

WHAT'S
THE
RIGHT THING
TO DO?

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It's never easy to say, "I'm sorry." But saying so in public, on behalf of one's nation, can be especially difficult. Recent decades have brought a spate of anguished arguments over public apologies for historic injustices.

Apologies and Reparations

Much of the fraught politics of apology involves historic wrongs committed during World War II. Germany has paid the equivalent of billions of dollars in reparations for the Holocaust, in the form of payments to individual survivors and to the state of Israel.¹ Over the years, German political leaders have offered statements of apology, accepting responsibility for the Nazi past in varying degrees. In a speech to the Bundestag in 1951, German chancellor Konrad Adenauer claimed that "the overwhelming majority of the German people abominated the crimes committed against the Jews and did not participate in them." But he acknowledged that "unspeakable crimes have been committed in the name of the German people, calling for moral and material indemnity."² In 2000, German president Johannes Rau apologized for the Holocaust in a speech to the Israeli Knesset, asking "forgiveness for what Germans have done."³

Japan has been more reluctant to apologize for its wartime atrocities. During the 1930s and '40s, tens of thousands of Korean and other Asian women and girls were forced into brothels and abused as sex slaves by Japanese soldiers.⁴ Since the 1990s, Japan has faced growing international pressure for a formal apology and restitution to the so-called "comfort women." In the 1990s, a private fund offered payments to the victims, and Japanese leaders made limited apologies.⁵ But as recently as 2007, Japanese prime minister Shinzo Abe insisted that the Japanese military was not responsible for coercing the women into sexual slavery. The U.S. Congress responded by passing a resolution urging the Japanese government to formally acknowledge and apologize for its military's role in enslaving the comfort women.⁶

Other apology controversies involve historic injustices to indigenous peoples. In Australia, debate has raged in recent years over the government's obligation to the aboriginal people. From the 1910s to the early 1970s, aboriginal children of mixed race were forcibly separated from their mothers and placed in white foster homes or settlement camps. (In most of these cases, the mothers were aborigines and the fathers white.) The policy sought to assimilate the children to white society and speed the disappearance of aboriginal culture.⁷ The government-sanctioned kidnappings are portrayed in *Rabbit-Proof Fence* (2002), a movie that tells the story of three young girls who, in 1931, escape from a settlement camp and set out on a 1,200-mile journey to return to their mothers.

In 1997, an Australian human rights commission documented the cruelties inflicted on the "stolen generation" of aborigines, and recommended an annual day of national apology.⁸ John Howard, the prime minister at the time, opposed an official apology. The apology question became a contentious issue in Australian politics. In 2008, newly elected prime minister Kevin Rudd issued an official apology to the aboriginal people. Although he did not offer individual compensation, he promised measures to overcome the social and economic disadvantages suffered by Australia's indigenous population.⁹

In the United States, debates over public apologies and reparations have also gained prominence in recent decades. In 1988, President Ronald Reagan signed into law an official apology to Japanese Americans for their confinement in internment camps on the West Coast during World War II.¹⁰ In addition to an apology, the legislation provided compensation of \$20,000 to each survivor of the camps, and funds to promote Japanese American culture and history. In 1993, Congress apologized for a more distant historic wrong—the overthrow, a century earlier, of the independent kingdom of Hawaii.¹¹

Perhaps the biggest looming apology question in the United States involves the legacy of slavery. The Civil War promise of “forty acres and a mule” for freed slaves never came to be. In the 1990s, the movement for black reparations gained new attention.¹² Every year since 1989, Congressman John Conyers has proposed legislation to create a commission to study reparations for African Americans.¹³ Although the reparations idea has won support from many African American organizations and civil rights groups, it has not caught on with the general public.¹⁴ Polls show that while a majority of African Americans favor reparations, only 4 percent of whites do.¹⁵

Although the reparations movement may have stalled, recent years have brought a wave of official apologies. In 2007, Virginia, which had been the largest slaveholding state, became the first to apologize for slavery.¹⁶ A number of other states, including Alabama, Maryland, North Carolina, New Jersey, and Florida, followed.¹⁷ And in 2008, the U.S. House of Representatives passed a resolution apologizing to African Americans for slavery and for the Jim Crow era of racial segregation that extended into the mid-twentieth century.¹⁸

Should nations apologize for historic wrongs? To answer this question, we need to think through some hard questions about collective responsibility and the claims of community.

The main justifications for public apologies are to honor the memory of those who have suffered injustice at the hands (or in the name) of the political community, to recognize the persisting effects of injustice on

victims and their descendants, and to atone for the wrongs committed by those who inflicted the injustice or failed to prevent it. As public gestures, official apologies can help bind up the wounds of the past and provide a basis for moral and political reconciliation. Reparations and other forms of financial restitution can be justified on similar grounds, as tangible expressions of apology and atonement. They can also help alleviate the effects of the injustice on the victims or their heirs.

Whether these considerations are strong enough to justify an apology depends on the circumstances. In some cases, attempts to bring about public apologies or reparations may do more harm than good—by inflaming old animosities, hardening historic enmities, entrenching a sense of victimhood, or generating resentment. Opponents of public apologies often voice worries such as these. Whether, all things considered, an act of apology or restitution is more likely to heal or damage a political community is a complex matter of political judgment. The answer will vary from case to case.

Should We Aton for the Sins of our Predecessors?

But I would like to focus on another argument often raised by opponents of apologies for historic injustices—a principled argument that does not depend on the contingencies of the situation. This is the argument that people in the present generation should not—in fact, cannot—apologize for wrongs committed by previous generations.¹⁹ To apologize for an injustice is, after all, to take some responsibility for it. You can’t apologize for something you didn’t do. So, how can you apologize for something that was done before you were born?

John Howard, the Australian prime minister, gave this reason for rejecting an official apology to the aborigines: “I do not believe that the current generation of Australians should formally apologize and accept responsibility for the deeds of an earlier generation.”²⁰

A similar argument was made in the U.S. debate over reparations for slavery. Henry Hyde, a Republican congressman, criticized the idea

of reparations on these grounds: "I never owned a slave. I never oppressed anybody. I don't know that I should have to pay for someone who did [own slaves] generations before I was born."²¹ Walter E. Williams, an African American economist who opposes reparations, voiced a similar view: "If the government got the money from the tooth fairy or Santa Claus, that'd be great. But the government has to take the money from citizens, and there are no citizens alive today who were responsible for slavery."²²

Taxing today's citizens to pay reparations for a past wrong may seem to raise a special problem. But the same issue arises in debates over apologies that involve no financial compensation.

With apologies, it's the thought that counts. The thought at stake is the acknowledgment of responsibility. Anyone can deplore an injustice. But only someone who is somehow implicated in the injustice can apologize for it. Critics of apologies correctly grasp the moral stakes. And they reject the idea that the current generation can be morally responsible for the sins of their forebears.

