

## CHRISTIAN SCHEMMEL | Partiality Against Parochialism?

***Toni Erskine, Embedded Cosmopolitanism – Duties to Strangers and Enemies in a World of ‘Dislocated Communities’, Oxford, Oxford University Press 2008.***

Disputes between political theories based on an ideal of impartiality and theories allowing for (some degree of) partiality in one’s moral and political reasoning are a long-standing feature of the history of political thought. The last great wave of this dispute is familiar to everyone as ‘the communitarian critique of liberalism’, and the burgeoning literature on international, or global, justice has taken that debate to a new level. Here, it takes place between cosmopolitans, who claim that all human beings – no matter their particular affiliations to states, nations, religions, etc. – should enjoy equal moral standing in our practical deliberations, and ‘IR communitarians’, as we might term them,<sup>1</sup> who deny this thesis, and restrict the equal moral standing to members of particular associations and groups. Or so it seems. Erskine, indeed, wants to stake out a middle position between these views: a view that shares the communitarian commitment to ‘embedded selves’ and the importance of affective ties in one’s moral reasoning, but that is nevertheless able to extend the sphere of equal moral standing in our deliberations to all human beings: ‘embedded cosmopolitanism’ (henceforth EC). This is an ambitious project, not least because the position she is seeking to develop might seem paradoxical, at least to skeptics: ‘Isn’t it precisely among the purposes of communitarianism to exclude some – non-members of the relevant association – from equal concern?’, the (slightly polemical) skeptic might ask. This is precisely what makes the book interesting.

In developing EC, Erskine seeks to bring together three disciplinary fields, moral philosophy, political philosophy, and normative international relations theory; she does so in a clear and lucid manner throughout, and since hardly any reader will have the expertise in all three of these fields that Erskine possesses, everybody will learn and take something from this book. That being said, the main line of argument is actually located in moral philosophy, and centers on the concept of moral agency deployed by cosmopolitan and communitarian theories. Chapter 1 sets out the communitarian starting point, which EC adopts: ethical

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1. Another term for these theories that is often used by political theorists is ‘social liberalism’.

particularism, according to which particular relationships and attachments are morally constitutive, and hence have to be taken into account at the fundamental level by any proper account of moral reasoning. Chapter 2 outlines the rival position of ‘impartialist cosmopolitanism’ (IC), according to which such relationships are not constitutive for moral agency, though some of them may be ascribed intrinsic value even from an impartialist perspective. The notion of impartiality characterising this position is a second-order notion. It does not require that no agent display partiality in her actions towards particular others to whom she is attached: just think of family relationships. It only needs to require that, whenever such partiality is shown, it be so for reasons that are generally acceptable; in the example of family relationships, because some such relationships are part of a flourishing life for almost all human beings. What is ruled out by second-order impartiality is only that an agent takes the mere fact of happening to find herself in a particular relationship as a moral reason to display partiality, without any higher-level justification for this.<sup>2</sup> The worries Erskine raises about IC, as it is put forward by, for example, Thomas Pogge, and Charles Beitz, are well-known: its supposed excessive abstractness, and supposed distance from how real people embedded in real contexts actually reason when they take moral decisions. But she takes great care to underscore the advantages of IC, most importantly, its critical potential towards existing arrangements. Since ethical particularism seems to have the complementary disadvantage of *status quo* bias, this sets the stage nicely for the development of EC in the following chapters. On the negative side, it seeks to avoid both IC’s abstractness and communitarianism’s potentially exclusionary conservatism; and on the positive side, it seeks to combine IC’s inclusiveness of equal moral standing with communitarianism’s attention to agents’ situatedness.<sup>3</sup> EC tries to do so by taking into account memberships in different and overlapping communities: if we share some ties with almost everybody anywhere, we can draw on these common affiliations in order to account for other people’s equal moral standing in our deliberation, and do not need to resort to an abstract notion of impartiality preceding all such ties.

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2. It takes Erskine 50 pages to get to this definition of cosmopolitanism, which makes for a somewhat tedious read for those familiar with recent moral and political philosophy, who will have already expected that this is EC’s strongest opponent. A requirement of first-order impartiality, according to which no particular attachments and relationships are intrinsically valuable, is an extreme position that only radical utilitarians subscribe to. The reason for this may be that the book is at least partly aimed at an audience of normative IR theorists, who may not be so familiar with the difference between these two notions of impartiality.

