

# CAN WE JUSTIFY THE WELFARE STATE IN AN AGE OF GLOBALIZATION? TOWARD COMPLEX BORDERS

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## 1. PARTICULARITY VS. UNIVERSALITY

Many political philosophers take it for granted that we have special obligations to compatriots. They do not deny that we have negative duties towards strangers as well as our compatriots. Our moral duties not to kill others, not to deceive others, and not to harm others are duties to everyone, that is, they are general and not special duties. Meanwhile, they suppose that our positive duties to aid others are special duties. We must give priority to our compatriots when we aid others. Our first responsibility is to the poor, the hungry and the homeless citizens of our own country.

When they suppose that we have special obligations to our compatriots, they rely on our common intuition that we have special obligations to our families, friends and compatriots. When you find your daughter and a stranger drowning, you must and may save your daughter first. The same story holds true with your compatriots. We have special duties toward those who stand in some special relationship to us. This intuition seems to be widely and firmly held. I will call this the intuition of particularity.

However, this intuition is being called into question on both phenomenal and moral points in an age of globalization. Firstly, globalization has been making national borders irrelevant. Globalization is “a multidimensional set of social processes that create, multiply, stretch, and intensify worldwide social interdependencies and exchanges while at the same time fostering in people a growing awareness of deepening connection between the local and distant” (Steger 2003:13). People, money, goods, and information jump across national boundaries. Mass media unites distant places. Japanese newspapers report hurricane damage in Jamaica. “Global civil society” seems to be emerging through global media. Secondly, the requirement of universality denies giving priority to our compatriots. Peter Singer asks a question: “is the fact that they are our compatriots sufficient to give them priority over others with greater needs?” His answer is no. He claims that the modern world is “one world” in a global age and “one world” should be a moral standard that transcends the nation-state (Singer 2002:152-153).

Both Kantian morality and utilitarianism support the requirement of universality. We must treat others equally regardless of race, gender and religious belief. In other words, giving priority to someone is seen as discrimination. We must give no more priority to the people of our own race than our compatriots.

National borders are arbitrary from a moral point of view. We should ignore nationality as well as race, sex, and religious belief. I will call this the principle of universality.

This argument seems to lead to the conclusion that the welfare state is unjustified. The welfare state provides various welfare services such as old-age pensions, public health insurance, unemployment insurance, and public assistance. The welfare state consists of two elements as follows:

- (W1) The *welfare* state aids the poor. The main purpose of the welfare state is to assist the people who need assistance.
- (W2) The welfare *state* sets a boundary between insiders and outsiders. It assists only the national needy.

The element (W1) can be justified easily. It is based on a moral principle that you must help others. I believe this moral principle is morally appealing to most people. The problem concerns the element (W2). The welfare state favors its citizens over foreigners. Are there any moral reasons to justify the favoritism? Doesn't the welfare state discriminate based on nationality? Can we justify the welfare state?

This problem is a touchstone for reflective equilibrium. On the one hand, we have a moral principle that we should treat persons equally. We have the moral principle of universality. On the other hand, we have an intuition that we have special obligations to our compatriots<sup>1</sup>. We have the moral intuition of particularity. How can we reach equilibrium between universality and particularity? Can we reach it?

The question whether and why we have special duties to our fellow citizens or our own state has been discussed under the title of "political obligation." Political obligations include various kinds of obligations such as the duty to aid one's fellow citizens, the duty to fight for one's own country, the duty to pay taxes, and the duty to obey the law. Political obligations are distinguished from moral duties. Political obligations are special in a sense that we have political obligations only to our fellow citizens or our own country; moral duties are general in a sense that we have moral duties not only to our fellow citizens but also to all moral agents<sup>2</sup>. Therefore, a political obligation is a dubious entity from a moral point of view.

In this paper, I will discuss the problem whether we can justify political obligations, especially the welfare state in a global age. Two approaches are

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1. We need to distinguish the proposition that we are required to give priority to our compatriots and the proposition that we are permitted to give priority to our compatriots.