When the New Jersey state legislature debated the apology question in 2008, a Republican assemblyman asked, "Who living today is guilty of slaveholding and thus capable of apologizing for the offense?" The obvious answer, he thought, was no one: "Today's residents of New Jersey, even those who can trace their ancestry back to . . . slaveholders, bear no collective guilt or responsibility for unjust events in which they personally played no role."²³

As the U.S. House of Representatives prepared to vote an apology for slavery and segregation, a Republican critic of the measure compared it to apologizing for deeds carried out by your "great-great-great-grandfather."²⁴

Moral Individualism

The principled objection to official apologies is not easy to dismiss. It rests on the notion that we are responsible only for what we ourselves

do, not for the actions of other people, or for events beyond our control. We are not answerable for the sins of our parents or our grandparents or, for that matter, our compatriots.

But this puts the matter negatively. The principled objection to official apologies carries weight because it draws on a powerful and attractive moral idea. We might call it the idea of "moral individualism." The doctrine of moral individualism does not assume that people are selfish. It is rather a claim about what it means to be free. For the moral individualist, to be free is to be subject only to obligations I voluntarily incur; whatever I owe others, I owe by virtue of some act of consent—a choice or a promise or an agreement I have made, be it tacit or explicit.

The notion that my responsibilities are limited to the ones I take upon myself is a liberating one. It assumes that we are, as moral agents, free and independent selves, unbound by prior moral ties, capable of choosing our ends for ourselves. Not custom or tradition or inherited status, but the free choice of each individual is the source of the only moral obligations that constrain us.

You can see how this vision of freedom leaves little room for collective responsibility, or for a duty to bear the moral burden of historic injustices perpetrated by our predecessors. If I promised my grandfather to pay his debts or apologize for his sins, that would be one thing. My duty to carry out the recompense would be an obligation founded on consent, not an obligation arising from a collective identity extending across generations. Absent some such promise, the moral individualist can make no sense of a responsibility to atone for the sins of my predecessors. The sins, after all, were theirs, not mine.

If the moral individualist vision of freedom is right, then the critics of official apologies have a point; we bear no moral burden for the wrongs of our predecessors. But far more than apologies and collective responsibility are at stake. The individualist view of freedom figures in many of the theories of justice most familiar in contemporary politics. If that conception of freedom is flawed, as I believe it is, then we need to rethink some of the fundamental features of our public life.

As we have seen, the notions of consent and free choice loom large, not only in contemporary politics, but also in modern theories of justice. Let's look back and see how various notions of choice and consent have come to inform our present-day assumptions.

An early version of the choosing self comes to us from John Locke. He argued that legitimate government must be based on consent. Why? Because we are free and independent beings, not subject to paternal authority or the divine right of kings. Since we are "by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent."²⁵

A century later, Immanuel Kant offered a more powerful version of the choosing self. Against the utilitarian and empiricist philosophers, Kant argued that we must think of ourselves as more than a bundle of preferences and desires. To be free is to be autonomous, and to be autonomous is to be governed by a law I give myself. Kantian autonomy is more demanding than consent. When I will the moral law, I don't simply choose according to my contingent desires or allegiances. Instead, I step back from my particular interests and attachments, and will as a participant in pure practical reason.

In the twentieth century, John Rawls adapted Kant's conception of the autonomous self and drew upon it in his theory of justice. Like Kant, Rawls observed that the choices we make often reflect morally arbitrary contingencies. Someone's choice to work in a sweatshop, for example, might reflect dire economic necessity, not free choice in any meaningful sense. So if we want society to be a voluntary arrangement, we can't base it on actual consent; we should ask instead what principles of justice we would agree to if we set aside our particular interests and advantages, and chose behind a veil of ignorance.

Kant's idea of an autonomous will and Rawls's idea of a hypothetical agreement behind a veil of ignorance have this in common: both conceive the moral agent as independent of his or her particular aims and attachments. When we will the moral law (Kant) or choose the

principles of justice (Rawls), we do so without reference to the roles and identities that situate us in the world and make us the particular people we are.

If, in thinking about justice, we must abstract from our particular identities, it is hard to make the case that present-day Germans bear a special responsibility to make recompense for the Holocaust, or that Americans of this generation have a special responsibility to remedy the injustice of slavery and segregation. Why? Because once I set aside my identity as a German or an American and conceive myself as a free and independent self, there is no basis for saying my obligation to remedy these historic injustices is greater than anyone else's.

Conceiving persons as free and independent selves doesn't only make a difference for questions of collective responsibility across generations. It also has a more far-reaching implication: Thinking of the moral agent in this way carries consequences for the way we think about justice more generally. The notion that we are freely choosing, independent selves supports the idea that the principles of justice that define our rights should not rest on any particular moral or religious conception; instead, they should try to be neutral among competing visions of the good life.

Should Government Be Morally Neutral?

The idea that government should try to be neutral on the meaning of the good life represents a departure from ancient conceptions of politics. For Aristotle, the purpose of politics is not only to ease economic exchange and provide for the common defense; it is also to cultivate good character and form good citizens. Arguments about justice are therefore, unavoidably, arguments about the good life. "Before we can [investigate] the nature of an ideal constitution," Aristotle wrote, "it is necessary for us first to determine the nature of the most desirable way of life. As long as that is obscure, the nature of the ideal constitution must also remain obscure."²⁶

These days, the notion that politics is about cultivating virtue strikes many as strange, even dangerous. Who is to say what virtue consists in? And what if people disagree? If the law seeks to promote certain moral and religious ideals, doesn't this open the way to intolerance and coercion? When we think of states that try to promote virtue, we don't think first of the Athenian polis; we think rather of religious fundamentalism, past and present—stonings for adultery, mandatory burkas, Salem witch trials, and so on.

For Kant and Rawls, theories of justice that rest on a certain conception of the good life, whether religious or secular, are at odds with freedom. By imposing on some the values of others, such theories fail to respect persons as free and independent selves, capable of choosing their own purposes and ends. So the freely choosing self and the neutral state go hand in hand: It is precisely because we are free and independent selves that we need a framework of rights that is neutral among ends, that refuses to take sides in moral and religious controversies, that leaves citizens free to choose their values for themselves.

Some might object that no theory of justice and rights can be morally neutral. On one level, this is obviously true. Kant and Rawls are not moral relativists. The idea that persons should be free to choose their ends for themselves is itself a powerful moral idea. But it does not tell you how to live your life. It only requires that, whatever ends you pursue, you do so in a way that respects other people's rights to do the same. The appeal of a neutral framework lies precisely in its refusal to affirm a preferred way of life or conception of the good.

Kant and Rawls do not deny they are advancing certain moral ideals. Their quarrel is with theories of justice that derive rights from some conception of the good. Utilitarianism is one such theory. It takes the good to consist in maximizing pleasure or welfare, and asks what system of rights is likely to achieve it. Aristotle offers a very different theory of the good. It is not about maximizing pleasure but about realizing our nature and developing our distinctly human capacities. Aristotle's

reasoning is teleological in that he reasons from a certain conception of the human good.

