it is actually wrong, on mutual-benefit logic, for them to be included. (That is true, at least insofar as their inclusion is in any way costly to the rest of the society—ergo, it is clearly wrong, in those terms, for the severely handicapped to draw any benefits from a mutual-benefit society.) The same is true with the helpless, that is, refugees and stateless persons. If they are going to benefit society, then a mutual-benefit society ought to take them in. But if they are only going to be a net drain on society (as most of the "boat people" presumably appeared to be, e.g.), then a mutual-benefit society not only may but *must,* on its own principles, deny them entry. The fact that they are without any other protector in the international system is, for mutual-benefit logic, neither here nor there.

My model, wherein states' special responsibilities are derived from general ones of everyone to everyone, cancels both those implications. States are stuck with the charges assigned to them, whether those people are a net benefit to the rest of society or not. Casting off useless members of society would simply amount to shirking their assigned responsibility.

The "helpless" constitute the converse case. They have been (or, anyway, they are now) assigned to no one particular state for protection. That does not mean that all states may therefore ignore or abuse them,

52. If example *g* in Section II is construed as a special positive duty toward aliens, as n. 30 above suggests it might be, then it poses something of a problem for all three other models of special responsibilities. All three, for diverse reasons, would expect *positive* duties to be stronger vis-à-vis compatriots, not toward aliens. The assigned responsibility model alone is capable of explaining the phenomenon, as a manifestation of our general duty toward everyone at large which persists even after special responsibilities have been allocated. More will be said of that residual general duty below.

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however. Quite the contrary. What justifies states in pressing the particular claims of their own citizens is, on my account, the presumption that everyone has been assigned an advocate/protector.[53] Then, and only then, will a system of universal special pleading lead to maximal fulfillment of everyone's general duties toward everyone else worldwide.

Suppose, however, that someone has been left without a protector. Either he has never been assigned one, or else the one he was assigned has proven unwilling or unable to provide the sort of protection it was his job to provide. Then, far from being at the mercy of everyone, the person becomes the "residual responsibility" of all.[54] The situation here is akin to that of a hospital patient who, through some clerical error, was admitted with some acute illness without being assigned to any particular physician's list: he then becomes the residual responsibility of all staff physicians of that hospital.

To be sure, that responsibility is an "imperfect" one as against any particular state. It is the responsibility of the set of states, taken as a whole, to give the refugee a home; but it is not the duty of any one of them in particular.[55] At the very least, though, we can say this much: it would be wrong for any state to press the claims of its own citizens strongly, to the disadvantage of those who have no advocate in the system;[56] and it would not be wrong (as, perversely, it would be on the mutual-benefit-society model) for any state to agree to give refugees a home. Both these things follow from the fact that the state's special

53. Thus, in international law aliens typically have no right themselves to protest directly to host states if they have been mistreated by it; instead, they are expected to petition their home governments, who make representations to the host state in turn (Oppenheim, vol. 1, chap. 3). Similarly, the reason aliens may be denied political rights in their host states is presumably that they have access to the political process in their home states. It is an implication of my argument here that, if states want to press the special claims of their own citizens to the exclusion of all others, then they have a duty to make sure that everyone has a competent protector—just as if everyone at the seashore wants to bathe undisturbed by any duty to rescue drowning swimmers, then they have a duty to appoint a lifeguard.

54. See Goodin, *Protecting the Vulnerable,* chap. 5; and Pettit and Goodin, "The Possibility of Special Duties," pp. 673–76.

55. Vattel, bk. 1, chap. 19, sec. 230; see, similarly, Wolff, secs. 147–49; and Grotius, bk. 2, chap. 2, sec. 16. Vattel and Wolff specifically assert the right of the exile to dwell anywhere in the world, subject to the permission of the host state—permission which the host may properly refuse only for "good" and "special reasons" (having to do, in Vattel's formulation at least, with the strict scarcity of resources in the nation for satisfying the needs of its preexisting members). The duty of the international community (i.e., the "set of states, as a whole") to care for refugees derives from the fact that refugees "have no remaining recourse other than to seek international restitution of their need," as the point has been put by Andrew E. Shacknove, "Who Is a Refugee?" *Ethics* 95 (1985): 274–84.

56. Similarly, in the "advocacy model" in the law, it is morally proper for attorneys to press their clients' cases as hard as they can if and only if everyone has legal representation; if institutions fail to guarantee that, it is wrong for attorneys to do so. See Wasserstrom, "Lawyers as Professionals," pp. 12–13, and "Roles and Morality," pp. 36–37.