3. Erskine’s focus on two axes, the moral exclusiveness/inclusiveness of a position and the situatedness/abstraction of its account of moral agency, creates a fourfold distinction, integrating the usual binaries liberal-communitarian (agency) and cosmopolitan-national (exclusion/inclusion). This allows her to make the interesting argument that Rawls’ ‘Political Liberalism’ realises the rather strange possibility of an abstract theory for an exclusive audience: abstract, insofar as it still draws on reasoning behind the veil of ignorance in the original position; exclusive, because only citizens of liberal democracies are its addressees (p. 69).

The following chapters are bound together by an overarching ‘construction kit’ argument. They review different forms of particularism, and identify both their defects and the theoretical building blocks that EC can draw on. Chapter 3 examines both John Rawls’ *Law of Peoples* and the neo-Hegelian conceptions within normative IR theory of John Charvet, Mervyn Frost, and Chris Brown that regard the (liberal democratic) state as morally constitutive. She convincingly argues that both approaches not only effectively exclude members of non-liberal, non-democratic states from equal moral standing, but also inappropriately ignore other constitutive attachments apart from state membership.<sup>4</sup>

Chapter 4 discusses Michael Walzer’s communitarian view of moral reasoning as an important step on the way to a convincing account of EC, and delivers an insightful reconstruction of the development of Walzer’s work as a whole. It faults Walzer for going only half-way towards such an account, in two senses. First, despite the crucial distinction between state and community that he makes, he ties the notion of relevant communities too closely to geographical borders, and regards different community memberships as mutually exclusive, instead of possibly overlapping. Second, when discussing duties to ‘outsiders’, Walzer seems to take recourse to at least a minimal impartial, universal morality that seems to belie his particularist account of moral reasoning. He hence ultimately fails to meet the challenge of devising an inclusive particularism.

Chapter 5 delivers the last building block of EC, by using the feminist ‘ethics of care and context’ developed by Carol Gilligan (and its applications by Marilyn Friedman) to overcome the exclusionary nature of the ‘communities of place’ that more traditional communitarians highlight. The ‘ethics of care’ demands special attention to particular attachments and relationships, but does not assign any privileged status to state-mediated relationships, or to those brought about by geographical proximity. Instead, Erskine argues, we should focus on ‘multiple identities’, ‘dislocated communities’, and ‘overlapping memberships’, mentioning the examples of the European Union, religious communities like the Catholic Church, and NGOs like Greenpeace (p. 173).

Finally, chapter 6 tests the viability of EC by demonstrating how it would handle a particularly hard case of an international moral challenge taken from the ethics of war: that of exercising restraint towards one’s enemy. It explains how EC would draw on common cultural and religious practices, and the notion of a ‘community of soldiers’, to arrive at a grounding for practices of mutual restraint. This nicely rounds off the book.

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4. She also explains to the puzzled political philosopher that not only nation-, or people-, centred theories of constitutive relationships are generally labelled ‘communitarian’ in IR theory, but also state-centred theories.

Here as well as in Chapter 5 and in the conclusion, Erskine is well aware of the limits of EC: the inclusionary and overlapping communities EC has to draw on might actually not exist, and their formation and maintenance might even be actively discouraged by politicians pursuing sectarian goals (the final section of Chapter 6 discusses the polarising policies – ‘good’ vs ‘evil’ – of the Bush jr. administration). Plausibly, she stops short of advocating possible, instead of actually existing, relationships with others as constitutive grounds for equal moral standing, since this would move EC too much into the direction of IC. Instead, she insists that such inclusionary communities have to be constructed and upheld by a conscious continuous effort, whose success cannot be guaranteed in advance.

This is convincing, and exemplifies one of the main virtues of the book: its evenhandedness. As Erskine never reduces her opponents to strawmen, she also acknowledges the limits of her own arguments throughout. This disarms objections based on possibly exaggerated expectations towards EC. Nevertheless, I would like to raise two criticisms, or challenges, to EC that would have merited being addressed in the book.