This is the mode of reasoning that Kant and Rawls reject. They argue that the right is prior to the good. The principles that specify our duties and rights should not be based on any particular conception of the good life. Kant writes of "the confusion of the philosophers concerning the supreme principle of morals." The ancient philosophers made the mistake of "devoting their ethical investigations entirely to the definition of the concept of the highest good," and then trying to make this good "the determining ground of the moral law."²⁷ But according to Kant, this has things backward. It is also at odds with freedom. If we are to think of ourselves as autonomous beings, we must first will the moral law. Only then, after we've arrived at the principle that defines our duties and rights, can we ask what conceptions of the good are compatible with it.

Rawls makes a similar point with respect to principles of justice: "The liberties of equal citizenship are insecure when founded upon teleological principles."²⁸ It is easy to see how resting rights on utilitarian calculations leaves rights vulnerable. If the only reason to respect my right to religious liberty is to promote the general happiness, what happens if someday a large majority despises my religion and wants to ban it?

But utilitarian theories of justice are not the only targets of Rawls and Kant. If the right is prior to the good, then Aristotle's way of thinking about justice is also mistaken. For Aristotle, to reason about justice is to reason from the telos, or nature, of the good in question. To think about a just political order, we have to reason from the nature of the good life. We can't frame a just constitution until we first figure out the best way to live. Rawls disagrees: "[T]he structure of teleological doctrines is radically misconceived: from the start they relate the right and the good in the wrong way. We should not attempt to give form to our life by first looking to the good independently defined."²⁹

Justice and Freedom

At stake in this debate is more than the abstract question of how we should reason about justice. The debate over the priority of the right over the good is ultimately a debate about the meaning of human freedom. Kant and Rawls reject Aristotle's teleology because it doesn't seem to leave us room to choose our good for ourselves. It is easy to see how Aristotle's theory gives rise to this worry. He sees justice as a matter of fit between persons and the ends or goods appropriate to their nature. But we are inclined to see justice as a matter of choice, not fit.

Rawls's case for the priority of the right over the good reflects the conviction that a "moral person is a subject with ends he has chosen."³⁰ As moral agents, we are defined not by our ends but by our capacity for choice. "It is not our aims that primarily reveal our nature" but rather the framework of rights we would choose if we could abstract from our aims. "For the self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities . . . We should therefore reverse the relation between the right and the good proposed by teleological doctrines and view the right as prior."³¹

The notion that justice should be neutral toward conceptions of the good life reflects a conception of persons as freely choosing selves, unbound by prior moral ties. These ideas, taken together, are characteristic of modern liberal political thought. By *liberal*, I don't mean the opposite of *conservative*, as these terms are used in American political debate. In fact, one of the distinctive features of American political debate is that the ideals of the neutral state and the freely choosing self can be found across the political spectrum. Much of the argument over the role of government and markets is a debate about how best to enable individuals to pursue their ends for themselves.

Egalitarian liberals favor civil liberties and basic social and economic rights—rights to health care, education, employment, income security, and so on. They argue that enabling individuals to pursue their own ends requires that government ensure the material conditions of truly

free choice. Since the time of the New Deal, proponents of America's welfare state have argued less in the name of social solidarity and communal obligation than in the name of individual rights and freedom of choice. When Franklin D. Roosevelt launched Social Security in 1935, he did not present it as expressing the mutual obligation of citizens to one another. Instead, he designed it to resemble a private insurance scheme, funded by payroll "contributions" rather than general tax revenues.³² And when, in 1944, he laid out an agenda for the American welfare state, he called it an "economic bill of rights." Rather than offer a communal rationale, FDR argued that such rights were essential to "true individual freedom," adding, "necessitous men are not free men."³³

For their part, libertarians (usually called conservatives in contemporary politics, at least on economic issues) also argue for a neutral state that respects individual choice. (Libertarian philosopher Robert Nozick writes that government must be "scrupulously . . . neutral between its citizens."³⁴) But they disagree with egalitarian liberals about what policies these ideals require. As laissez-faire critics of the welfare state, libertarians defend free markets and argue that people are entitled to keep the money they make. "How can a man be truly free," asked Barry Goldwater, a libertarian conservative and 1964 Republican presidential candidate, "if the fruits of his labor are not his to dispose of, but are treated, instead, as part of a common pool of public wealth?"³⁵ For libertarians, a neutral state requires civil liberties and a strict regime of private property rights. The welfare state, they argue, does not enable individuals to choose their own ends, but coerces some for the good of others.

Whether egalitarian or libertarian, theories of justice that aspire to neutrality have a powerful appeal. They offer hope that politics and law can avoid becoming entangled in the moral and religious controversies that abound in pluralist societies. And they express a heady conception of human freedom that casts us as the authors of the only moral obligations that constrain us.

Despite its appeal, however, this vision of freedom is flawed. So is the aspiration to find principles of justice that are neutral among competing conceptions of the good life.

This is at least the conclusion to which I'm drawn. Having wrestled with the philosophical arguments I've laid before you, and having watched the way these arguments play out in public life, I do not think that freedom of choice—even freedom of choice under fair conditions—is an adequate basis for a just society. What's more, the attempt to find neutral principles of justice seems to me misguided. It is not always possible to define our rights and duties without taking up substantive moral questions; and even when it's possible it may not be desirable. I'll now try to explain why.

The Claims of Community

The weakness of the liberal conception of freedom is bound up with its appeal. If we understand ourselves as free and independent selves, unbound by moral ties we haven't chosen, we can't make sense of a range of moral and political obligations that we commonly recognize, even prize. These include obligations of solidarity and loyalty, historic memory and religious faith—moral claims that arise from the communities and traditions that shape our identity. Unless we think of ourselves as encumbered selves, open to moral claims we have not willed, it is difficult to make sense of these aspects of our moral and political experience.

In the 1980s, a decade after Rawls's *A Theory of Justice* gave American liberalism its fullest philosophical expression, a number of critics (of which I was one) challenged the ideal of the freely choosing, unencumbered self along the lines I've just suggested. They rejected the claim for the priority of the right over the good, and argued that we can't reason about justice by abstracting from our aims and attachments.

They became known as the "communitarian" critics of contemporary liberalism.

Most of the critics were uneasy with the label, for it seemed to suggest the relativist view that justice is simply whatever a particular community defines it to be. But this worry raises an important point: Communal encumbrances can be oppressive. Liberal freedom developed as an antidote to political theories that consigned persons to destinies fixed by caste or class, station or rank, custom, tradition, or inherited status. So how is it possible to acknowledge the moral weight of community while still giving scope to human freedom? If the voluntarist conception of the person is too spare—if all our obligations are not the product of our will—then how can we see ourselves as situated and yet free?

