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REAL RESPECT: A REJECTION OF RICHARD MILLER'S PATRIOTIC BIAS IN TAX-FINANCED AID

Gerbrand Hoogvliet

Abstract This paper analyzes Richard W. Miller's argument for favoring compatriots in the allocation of tax-financed aid. It argues that Miller's patriotic bias is derived via an incorrect framing of the problem. It furthermore contends that Miller's notion of equal respect is too uninformative to ground such a patriotic bias. A better definition of respect in terms of human rights is offered. This definition is more informative but fails to uphold the stringent bias Miller argues for.

National borders occupy a curious position in political philosophy and ethics. Their existence and location is often the result of mere historical accident. Yet, despite this arbitrary nature, the nation states defined by these borders are often chosen as the primary actors in theories of international relations. Similarly in ethics, there is a tension between the fact that citizenship seems morally arbitrary, insofar as it is usually bestowed upon persons at birth, and on the other hand the moral obligations that participation in a particular society seem to give rise to. In the context of global poverty national borders take on another moral dimension since they often, as Michael Blake puts it, "divide not simply one jurisdiction from another, but the rich from the poor as well"¹.

¹ Michael Blake, "Distributive justice, state coercion, and autonomy", *Philosophy and Public Affairs* 30, no. 3 (2001), 257.

Given the grim facts of poverty in many parts of the world, the question of whether wealthier nations are morally allowed to favor their own citizens over foreigners in dire need becomes an important one.

Richard Miller, in his contribution to the anthology *The Political Philosophy of Cosmopolitanism*, entitled “Cosmopolitan Respect and Patriotic Concern”, provides a universalist defense of such a favoritism. He argues that on the basis of the principle of equal respect for all persons we are in fact obligated to prioritize our compatriots when it comes to tax-financed aid. He argues that a violation of such a patriotic bias would entail disrespectful treatment of our fellow citizens and would lead to an excessive loss of social trust. Given that breaking the principle of equal respect is wrong, violation of the patriotic bias is also wrong. We are thus morally obligated to prioritize compatriots in the administration of such aid.

In this paper I will argue against the position put forward by Richard Miller. I will begin with an exposition of his argument. For the benefit of the reader I will also provide a brief explanation of concepts found in John Rawls’s *Justice as Fairness: A Restatement*, that are important to a proper understanding of Miller’s position. I will then provide my own critique, focusing firstly on what I hold to be an improper framing of the issue, followed by a more fundamental criticism of the notion of equal respect used by Miller. I will show his definition of equal respect to be uninformative and anemic and will proceed to redefine this concept in a more substantial way by appealing to the philosophical literature on human rights.

Miller

In his paper, Miller aims to provide “a universalist justification of the patriotic bias in aid.”² Universalism here refers to a position similar to cosmopolitanism, which takes human beings as ‘the relevant unit of moral concern’. It is mainly defined in contrast to what Miller calls particularism, which is a view maintained by philosophers such as David Miller and Michael Sandel, who ascribe intrinsic value to communities of persons such as nations. For particularists, the defense of patriotism is usually based on some notion that it benefits the community or the nation state. Since Richard Miller rejects a view of nations as intrinsically valuable he cannot make a similar claim. In fact, because he adopts the universalist view of all persons as having equal moral value, he commits himself to the use of universal principle that applies to all persons. This principle is that of equal respect.

In order to establish a patriotic bias, however, he first has to identify what such a bias consists of. He points out that the patriotic bias is really a combination of two biases: an attention bias and a budgetary bias. To establish the attention bias he has to prove that we are justified and indeed obligated to pay more attention to the needs of our compatriots than to the needs of foreigners. The budgetary bias is then the working out of this attention bias in terms of assigning aid and simply means that the majority of our tax-financed aid is indeed spent on compatriots. He recognizes that he has to establish the attention bias before he can claim the budgetary bias.

² Richard W. Miller, “Cosmopolitan Respect and Patriotic Concern,” in *The Political Philosophy of Cosmopolitanism*, ed. Gillian Brock and Harry Brighouse (Cambridge: Cambridge University Press, 2005), 127.

Equal Respect

In establishing the principle of equal respect, Miller makes an appropriate distinction between respect and concern. Whereas most of the literature conflates these two terms, he defines them separately. Concern, for Miller, applies to personal relationships such as between family members, friends etc and signifies a deep level of caring for the well being of others. I think Miller rightly restricts this type of sympathy to those who we are personally acquainted with. As an example, he states that although he owes equal respect to his daughter and the girl across the street, he is not required to have the same level of concern for the latter. I think this is a sensible distinction and it clarifies the task at hand: since concern covers all persons that we stand in a personal relationship to, the principle of respect is the one that will regulate our behavior to strangers domestically and abroad.