The first is that it does not become sufficiently clear what we are entitled to expect from EC considered as a *theory*, and in particular as a *theory of justice*. The worry here is not the one just discussed - that it cannot be guaranteed that everybody share enough affiliations with everybody, so that people’s equal moral standing in *some* dimensions/groups might not actually add up to something resembling the *comprehensive* equal moral standing that Erskine regards as the most attractive feature of IC. As seen, she fully acknowledges this problem, and can plausibly recommend tackling it by making groups and communities generally as inclusionary as possible. The problem is rather with EC’s potential for practical guidance: to what extent can it provide the basis for a reasonably general theory of international obligations? Both IC and territorially oriented communitarianism have the advantage of being nice and neat, and hence apt for general theory construction. Based on their perspective of moral agency, they deliver clear-cut general theories: fundamentally the same duties to everyone on the globe under IC; a stark division between potentially egalitarian domestic duties and at most minimal duties to ‘outsiders’ under territorial communitarianism. What is then left to do is to apply these theories to specific empirical circumstances. Against that, the ‘multiple and overlapping’ affiliations that EC celebrates have a downside: they may leave agents with very many, and especially with potentially conflicting, claims to attention in their moral deliberation. It is hard to see how this problem is to be avoided, even if the problem of exclusion is solved. While we would have a ‘globally inclusive sphere of equal moral standing’ (p. 254), problems of priority and conflict would remain. We would not know into which obligations this equal moral standing would translate. How would moral agents be able to find their way through the

messiness of all their different affiliations? One of the virtues of ethical particularism is supposed to be its closeness to how real people actually undertake moral reasoning; but real people may be quite confused by the unordered multiplicity of affiliations that EC wants to draw on. In particular, if it is a characteristic of duties of *justice* that they are prior to other moral concerns, then this problem may constitute a rather large obstacle to EC's capacity to ground a viable theory of justice.

Erskine cannot easily suggest that this problem should be countered by constructing affiliations in such a way that they do not conflict, since she regards multiplicity of identities and a horizontal web of overlapping memberships as positive features. If conscious group design is supposed to solve not only the problem of exclusion (see above), but also the problem of conflict and priority, it seems that it would have to take the form of a streamlining of affiliations, creating a clear hierarchy from more global to more local. This is precisely what IC recommends (it need not be a world-state).

The way Erskine's overall argument proceeds suggests that she may think that this objection suffers, once again, from exaggerated expectations towards EC. In the same way as Chapter 6 delivers a case study of how EC would handle the problem of grounding practices of restraint towards one's enemy in war, one might have to go through other case studies to get a more comprehensive idea of the results that EC may deliver, including the moral conflicts it may give rise to. So described, EC is no more than a *perspective* – and indeed, this is what Erskine often calls it – whose adoption might help in case-by-case assessments. But then, she also seems to think that EC is, or may become, a proper *theory*.<sup>5</sup> This objection is not necessarily pernicious – for once, opponent conceptions might actually do worse than I have suggested. But it does look like a rather natural and plausible general worry that would have merited being addressed.

The second point is that Erskine does not discuss an array of positions in international political theory that have arisen over the last few years: positions that largely hark back to the pre-‘Law of Peoples’ work of Rawls, but do so in ways that are importantly different from those of more orthodox Rawlsian impartialists, like Beitz and Pogge, whose work she discusses at length. Examples are the positions of Aaron James, Joshua Cohen and Charles Sabel, A.J. Julius, and Andrea Sangiovanni,<sup>6</sup> who argue that different established practices of cooperation in the provision

5. Cf. the section title on p. 169: ‘towards a theory of EC’.

6. Aaron James, ‘Constructing Justice for Existing Practices: Rawls and the Status Quo’, *Philosophy and Public Affairs* 33 (2005), 281-316; Joshua Cohen, and Charles Sabel, ‘Extra Rempublicam Nulla Justitia?’, *Philosophy and Public Affairs* 34 (2006), 147-175; A.J. Julius, ‘Nagel’s Atlas’, *Philosophy and Public Affairs* 34 (2006), 176-192; Andrea Sangiovanni, ‘Global Justice, Reciprocity, and the State’, *Philosophy and Public Affairs* 35 (2007), 3-39; and Andrea Sangiovanni, ‘Justice and the Priority of Politics to Morality’, *Journal of Political Philosophy* 16 (2008), 137-164. For the very latest development of the practice-dependent view, see Miriam Ronzoni, ‘The Global Order – A Case of Background Injustice? A Practice-Dependent Account’, *Philosophy and Public Affairs* 37 (2009), 246-271 and Laura Valentini, ‘Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism’, *Journal of Political Philosophy* (forthcoming).