Storytelling Beings

Alasdair MacIntyre offers a powerful answer to this question. In his book *After Virtue* (1981), he gives an account of the way we, as moral agents, arrive at our purposes and ends. As an alternative to the voluntarist conception of the person, MacIntyre advances a narrative conception. Human beings are storytelling beings. We live our lives as narrative quests. "I can only answer the question 'What am I to do?' if I can answer the prior question 'Of what story or stories do I find myself a part?'"³⁶

All lived narratives, MacIntyre observes, have a certain teleological character. This does not mean they have a fixed purpose or end laid down by some external authority. Teleology and unpredictability co-exist. "Like characters in a fictional narrative we do not know what will happen next, but none the less our lives have a certain form which projects itself toward our future."³⁷

To live a life is to enact a narrative quest that aspires to a certain unity or coherence. When confronted with competing paths, I try to figure out which path will best make sense of my life as a whole, and of

the things I care about. Moral deliberation is more about interpreting my life story than exerting my will. It involves choice, but the choice issues from the interpretation: it is not a sovereign act of will. At any given moment, others may see more clearly than I do which path, of the ones before me, fits best with the arc of my life; upon reflection, I may say that my friend knows me better than I know myself. The narrative account of moral agency has the virtue of allowing for this possibility.

It also shows how moral deliberation involves reflection within and about the larger life stories of which my life is a part. As MacIntyre writes, "I am never able to seek the good or exercise the virtues only *qua* individual."³⁸ I can make sense of the narrative of my life only by coming to terms with the stories in which I find myself. For MacIntyre (as for Aristotle), the narrative, or teleological, aspect of moral reflection is bound up with membership and belonging.

We all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my own life its moral particularity.³⁹

MacIntyre readily concedes that the narrative account is at odds with modern individualism. "From the standpoint of individualism I am what I myself choose to be." On the individualist view, moral reflection requires that I set aside or abstract from my identities and encumbrances: "I cannot be held responsible for what my country does or has done unless I choose implicitly or explicitly to assume such responsibility. Such individualism is expressed by those modern Americans

who deny any responsibility for the effects of slavery upon black Americans, saying, 'I never owned any slaves.'"⁴⁰ (It should be noted that MacIntyre wrote these lines almost two decades before Congressman Henry Hyde made exactly this statement in opposing reparations.)

MacIntyre offers as a further example "the young German who believes that being born after 1945 means that what Nazis did to Jews has no moral relevance to his relationship to his Jewish contemporaries." MacIntyre sees in this stance a moral shallowness. It wrongly assumes that "the self is detachable from its social and historical roles and statuses."⁴¹

The contrast with the narrative view of the self is clear. For the story of my life is always embedded in the story of those communities from which I derive my identity. I am born with a past; and to try to cut myself off from that past, in the individualist mode, is to deform my present relationships.⁴²

MacIntyre's narrative conception of the person offers a clear contrast with the voluntarist conception of persons as freely choosing, unencumbered selves. How can we decide between the two? We might ask ourselves which better captures the experience of moral deliberation, but that is a hard question to answer in the abstract. Another way of assessing the two views is to ask which offers a more convincing account of moral and political obligation. Are we bound by some moral ties we haven't chosen and that can't be traced to a social contract?

Obligations Beyond Consent

Rawls's answer would be no. On the liberal conception, obligations can arise in only two ways—as natural duties we owe to human beings as such and as voluntary obligations we incur by consent.⁴³ Natural duties are universal. We owe them to persons as persons, as rational beings. They include the duty to treat persons with respect, to do justice, to avoid cruelty, and so on. Since they arise from an autonomous

will (Kant) or from a hypothetical social contract (Rawls), they don't require an act of consent. No one would say that I have a duty not to kill you only if I promised you I wouldn't.

Unlike natural duties, voluntary obligations are particular, not universal, and arise from consent. If I've agreed to paint your house (in exchange for a wage, say, or to repay a favor), I have an obligation to do so. But I don't have an obligation to paint everyone's house. On the liberal conception, we must respect the dignity of all persons, but beyond this, we owe only what we agree to owe. Liberal justice requires that we respect people's rights (as defined by the neutral framework), not that we advance their good. Whether we must concern ourselves with the good of other people depends on whether, and with whom, we have agreed to do so.

One striking implication of this view is that "there is no political obligation, strictly speaking, for citizens generally." Although those who run for office voluntarily incur a political obligation (that is, to serve their country if elected), the ordinary citizen does not. As Rawls writes, "it is not clear what is the requisite binding action or who has performed it."⁴⁴ So if the liberal account of obligation is right, the average citizen has no special obligations to his or her fellow citizens, beyond the universal, natural duty not to commit injustice.

From the standpoint of the narrative conception of the person, the liberal account of obligation is too thin. It fails to account for the special responsibilities we have to one another as fellow citizens. More than this, it fails to capture those loyalties and responsibilities whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or nation or people; as bearers of that history; as citizens of this republic. On the narrative account, these identities are not contingencies we should set aside when deliberating about morality and justice; they are part of who we are, and so rightly bear on our moral responsibilities.

So one way of deciding between the voluntarist and narrative conceptions of the person is to ask if you think there is a third category of obligations—call them obligations of solidarity, or membership—that can't be explained in contractarian terms. Unlike natural duties, obligations of solidarity are particular, not universal; they involve moral responsibilities we owe, not to rational beings as such, but to those with whom we share a certain history. But unlike voluntary obligations, they do not depend on an act of consent. Their moral weight derives instead from the situated aspect of moral reflection, from a recognition that my life story is implicated in the stories of others.

THREE CATEGORIES OF MORAL RESPONSIBILITY

1. Natural duties: universal; don't require consent
2. Voluntary obligations: particular; require consent
3. Obligations of solidarity: particular; don't require consent

Solidarity and Belonging

Here are some possible examples of obligations of solidarity or membership. See if you think they carry moral weight, and if so, whether their moral force can be accounted for in contractarian terms.

Family obligations

The most elemental example is the special obligation of family members to one another. Suppose two children are drowning, and you have time to save only one. One child is your child, and the other is the child of a stranger. Would it be wrong to rescue your own child? Would it be better to flip a coin? Most people would say there's nothing wrong with rescuing your own child, and would find it odd to think that fairness requires flipping a coin. Lying behind this reaction is the thought that parents have special responsibilities for the welfare of their chil-

dren. Some argue that this responsibility arises from consent; by choosing to have children, parents voluntarily agree to look after them with special care.

To set aside the matter of consent, consider the responsibility of children to their parents. Suppose two aging parents are in need of care; one is my mother, and the other is somebody else's mother. Most people would agree that, while it might be admirable if I could care for both, I have a special responsibility to look after my mother. In this case, it's not clear that consent can explain why this is so. I didn't choose my parents; I didn't even choose to have parents.