The equal respect that we owe to strangers has two main parameters:

- 1) One avoids moral wrongness just in case one conforms to some set of rules for living by which one could express equal respect for all.³
- 2) A choice is wrong just in case it violates every set of shared rules of conduct to which everyone could be freely and rationally committed without anyone's violating his or her own self-respect.⁴

³ Ibid., 132

⁴ Ibid.

The phrasing of these parameters is somewhat confusing, but in a nutshell they provide two conditions under which equal respect is violated. Under the first rule, it is morally wrong to choose a method of administering tax-financed aid that does not show equal respect for all. The second parameter claims that it is wrong to choose a way of distributing aid in a way that some persons could not self-respectfully accept. To use an example, if you and I were to start a lawn mowing business and I suggested that, even though we put in the same amount of work, I should get all the money, then that would not be an arrangement that you could self-respectfully accept.

Miller thus separates respect out into a *respect outward* and *respect inward*; respect for others and self-respect. Any administration of tax financed aid thus has to express and satisfy both forms of respect.

Rawlsian Intermezzo

At this point I think it will be beneficial to elucidate some concepts from John Rawls that are implicit in much of Miller's further discussion. Although Miller is not defending anything like a Rawlsian position, much of political philosophy is steeped in the tradition started by Rawls and it is therefore useful to have a basic understanding of some of the background concepts informing this discussion.

Rawls conceives of society as “a fair system of cooperation”⁵ among free and equal citizens. Fairness is necessary

⁵ John Rawls, *Justice as Fairness: A Restatement* (Cambridge: Harvard University Press, 2001), 14.

for Rawls because one does not choose what society one is born into, and exiting a society is extremely difficult if not impossible. Society is thus unlike other forms of association such as local communities, schools, clubs, church congregations etc. where membership can be given up if one is asked to uphold rules and practices that one is unwilling to support. Since no such an exit option exists for the nation state there is a more urgent demand for fairness.

Not only is societal membership largely involuntary, it also exposes persons to the coercive nature of the state. For Rawls “political power is always coercive power applied by the state and its apparatus of enforcement.”⁶ As citizens we participate in the creation of laws, which the state then enforces in our name. Justification is thus demanded both on the grounds that laws are enacted in our name as well as that laws are enforced upon us.

Given this nature of society and the demands for justification that it gives rise to, Rawls is particularly concerned with the well being of what he calls “the least-advantaged members of society.”⁷ It is easy to see why this is: given the coercive nature of the state and the near impossibility of exiting society, it is the worst off group that is most likely to feel trapped in a system that they would not voluntarily uphold. This group could certainly be coerced into cooperation, but the ideal of a just society would then have been forfeited. I take Miller’s concerns about respect to also be focusing largely on this group, and for similar reasons.

⁶ Ibid., 40

⁷ Ibid., 43

Loss of Social Trust

Returning to Miller's argument, he claims that a failure to prioritize compatriots would entail a violation of the principle of equal respect. This violation comes about in two ways. First, without a patriotic bias, tax-financed aid is distributed in a way that does not express respect to all. Specifically, the least-advantaged members of society are not treated respectfully by their fellow citizens. This goes against the first parameter of equal respect that I stated above. The idea here seems to be that by not paying extra attention to the needs of disadvantaged compatriots we are treating them disrespectfully, which the first parameter holds to be wrong.

The second way in which a breach of equal respect comes about is through the inability of the least-advantaged group in society to self-respectfully accept such an allocation of tax-financed aid. Put differently, the least well off members of society could not choose a use of tax-financed aid that did not prioritize them and at the same time maintain their self-respect. The sacrifice required of them would be too large, the inequalities faced too stark. Since an allocation is imposed on them that they could not self-respectfully accept, parameter 2 of equal respect is violated and the allocation is thus wrong.

It is important to note here that the priority that Miller requires is a very strong one:

[P]riority does not totally exclude support for foreign aid in the presence of relevant domestic burdens. Still, until domestic political arrangements have done as much as they can [...] to eliminate serious burdens of domestic inequality of life-prospects, there should be no

significant sacrifice of this goal in order to help disadvantaged foreigners.⁸

To put the consequences of this patriotic bias in context, Miller presents us with three persons who present the three main stakeholders in the outcome of this discussion. Kevin is a corporate lawyer living in a rich suburb of New York. Carla lives in the South Bronx and earns a meager living cleaning other people's apartments. Khalid, finally, collects scrap metal and lives in a slum in Dacca, Bangladesh. Miller maintains that the patriotic bias and its consequences can be self-respectfully accepted by all three. As we stated above, Carla, as a member of the least-advantaged group in society, can self-respectfully accept a situation in which she is prioritized to the extent that Miller suggests in the statement above. Kevin also upholds the principle of equal respect since he is treating Carla in a respectful manner. Khalid, according to Miller, can also self-respectfully accept the patriotic bias that Kevin and Carla adhere to since he understands that both value the social trust that would be lost without such a bias. Kevin and Carla are also assumed to be treating Khalid respectfully, although Miller does not go into detail as to why that would be the case.