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responsibility to its own citizens is, at root, derived from the same considerations that underlie its general duty to the refugee.

The second important difference between my model and mutual-benefit logic concerns the critique of international boundaries and the obligation to share resources between nations. On mutual-benefit logic, boundaries should circumscribe groups of people who produce benefits for one another. Expanding those boundaries is permissible only if by so doing we can incorporate yet more mutually beneficial collaborators into our society; contracting those boundaries is proper if by so doing we can expel some people who are nothing but liabilities to our cooperative unit. On mutual-benefit logic, furthermore, transfers across international boundaries are permissible only if they constitute mutually beneficial exchanges. The practical consequence of all this is, characteristically, that the rich get richer and the poor get poorer.[57]

On the model I have proposed, none of this would follow. Special responsibilities are, on my account, assigned merely as an administrative device for discharging our general duties more efficiently. If that is the aim, then they should be assigned to agents capable of discharging them effectively; and that, in turn, means that sufficient resources ought to have been given to every such state agent to allow for the effective discharge of those responsibilities. If there has been a misallocation of some sort, so that some states have been assigned care of many more people than they have been assigned resources to care for them, then a reallocation is called for.[58] This follows not from any special theory of justice but, rather, merely from the basis of special duties in general ones.[59]

If some states prove incapable of discharging their responsibilities effectively, then they should either be reconstituted or assisted.[60] Whereas

57. Ideally, of course, this model would have both the rich getting richer and the poor getting richer. Even in this ideal world, however, it is almost inevitable that the rich would get richer at a faster rate than the poor. Assuming that the needs of the poor grow more quickly than those of the rich, then in some real sense it may well be inevitable, even in this ideal world, that the poor will actually get (relatively) poorer.

58. Or, as Miller puts it, it is wrong to put the poorly-off in charge of the poorly-off and the well-off in charge of the well-off ("The Moral Significance of Nationality," this issue). That is not a critique of my model but, instead, a critique of existing international boundaries from within my model.

59. Compare Barry, "Self-government Revisited," pp. 234–39.

60. Some have offered, as a reductio of my argument, the observation that one way of "reconstituting" state boundaries as I suggest might be for a particularly poor state to volunteer to become a colony of another richer country. But that would be a true implication of my argument only if (a) citizens of the would-be colony have no very strong interests in their national autonomy and (b) the colonial power truly discharges its duties to protect and promote the interests of the colony, rather than exploiting it. The sense that this example constitutes a reductio of my argument derives, I submit, from a sense that one or the other of those propositions is false. But in that case, it would not be an implication of my argument, either.

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on mutual-benefit logic it would actually be wrong for nations to take on burdens that would in no way benefit their citizens, on my model it would certainly not be wrong for them to do so; and it would in some diffuse way be right for them to do so, in discharge of the general duties that all of them share and that underwrite their own grant of special responsibility for their own citizens in the first place.[61]

VI. CONCLUSION

Boundaries matter, I conclude. But it is the boundaries around people, not the boundaries around territories, that really matter morally. Territorial boundaries are merely useful devices for "matching" one person to one protector. Citizenship is merely a device for fixing special responsibility in some agent for discharging our general duties vis-à-vis each particular person. At root, however, it is the person and the general duty that we all have toward him that matters morally.

If all has gone well with the assignment of responsibilities, then respecting special responsibilities and the priority of compatriots to which they give rise would be the best way of discharging those general duties. But the assignment of responsibility will never work perfectly, and there is much to make us suppose that the assignment embodied in the present world system is very imperfect indeed. In such cases, the derivative special responsibilities cannot bar the way to our discharging the more general duties from which they are derived. In the present world system, it is often—perhaps ordinarily—wrong to give priority to the claims of our compatriots.

61. This duty to render assistance across poorly constituted boundaries might be regarded as a "secondary, back-up responsibility" that comes into play when those assigned primary responsibility prove unwilling or unable to discharge it. In *Protecting the Vulnerable,* chap. 5, I argue that such responsibilities come into play whatever the reason for the default on the part of the agent with primary responsibility. There, I also argue that one of our more important duties is to organize political action to press for our community as a whole to discharge these duties, rather than necessarily trying to do it all by ourselves. That saves my model from the counterintuitive consequence that well-off Swedes, knowing that the welfare state will feed their own children if they do not, should send all their own food to starving Africans who would not otherwise be fed rather than giving any of it to their own children.

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