It might be argued that the moral responsibility to care for my mother derives from the fact that she looked after me when I was young. Because she raised me and cared for me, I have an obligation to repay the benefit. By accepting the benefits she conferred on me, I implicitly consented to pay her back when she was in need. Some may find this calculus of consent and reciprocal benefit too cold to account for familial obligations. But suppose you accept it. What would you say of a person whose parent was neglectful or indifferent? Would you say that the quality of the child-rearing determines the degree to which the son or daughter is responsible to help the parent in his or her time of need? Insofar as children are obligated to help even bad parents, the moral claim may exceed the liberal ethic of reciprocity and consent.

French resistance

Let's move from the family to communal obligations. During World War II, members of the French resistance piloted bombing runs over Nazi-occupied France. Although they aimed at factories and other military targets, they were not able to avoid civilian casualties. One day, a bomber pilot receives his orders and finds that his target is his home village. (The story may be apocryphal, but it raises an intriguing moral question.) He asks to be excused from the mission. He agrees that bombing this village is as necessary to the goal of liberating France as

was the mission he carried out yesterday, and he knows that if he doesn't do it, someone else will. But he demurs on the grounds that he can't be the one to bomb and possibly kill some of his people, his fellow villagers. Even in a just cause, for him to carry out the bombing, he thinks, would be a special moral wrong.

What do you make of the pilot's stance? Do you admire it or consider it a form of weakness? Put aside the broader question of how many civilian casualties are justified in the cause of liberating France. The pilot was not questioning the necessity of the mission or the number of lives that would be lost. His point was that he could not be the one to take these particular lives. Is the pilot's reluctance mere squeamishness, or does it reflect something of moral importance? If we admire the pilot, it must be because we see in his stance a recognition of his encumbered identity as a member of his village, and we admire the character his reluctance reflects.

Rescuing Ethiopian Jews

In the early 1980s, a famine in Ethiopia drove some four hundred thousand refugees into neighboring Sudan, where they languished in refugee camps. In 1984, the Israeli government undertook a covert airlift called Operation Moses to rescue Ethiopian Jews, known as Falashas, and bring them to Israel.⁴⁵ Some seven thousand Ethiopian Jews were rescued before the plan was halted, after Arab governments pressured Sudan not to cooperate with Israel in the evacuation. Shimon Peres, the Israeli prime minister at the time, said, "We shall not rest until all our brothers and sisters from Ethiopia come safely back home."⁴⁶ In 1991, when civil war and famine threatened the remaining Ethiopian Jews, Israel carried out an even bigger airlift, which brought fourteen thousand Falashas to Israel.⁴⁷

Did Israel do the right thing to rescue the Ethiopian Jews? It is hard to see the airlift as other than heroic. The Falashas were in desperate circumstances, and they wanted to come to Israel. And Israel, as a Jew-

ish state founded in the wake of the Holocaust, was created to provide a homeland for Jews. But suppose someone posed the following challenge: Hundreds of thousands of Ethiopian refugees were suffering from famine. If, given its limited resources, Israel was able to rescue only a small portion of them, why shouldn't it have conducted a lottery to determine which seven thousand Ethiopians to save? Why wasn't the airlift of Ethiopian Jews, rather than Ethiopians generally, an act of unfair discrimination?

If you accept obligations of solidarity and belonging, the answer is obvious: Israel has a special responsibility to rescue Ethiopian Jews that goes beyond its duty (and that of all nations) to help refugees generally. Every nation has a duty to respect human rights, which requires that it provide help, according to its ability, to human beings anywhere who are suffering from famine, persecution, or displacement from their homes. This is a universal duty that can be justified on Kantian grounds, as a duty we owe persons as persons, as fellow human beings (category 1). The question we are trying to decide is whether nations have further, special responsibilities to care for their people. By referring to the Ethiopian Jews as "our brothers and sisters," the Israeli prime minister invoked a familiar metaphor of solidarity. Unless you accept some such notion, you would be hard pressed to explain why Israel should not have conducted its airlift by lottery. You would also have a hard time defending patriotism.

Is Patriotism a Virtue?

Patriotism is a much contested moral sentiment. Some view love of country as an unassailable virtue, while others see it as a source of mindless obedience, chauvinism, and war. Our question is more particular: Do citizens have obligations to one another that go beyond the duties they have to other people in the world? And if they do, can these obligations be accounted for on the basis of consent alone?

Jean-Jacques Rousseau, an ardent defender of patriotism, argues that

communal attachments and identities are necessary supplements to our universal humanity. "It seems that the sentiment of humanity evaporates and weakens in being extended over the entire world, and that we cannot be affected by the calamities in Tartary or Japan the way we are by those of a European people. Interest and commiseration must somehow be limited and restrained to be active." Patriotism, he suggests, is a limiting principle that intensifies fellow feeling. "It is a good thing that the humanity concentrated among fellow citizens takes on new force through the habit of seeing each other and through the common interest that unites them."⁴⁸ But if fellow citizens are bound by ties of loyalty and commonality, this means they owe more to one another than to outsiders.

Do we want people to be virtuous? Let us begin then by making them love their country. But how can they love it, if their country means nothing more to them than it does to foreigners, allotting to them only what it cannot refuse to anyone?⁴⁹

Countries do provide more to their own people than they do to foreigners. U.S. citizens, for example, are eligible for many forms of public provision—public education, unemployment compensation, job training, Social Security, Medicare, welfare, food stamps, and so on—that foreigners are not. In fact, those who oppose a more generous immigration policy worry that the new entrants will take advantage of social programs American taxpayers have paid for. But this raises the question of why American taxpayers are more responsible for their own needy citizens than for those who live elsewhere.

Some people dislike all forms of public assistance, and would like to scale back the welfare state. Others believe we should be more generous than we are in providing foreign aid to assist people in developing countries. But almost everyone recognizes a distinction between welfare and foreign aid. And most agree that we have a special responsibility to meet the needs of our own citizens that does not extend to everyone in the world. Is this distinction morally defensible, or is it

mere favoritism, a prejudice for our own kind? What, really, is the moral significance of national boundaries? In terms of sheer need, the billion people around the world who live on less than a dollar a day are worse off than our poor.

Laredo, Texas, and Juarez, Mexico, are two adjacent towns separated by the Rio Grande. A child born in Laredo is eligible for all of the social and economic benefits of the American welfare state, and has the right to seek employment anywhere in the United States when she comes of age. A child born on the other side of the river is entitled to none of these things. Nor does she have the right to cross the river. Through no doing of their own, the two children will have very different life prospects, simply by virtue of their place of birth.

The inequality of nations complicates the case for national community. If all countries had comparable wealth, and if every person were a citizen of some country or other, the obligation to take special care of one's own people would not pose a problem—at least not from the standpoint of justice. But in a world with vast disparities between rich and poor countries, the claims of community can be in tension with the claims of equality. The volatile issue of immigration reflects this tension.

Border patrols

Immigration reform is a political minefield. About the only aspect of immigration policy that commands broad political support is the resolve to secure the U.S. border with Mexico to limit the flow of illegal immigrants. Texas sheriffs recently developed a novel use of the Internet to help them keep watch on the border. They installed video cameras at places known for illegal crossings, and put live video feeds from the cameras on a Web site. Citizens who want to help monitor the border can go online and serve as “virtual Texas deputies.” If they see anyone trying to cross the border, they send a report to the sheriff's office, which follows up, sometimes with the help of the U.S. Border Patrol.