Naturally such a bias is a very convenient view for rich societies to hold since it reduces their obligations to foreign aid significantly. As Thomas Nagel points out in "The Problem of Global Justice", however, the fact that a theory is convenient doesn't make it false.⁹

⁸ Miller, "Cosmopolitan Respect and Patriotic Concern", 134

⁹ Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005): 126.

There is, however, another reason to be suspicious about Miller's patriotic bias as based on the principle of equal respect. Note that changes in Khalid's level of deprivation do not change the bias. Miller chooses to think of him as a scrap metal collector in Bangladesh, but we could just as easily imagine him as living in a refugee camp in Chad, or working 70 hours a week in a coal mine in Brazil, and Miller's bias would remain unaffected. Also note that Khalid does not feature anywhere in Miller's argument prior to the establishment of the patriotic bias. The fact that Khalid's circumstances are not being taken into account at all makes it at the very least unlikely that he is being shown equal respect.

Deciding on the extent of a patriotic bias that is supposed to show equal respect to all can hardly be done without looking at the needs of foreigners, especially given the severity of global poverty. Although the facts of global poverty cannot, in and of themselves, decide the debate about patriotic bias, they can help pull it into focus. Thomas Pogge estimates that in the 15 years following the Cold War, 270 million people died from poverty related causes, an average of 18 million a year.¹⁰ Against the backdrop of these grim facts, a theory that does not take into account the needs of the global poor can hardly claim to express equal respect for all.

In the next section I will present two criticisms of Miller's argument. The first focuses on a framing issue that I think skews the debate and misrepresents the trade-offs involved in reallocation

¹⁰ Pogge, Thomas W. M. "From *A Cosmopolitan Perspective on the Global Economic Order*." In *The Political Philosophy of Cosmopolitanism*, edited by Gillian Brock and Harry Brighouse, (Cambridge: Cambridge University Press, 2005), 92.

of tax-financed aid. The second criticism is far more fundamental and proves that the principle of equal respect used by Miller is uninformative and stands in need of a better definition. I will consequently suggest a more informative definition grounded in contemporary political philosophy of human rights.

Framing

My claim here is that Miller gets the strong bias that he wants by the way he frames the reallocation of tax-financed aid. In short, my contention is that Miller implicitly assumes the amount of tax-financed aid to be fixed, or determined at a point prior to the patriotic bias discussion. By doing this, any imagined change to the allocation of this aid becomes a zero-sum game between Carla and Khalid. The amount of aid is set, so any aid to Khalid will have to come out of tax money reserved for Carla. This places undue tension on the allocation decision as we are forced to choose between two persons clearly in need. Certainly, in absolute terms Khalid is worse off than Carla, but on the other hand Carla is forced to participate in a society with people like Kevin, which raises concerns of fairness domestically. The radically unequal income distribution in the United States only further aids Miller's argument.

My point is that this is an incorrect framing of the question. If we are really concerned with equal respect for all, we should not take tax aid as given, but rather as a function of the needs of Carla and Khalid and what is owed to them on account of this respect. If, for the sake of argument, we take Kevin as the sole tax payer, then the tax rate imposed on him should be set at a level at which both Carla and Khalid can self-respectfully accept the amount of aid

they receive. Framing the question in this way, I think Miller may still be justified in claiming that more is owed to compatriots on account of the coercive nature of the state. However, the amount owed to Khalid is likely to be much higher than what he has in mind. Thinking about the reallocation of aid in this way also makes more sense if we view it from Khalid's perspective. He is more likely to think of himself as being owed some type of aid by Kevin rather than by Carla, since Kevin is in a position to improve Khalid's life significantly, at little cost to himself.

This then raises the question of how much domestic and foreign aid would be sufficient for the satisfaction of the principle of equal respect and whether Kevin could self-respectfully accept such a tax burden. This is where the limitations of Miller's account become clearly visible, because the definition of equal respect that he uses is completely uninformative on this matter. It seems to me that Khalid could not self-respectfully accept the bias proposed by Miller, but how much would foreign aid have to increase for that to change? And if we found this amount, how could we tell if the tax burden required is one that Kevin could self-respectfully accept?