of basic goods ground claims to different conceptions of distributive justice – a stringently egalitarian conception in the case of state-based cooperation, possibly less demanding conceptions for other forms of cooperation. Other theorists claim that there are other features of domestic state-based orders, such as the comprehensive coercion they exercise, which ground an egalitarian conception of distributive justice.<sup>7</sup> These theorists do not perceive themselves as engaged in any kind of communitarian enterprise (even though, in IR terminology, some of them would be classified as ‘communitarians’); they reject the arguments against moral abstraction that communitarians in political theory standardly make. All of them are in favour of global inclusiveness of equal moral standing, but what they put forward is the more specific claim that different social and political practices ground different sets of rights and duties. Some of these theories, particularly the coercion-based views, then end up putting forward a stark binary distinction between minimal duties of global justice and egalitarian domestic duties, and hence reach a conclusion akin to that of more traditional communitarian views.<sup>8</sup> Others seem to be engaged in a project that is, in some respects, similar to Erskine’s. They look for a viable middle ground between cosmopolitanism and parochialism, even if they do not pitch the conflict at the level of the theory of moral agency, but focus on other methodological aspects of political theory, such as the question what makes a political theory *political*, or one of *justice*, or one of *distributive justice*.<sup>9</sup> Given this similarity of aims, the political theory-informed reader would have appreciated some discussion of them.

Erskine might think that none of the above have actually succeeded in identifying a new kind of view, and argue that, if you press on their positions, they fall apart, with the various pieces landing neatly either in the IC basket or in the communitarian one. The former would be the case if such theorists have to hold that special practices of the kind mentioned above are to be extended to all those who do not yet enjoy participation in them, with the result of cosmopolitan reform – precisely because there is no reason to deny those others equal standing in moral deliberation. The latter would be the case if they have to hold that cooperative production, or coercion, creates morally constitutive attachments among those who share them, to the possible detriment of excluded others. This looks like a possible response: despite appearances, nothing new on the Western front. However, exponents of the ‘practice-dependent’ position claim that while

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7. Michael Blake, ‘Distributive Justice, State Coercion, and Autonomy’, *Philosophy and Public Affairs* 30 (2001), 257-296; Thomas Nagel, ‘The Problem of Global Justice’, *Philosophy and Public Affairs* 33 (2005), 113-147.

8. Nagel’s view is the most extreme here. He thinks that that egalitarian distributive justice exhausts justice: either we owe each other equality as a matter of justice, or we owe each other only humanitarian concern; there is no third option.

9. This is particularly true for Cohen and Sabel (2006), Julius (2006), Ronzoni (2009), and Valentini (forthcoming). James (2005) and Sangiovanni (2007, 2008) still accord a more central position to state-organised cooperation, but their position seems, in principle, more open to extension than both communitarian and coercion-based views.

standing firmly on the ground of the equal moral standing of all humans, they are developing a particular kind of methodology for settling questions of justice that is able to avoid such 'either-or' choices. They ask questions like: 'can the practices in question actually be extended to all others of equal moral standing, and what would such an extension look like?' Of course, a very simple reason for the exclusion of these positions is that many of their statements appeared too late to be taken into consideration in the book (especially Sangiovanni's two articles). International political theory is an incredibly fast moving field, and book authors are not to be envied for their task of developing their own coherent position in detail while keeping pace with all the newest developments. One may then hope that in the nearer future Erskine will find opportunities to confront her own view with these other new views in some detail, in order to find out who is the better successor for the established positions of IC and communitarianism. There are interesting new debates to be looked forward to in international political theory beyond the worn-out opposition of cosmopolitanism and communitarianism; and there is good reason to think that Erskine's 'Embedded Cosmopolitanism' will become one of the protagonists of these debates.

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