When I heard about this Web site on National Public Radio, I wondered what motivates the people who sit at their computer screens and watch. It must be rather tedious work, with long stretches of inactivity and no remuneration. The reporter interviewed a South Texas truck driver who is among the tens of thousands who've logged on. After a long day of work, the trucker “comes home, sets his six-foot, six-inch, 250-pound frame in front of his computer, pops a Red Bull . . . and starts protecting his country.” Why does he do it, the reporter asked? “This gives me a little edge feeling,” the trucker replied, “like I'm doing something for law enforcement as well as for our own country.”⁵⁰

It's an odd expression of patriotism, perhaps, but it raises a question at the heart of the immigration debate: On what grounds are nations justified in preventing outsiders from joining their ranks?

The best argument for limiting immigration is a communal one. As Michael Walzer writes, the ability to regulate the conditions of membership, to set the terms of admission and exclusion, is “at the core of communal independence.” Otherwise, “there could not be *communities of character*, historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life.”⁵¹

For affluent nations, however, restrictive immigration policies also serve to protect privilege. Many Americans fear that allowing large numbers of Mexicans to immigrate to the United States would impose a significant burden on social services and reduce the economic well-being of existing citizens. It's not clear whether this fear is justified. But suppose, for the sake of argument, that open immigration would reduce the American standard of living. Would that be sufficient grounds for restricting it? Only if you believe that those born on the affluent side of the Rio Grande are entitled to their good fortune. Since the accident of birth is no basis for entitlement, however, it is hard to see how restrictions on immigration can be justified in the name of preserving affluence.

A stronger argument for limiting immigration is to protect the jobs

and wage levels of low-skilled American workers, those most vulnerable to displacement by an influx of immigrants willing to work for less. But this argument takes us back to the question we are trying to resolve: Why should we protect our own most vulnerable workers if it means denying job opportunities to people from Mexico who are even less well-off?

From the standpoint of helping the least advantaged, a case could be made for open immigration. And yet, even people with egalitarian sympathies hesitate to endorse it.⁵² Is there a moral basis for this reluctance? Yes, but only if you accept that we have a special obligation for the welfare of our fellow citizens by virtue of the common life and history we share. And this depends on accepting the narrative conception of personhood, according to which our identity as moral agents is bound up with the communities we inhabit. As Walzer writes, "It is only if patriotic sentiment has some moral basis, only if communal cohesion makes for obligations and shared meanings, only if there are members as well as strangers, that state officials would have any reason to worry especially about the welfare of their own people . . . and the success of their own culture and politics."⁵³

Is it unfair to "Buy American"?

Immigration is not the only way that American jobs can be lost to outsiders. These days, capital and goods cross national boundaries more easily than people do. This, too, raises questions about the moral status of patriotism. Consider the familiar slogan "Buy American." Is it patriotic to buy a Ford rather than a Toyota? As cars and other manufactured goods are increasingly produced through global supply chains, it becomes harder to know exactly what counts as an American-made car. But let's assume we can identify goods that create jobs for Americans. Is that a good reason to buy them? Why should we be more interested in creating jobs for American workers than for workers in Japan or India or China?

In early 2009, the U.S. Congress passed and President Obama signed an economic stimulus package of \$787 billion. The law contained a requirement that public works funded by the bill—roads, bridges, schools, and public buildings—use American-made steel and iron. "It just makes sense that, where possible, we try to stimulate our own economy, rather than the economy of other countries," explained Senator Byron Dorgan, (D-N.D.), a defender of the "Buy American" provision.⁵⁴ Opponents of the provision feared it would prompt retaliation against American goods by other countries, worsen the economic downturn, and wind up costing American jobs.⁵⁵ But no one questioned the assumption that the purpose of the stimulus package should be to create jobs in the United States rather than overseas. This assumption was made vivid in a term economists began using to describe the risk that U.S. federal spending would fund jobs abroad: *leakage*. A cover story in *BusinessWeek* focused on the leakage question: "How much of Obama's mammoth fiscal stimulus will 'leak' abroad, creating jobs in China, Germany, or Mexico rather than the U.S.?"⁵⁶

At a time when workers everywhere are facing job losses, it is understandable that American policy-makers take as their first priority the protection of American jobs. But the language of leakage brings us back to the moral status of patriotism. From the standpoint of need alone, it is hard to argue for helping unemployed U.S. workers over unemployed workers in China. And yet few would quarrel with the notion that Americans have a special obligation to help their fellow citizens contend with hard times.

It is difficult to account for this obligation in terms of consent. I never agreed to help steelworkers in Indiana or farm workers in California. Some would argue that I've implicitly agreed; because I benefit from the complex scheme of interdependence represented by a national economy, I owe an obligation of reciprocity to the other participants in this economy—even though I've never met them, and even though I've never actually exchanged any goods or services with most of them. But this is a stretch. If we tried to trace the far-flung skein of

economic exchange in the contemporary world, we would probably find that we rely as much on people who live half a world away as we do on people in Indiana.

So, if you believe that patriotism has a moral basis, if you believe that we have special responsibilities for the welfare of our fellow citizens, then you must accept the third category of obligation—obligations of solidarity or membership that can't be reduced to an act of consent.

Is Solidarity a Prejudice for Our Own Kind?

Of course, not everyone agrees that we have special obligations to our family, comrades, or fellow citizens. Some argue that so-called obligations of solidarity are actually just instances of collective selfishness, a prejudice for our own kind. These critics concede that we typically care more for our family, friends, and comrades than we do for other people. But, they ask, isn't this heightened concern for one's own people a parochial, inward-looking tendency that we should overcome rather than valorize in the name of patriotism or fraternity?

No, not necessarily. Obligations of solidarity and membership point outward as well as inward. Some of the special responsibilities that flow from the particular communities I inhabit I may owe to fellow members. But others I may owe to those with whom my community has a morally burdened history, as in the relation of Germans to Jews, or of American whites to African Americans. Collective apologies and reparations for historic injustices are good examples of the way solidarity can create moral responsibilities for communities other than my own. Making amends for my country's past wrongs is one way of affirming my allegiance to it.

Sometimes solidarity can give us special reason to criticize our own people or the actions of our government. Patriotism can compel dissent. Take for example two different grounds that led people to oppose the Vietnam War and protest against it. One was the belief that the war

was unjust; the other was the belief that the war was unworthy of us and at odds with who we are as a people. The first reason can be taken up by opponents of the war whoever they are or wherever they live. But the second reason can be felt and voiced only by citizens of the country responsible for the war. A Swede could oppose the Vietnam War and consider it unjust, but only an American could feel ashamed of it.