Equal Respect Revisited

The uninformative nature of the equal respect principle stems from the fact that Miller defines it in terms of respect. If we look again at the two parameters, we notice that they largely constitute an elucidation of the concept of equal respect. Miller effectively break it down into two components: respect-towards and self-respect. Parameters one and two deal with those respectively. However, the meaning and import of these

components remains unhappily vague as can be seen in the discussion at the end of the previous section.

I think current thought in political philosophy can provide us with more informative concepts of what equal respect entails. The one I shall focus on here is the recent work in philosophy of human rights, although Amarty Sen and Martha Nussbaum's work on the human capabilities approach is also a strong candidate.

Human Rights as Equal Respect

International human rights practice is commonly seen as motivated by the need to protect human dignity in some form or other. Although this idea of dignity is rather vague, a clear connection can be seen with the idea of respect. What we mean by equal respect is that we treat other persons as having a certain amount of equal intrinsic value. We regard them as worthy of moral consideration.

Recent works in the philosophy of human rights have expounded this idea of dignity and tried to give it more substance. They have established strong philosophical frameworks for thinking about the goal and content of human rights. The account given by James Nickel in *Making Sense of Human Rights* focuses on vital human interests that human rights are designed to protect. As such, human rights can be seen as necessary conditions for living a minimally good life. James Griffin's account in *On Human Rights* envisions them as protecting a person's liberty, autonomy, and basic standard of living.¹¹ Again, human rights are used to protect what we see as central to human life.

¹¹ James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008), 51.

I think that these accounts can help lend content to the concept of equal respect. Since human rights are necessary conditions for a minimally good life, violating them can rightly be seen as disrespecting the holder of that right. Human rights thus set a minimum standard for what equal respect for all persons requires: namely a guarantee not to violate human rights and a strong duty to help uphold and enforce them whenever one is in a position to do so at relatively low cost to oneself.

Applying this human rights definition of equal respect to Miller's account yields a very different outcome. For one, the patriotic bias can no longer be established by only considering the domestic case. Instead, equal respect demands an effort to guarantee the observance of human right for all persons both domestically and abroad.

Certainly I have only sketched an outline here of what such an approach to the allocation of tax-financed aid would entail. Further development of the idea of 'human rights as a standard for equal respect' is necessary in order to work out its exact practical implications. The duties of different well-off societies to help the global poor in having their human rights protected need to be coordinated and a reasonable limit needs to be placed on the burden that such duties can impose on these societies.

Nevertheless, it appears clear from the outset that any patriotic bias that claims to show equal respect on my definition of that term, would be quite different from the one argued for by Miller. It almost certainly calls for a greater transfer of aid from the per-capita rich countries to those in need. It does not preclude the existence of a patriotic bias in tax-financed aid, and in fact arguments for such a bias are probably justified. It does mean that

demands for equal respect will take precedence over any considerations of patriotic priority, as I have argued they should.

Conclusion

In this paper I have shown that Richard Miller's argument for a patriotic bias rests on an uninformative definition of the principle of equal respect. Due to the indeterminate nature of this principle, it is unclear what sort of patriotic bias can be justified. Whether different allocations of tax-financed aid show equal respect for all becomes a matter of speculation and personal interpretations of human psychology.

I have argued that the philosophical human rights tradition can provide us with a more substantial account of what respect for persons entails. Recent influential works by James Nickel and James Griffin suggest human rights as a protection of abilities and interests necessary for living a minimally good life. Given the important nature of human rights to individuals persons, I suggest that equal respect entails the non-violation of these rights as well as a duty to protect and uphold them when one can do so at little cost to oneself. I note that this is merely the first step in the creation of such an account and that more work is needed to establish clearly the demands 'human rights as a standard for equal respect' can and ought to give rise to. I do contend that any account based on this new definition of human rights will fail to establish a patriotic bias as strong as the one argued for by Richard Miller.

A last remark with regard to the question of tax-financed aid is in order. As Charles Beitz has noted, discussions in the field of global economic justice often make too much of the importance

of transfer payments from tax dollars.¹² More effective, efficient and lasting solutions to problems of economic inequality and global poverty can likely be found through the structural rearrangement of institutions such that they favor - or at the very least cease to actively disadvantage - the global poor. For the purpose of this paper, which was a response to Miller's patriotic bias in tax-financed aid, such questions of institutional reform were unfortunately not within our scope. Discussions in the field of global justice and cosmopolitanism can perhaps shine a light on fruitful solutions in that direction.

¹² Charles Beitz, "Cosmopolitanism and Global Justice," *The Journal of Ethics* 9, no. 2 (2005)

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