Pride and shame are moral sentiments that presuppose a shared identity. Americans traveling abroad can be embarrassed when they encounter boorish behavior by American tourists, even though they don't know them personally. Non-Americans might find the same behavior disreputable but could not be embarrassed by it.

The capacity for pride and shame in the actions of family members and fellow citizens is related to the capacity for collective responsibility. Both require seeing ourselves as situated selves—claimed by moral ties we have not chosen and implicated in the narratives that shape our identity as moral agents.

Given the close connection between an ethic of pride and shame and an ethic of collective responsibility, it is puzzling to find political conservatives rejecting collective apologies on individualist grounds (as did Henry Hyde, John Howard, and others mentioned earlier). To insist that we are, as individuals, responsible only for the choices we make and the acts we perform makes it difficult to take pride in the history and traditions of one's country. Anyone anywhere can admire the Declaration of Independence, the Constitution, Lincoln's Gettysburg Address, the fallen heroes honored in Arlington National Cemetery, and so on. But patriotic pride requires a sense of belonging to a community extended across time.

With belonging comes responsibility. You can't really take pride in your country and its past if you're unwilling to acknowledge any responsibility for carrying its story into the present, and discharging the moral burdens that may come with it.

Can Loyalty Override Universal Moral Principles?

In most of the cases we've considered, the demands of solidarity seem to supplement rather than compete with natural duties or human rights. So it might be argued that these cases highlight a point that liberal philosophers are happy to concede: As long as we don't violate anyone's rights, we can fulfill the general duty to help others by helping those who are close at hand—such as family members or fellow citizens. There's nothing wrong with a parent rescuing his own child rather than another, provided he doesn't run over a stranger's child on the way to the rescue. Similarly, there's nothing wrong with a rich country setting up a generous welfare state for its own citizens, provided it respects the human rights of persons everywhere. Obligations of solidarity are objectionable only if they lead us to violate a natural duty.

If the narrative conception of the person is right, however, obligations of solidarity can be more demanding than the liberal account suggests—even to the point of competing with natural duties.

Robert E. Lee

Consider the case of Robert E. Lee, the commanding general of the Confederate army. Before the Civil War, Lee was an officer in the Union army. He opposed secession—in fact, he regarded it as treason. When war loomed, President Lincoln asked Lee to lead the Union forces. Lee refused. He concluded that his obligation to Virginia outweighed his obligation to the Union, and also his reported opposition to slavery. He explained his decision in a letter to his sons:

With all my devotion to the Union, I have not been able to make up my mind to raise my hand against my relatives, my children, my home . . . If the Union is dissolved, and the Government disrupted, I shall return to my native State and share the miseries of my people. Save in her defense, I will draw my sword no more.⁵⁷

Like the French resistance pilot, Lee could not countenance a role that would require him to inflict harm on his relatives, his children, his home. But his loyalty went further, even to the point of leading his people in a cause he opposed.

Since the cause of the Confederacy included not only secession but slavery, it is hard to defend Lee's choice. Still, it is hard not to admire the loyalty that gave rise to his dilemma. But why should we admire loyalty to an unjust cause? You might well wonder whether loyalty, under these circumstances, should carry any moral weight at all. Why, you might ask, is loyalty a virtue rather than just a sentiment, a feeling, an emotional tug that beclouds our moral judgment and makes it hard to do the right thing?

Here's why: Unless we take loyalty seriously, as a claim with moral import, we can't make sense of Lee's dilemma as a moral dilemma at all. If loyalty is a sentiment with no genuine moral weight, then Lee's predicament is simply a conflict between morality on the one hand and mere feeling or prejudice on the other. But by conceiving it that way, we misunderstand the moral stakes.⁵⁸

The merely psychological reading of Lee's predicament misses the fact that we not only sympathize with people like him but also admire them, not necessarily for the choices they make, but for the quality of character their deliberation reflects. What we admire is the disposition to see and bear one's life circumstance as a reflectively situated being—claimed by the history that implicates me in a particular life, but self-conscious of its particularity, and so alive to competing claims and wider horizons. To have character is to live in recognition of one's (sometimes conflicting) encumbrances.

Brothers' keepers I: The Bulger brothers

A more recent test of loyalty's moral weight involves two brotherly tales: The first is the story of William and James ("Whitey") Bulger. Bill and Whitey grew up together in a family of nine children in a

South Boston housing project. Bill was a conscientious student who studied the classics and got a law degree at Boston College. His older brother, Whitey, was a high-school dropout who spent his time on the streets committing larceny and other crimes.

Each rose to power in his respective world. William Bulger entered politics, became president of the Massachusetts State Senate (1978–1996), then served for seven years as president of the University of Massachusetts. Whitey served time in federal prison for bank robbery, then rose to become the leader of the ruthless Winter Hill Gang, an organized crime group that controlled extortion, drug deals, and other illegal activities in Boston. Charged with nineteen murders, Whitey fled to avoid arrest in 1995. He is still at large, and occupies a place on the FBI's "Ten Most Wanted" list.⁵⁹

Although William Bulger spoke with his fugitive brother by phone, he claimed not to know his whereabouts, and refused to assist authorities in finding him. When William testified before a grand jury in 2001, a federal prosecutor pressed him without success for information on his brother: "So just to be clear, you felt more loyalty to your brother than you did to the people of the Commonwealth of Massachusetts?"

"I never thought about it that way," Bulger replied. "But I do have an honest loyalty to my brother, and I care about him . . . It's my hope that I'm never helpful to anyone against him . . . I don't have an obligation to help everyone catch him."⁶⁰

In the taverns of South Boston, patrons expressed admiration for Bulger's loyalty. "I don't blame him for not telling on his brother," one resident told *The Boston Globe*. "Brothers are brothers. Are you going to squeal on your family?"⁶¹ Editorial boards and newspaper reporters were more critical. "Instead of taking the righteous road," one columnist wrote, "he chose the code of the street."⁶² Under public pressure for his refusal to assist in the search for his brother, Bulger resigned as president of the University of Massachusetts in 2003, though he was not charged with obstructing the investigation.⁶³

Under most circumstances, the right thing to do is to help bring a murder suspect to justice. Can family loyalty override this duty? William Bulger apparently thought so. But a few years earlier, another figure with a wayward brother made a different call.

Brothers' keepers II: The Unabomber

For more than seventeen years, authorities had tried to find the domestic terrorist responsible for a series of package bombs that killed three people and injured twenty-three others. Because his targets included scientists and other academics, the elusive bomb maker was known as the Unabomber. To explain the cause behind his deeds, the Unabomber posted a thirty-five-thousand-word anti-technology manifesto on the Internet, and promised to stop bombing if *The New York Times* and *The Washington Post* both printed the manifesto, which they did.⁶⁴

When David Kaczynski, a forty-six-year-old social worker in Schenectady, New York, read the manifesto, he found it eerily familiar. It contained phrases and opinions that sounded like those of his older brother, Ted, age fifty-four, a Harvard-trained mathematician turned recluse. Ted despised modern industrial society and was living in a mountain cabin in Montana. David had not seen him for a decade.⁶⁵

After much anguish, in 1996 David informed the FBI of his suspicion that the Unabomber was his brother. Federal agents staked out Ted Kaczynski's cabin and arrested him. Although David had been given to understand that prosecutors would not seek the death penalty, they did. The prospect of bringing about the death of his brother was an agonizing thought. In the end, prosecutors allowed Ted Kaczynski to plead guilty in exchange for a sentence of life in prison without parole.⁶⁶

Ted Kaczynski refused to acknowledge his brother in court and, in a book manuscript he wrote in prison, called him "another Judas Iscariot."⁶⁷ David Kaczynski tried to rebuild his life, which was indelibly

marked by the episode. After working to spare his brother the death penalty, he became a spokesman for an anti-capital punishment group. "Brothers are supposed to protect each other," he told one audience, describing his dilemma, "and here, perhaps, I was sending my brother to his death."⁶⁸ He accepted the \$1 million reward offered by the Justice Department for helping apprehend the Unabomber, but gave most of it to the families of those killed and injured by his brother. And he apologized, on behalf of his family, for his brother's crimes.⁶⁹

What do you make of the way William Bulger and David Kaczynski contended with their brothers? For Bulger, family loyalty outweighed the duty to bring a criminal to justice; for Kaczynski, the reverse. Perhaps it makes a moral difference whether the brother at large poses a continuing threat. This seemed to weigh heavily for David Kaczynski: "I guess it's fair to say I felt compelled. The thought that another person would die and I was in the position to stop that—I couldn't live with that."⁷⁰

However you judge the choices they made, it is hard to read their stories without coming to this conclusion: the dilemmas they faced make sense as moral dilemmas only if you acknowledge that the claims of loyalty and solidarity can weigh in the balance against other moral claims, including the duty to bring criminals to justice. If all our obligations are founded on consent, or on universal duties we owe persons as persons, it's hard to account for these fraternal predicaments.

Justice and the Good Life

We've now considered a range of examples meant to challenge the contractarian idea that we are the authors of the only moral obligations that constrain us: public apologies and reparations; collective responsibility for historic injustice; the special responsibilities of family members, and of fellow citizens, for one another; solidarity with comrades; allegiance to one's village, community, or country; patriotism; pride and shame in one's nation or people; fraternal and filial loyalties. The

claims of solidarity seen in these examples are familiar features of our moral and political experience. It would be difficult to live, or to make sense of our lives, without them. But it is equally difficult to account for them in the language of moral individualism. They can't be captured by an ethic of consent. That is, in part, what gives these claims their moral force. They draw on our encumbrances. They reflect our nature as storytelling beings, as situated selves.

What, you may be wondering, does all this have to do with justice? To answer this question, let's recall the questions that led us down this path. We've been trying to figure out whether all our duties and obligations can be traced to an act of will or choice. I've argued that they cannot; obligations of solidarity or membership may claim us for reasons unrelated to a choice—reasons bound up with the narratives by which we interpret our lives and the communities we inhabit.

What exactly is at stake in this debate between the narrative account of moral agency and the one that emphasizes will and consent? One issue at stake is how you conceive human freedom. As you ponder the examples that purport to illustrate obligations of solidarity and membership, you might find yourself resisting them. If you are like many of my students, you might dislike or mistrust the idea that we're bound by moral ties we haven't chosen. This dislike might lead you to reject the claims of patriotism, solidarity, collective responsibility, and so on; or to recast these claims as arising from some form of consent. It's tempting to reject or to recast these claims because doing so renders them consistent with a familiar idea of freedom. This is the idea that says we are unbound by any moral ties we haven't chosen; to be free is to be the author of the only obligations that constrain us.

I am trying to suggest, through these and other examples we consider throughout this book, that this conception of freedom is flawed. But freedom is not the only issue at stake here. Also at stake is how to think about justice.

Recall the two ways of thinking about justice we've considered. For Kant and Rawls, the right is prior to the good. The principles of justice

that define our duties and rights should be neutral with respect to competing conceptions of the good life. To arrive at the moral law, Kant argues, we must abstract from our contingent interests and ends. To deliberate about justice, Rawls maintains, we should set aside our particular aims, attachments, and conceptions of the good. That's the point of thinking about justice behind a veil of ignorance.

This way of thinking about justice is at odds with Aristotle's way. He doesn't believe that principles of justice can or should be neutral with respect to the good life. To the contrary, he maintains that one of the purposes of a just constitution is to form good citizens and to cultivate good character. He doesn't think it's possible to deliberate about justice without deliberating about the meaning of the goods—the offices, honors, rights, and opportunities—that societies allocate.

One of the reasons Kant and Rawls reject Aristotle's way of thinking about justice is that they don't think it leaves room for freedom. A constitution that tries to cultivate good character or to affirm a particular conception of the good life risks imposing on some the values of others. It fails to respect persons as free and independent selves, capable of choosing their ends for themselves.

If Kant and Rawls are right to conceive freedom in this way, then they are right about justice as well. If we are freely choosing, independent selves, unbound by moral ties antecedent to choice, then we need a framework of rights that is neutral among ends. If the self is prior to its ends, then the right must be prior to the good.

If, however, the narrative conception of moral agency is more persuasive, then it may be worth reconsidering Aristotle's way of thinking about justice. If deliberating about my good involves reflecting on the good of those communities with which my identity is bound, then the aspiration to neutrality may be mistaken. It may not be possible, or even desirable, to deliberate about justice without deliberating about the good life.

The prospect of bringing conceptions of the good life into public discourse about justice and rights may strike you as less than appeal-

ing—even frightening. After all, people in pluralist societies such as ours disagree about the best way to live. Liberal political theory was born as an attempt to spare politics and law from becoming embroiled in moral and religious controversies. The philosophies of Kant and Rawls represent the fullest and clearest expression of that ambition.

But this ambition cannot succeed. Many of the most hotly contested issues of justice and rights can't be debated without taking up controversial moral and religious questions. In deciding how to define the rights and duties of citizens, it's not always possible to set aside competing conceptions of the good life. And even when it's possible, it may not be desirable.

Asking democratic citizens to leave their moral and religious convictions behind when they enter the public realm may seem a way of ensuring toleration and mutual respect. In practice, however, the opposite can be true. Deciding important public questions while pretending to a neutrality that cannot be achieved is a recipe for backlash and resentment. A politics emptied of substantive moral engagement makes for an impoverished civic life. It is also an open invitation to narrow, intolerant moralisms. Fundamentalists rush in where liberals fear to tread.

If our debates about justice unavoidably embroil us in substantive moral questions, it remains to ask how these arguments can proceed. Is it possible to reason about the good in public without lapsing into wars of religion? What would a more morally engaged public discourse look like, and how would it differ from the kind of political argument to which we've become accustomed? These are not merely philosophical questions. They lie at the heart of any attempt to reinvigorate political discourse and renew our civic life.