2. The other point in which political obligations are distinguished from moral duties is that political obligations are obligations; moral duties are duties (Rawls 1971). However, I will use the word "obligation" and "duty" interchangeably, because it does not affect my argument.

promising in justifying the welfare state regardless of the principle of universality. The first approach is the relationship theory. The relationship theory claims that relationship itself has an intrinsic moral value. The fact that she is my mother justifies special obligation to her by itself. In the same way, the fact that she is my compatriot justifies special obligation to her by itself. The second approach is the assigned responsibility model. On this model, special duties are regarded as assigned general duties. We have moral general duties to aid others. Special duties are merely a useful way to discharge the general duties. The first approach starts from an intuition of particularity; the second a principle of universality. In section 2, I will examine the relationship theory. In sections 3 and 4, I will discuss the assigned responsibility model and its implications for a justification of the welfare state, and then advance a new conception of the world order: complex borders.

## 2. THE RELATIONSHIP THEORY

The relationship theory has been getting familiar among political philosophers<sup>3</sup>. They try to justify political obligation from a relationship between an individual and his or her country, though they disagree in how we should grasp the relationship. I will classify the relationship theory into two subgroups: the identity theory and the friendship theory. The identity theory focuses on how we identify with our nations. It claims that when we identify with our compatriots, we have special responsibilities to them. On the other hand, the friendship theory employs an analogy between citizenship and friendship. It says that our fellow citizens are our friends, as it were, so we have special obligations to our fellow citizens just like we have to our friends.

### 2.1. The identity theory

A relationship theorist, Yael Tamir, stresses the dimension of personal identity in generating special duties. Tamir says:

“It is particularly cruel to overlook the suffering and hardships of those we have a particular reason to care about —our fellow members. This intuitive belief is grounded in the assumption that deep and important obligations flow from identity and relatedness” (Tamir 1993:99).

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3. Among the relationship theorists are Ronald Dworkin, Alasdair MacIntyre, David Miller, Yael Tamir, and Diane Jeske.

Identification and relationship create “constitutive ties,” which can generate special obligations. This argument leads, for instance, to a conclusion that when Ethiopians live in conditions of extreme deprivation, Israel has “an additional obligation to attend to the needs of a particular group of Ethiopians to which it is bound by communal ties —Ethiopian Jews” (Tamir 1993:100). Her argument is based on the conception of “the contextual individual.” The contextual individual embodies “both the liberal virtue of self-authorship and the national virtue of embeddedness” (Tamir 1993:32-34).

She denies that formal citizenship is a sufficient condition for creating special obligations. Formal possession of citizenship is too shallow to generate any obligations. Instead, special obligations must be based on “some sense of belonging, on an active and conscious discovery of one’s position, and on an affirmation of this position” (Tamir 1993:135). Therefore, unless one identifies with membership in a country, it cannot generate obligations.

The structure of the identity theory can be analyzed as follows:

- (I1) Anyone who identifies with her own state has special obligations to her compatriots.
- (I2) Many people identify with their own state.
- (I3) Many people have special obligations to their compatriots. (From (I1) & (I2)).

Tamir’s argument is deeply flawed in two points, because the premise (I1) is false. Firstly, we do owe obligations to our fellow citizens, even if we do not identify with our own state or our compatriots. In general, our obligations do not depend on whether we identify with the fate of some people. Our obligations flow from their moral status regardless of our identification with them. Secondly, as it is connected to the first, the identity theory confuses obligations themselves with the sense of obligation. The identity theory might succeed in *explaining* why we feel obliged to those whom we identify with. But it fails in *justifying* that we do have obligations to them. We have obligations to someone even when we do not have a sense of obligation to them, and vice versa.

## 2.2. The friendship theory

The second model of the relationship theory, the friendship theory, takes citizenship by analogy with friendship. It defends special political obligations among compatriots as analogous to those among friends. The structure of the friendship theory can be analyzed as follows:

- (F1) Relationships among fellow citizens are similar to relationships among friends.

- (F2) We have special duties toward our friends.  
 (F3) We have special duties toward our fellow citizens. (From (F1) & (F2)).

Though we can question both the premise (F1) and (F2) (Wellman 2001), I will concentrate on the premise (F1). Relationships among citizens and those among friends are too different to make a robust analogy. In particular, emotional bonds among compatriots are nothing like those among friends. You will be happy when your friend succeeds, and you will feel sad when your friend fails. These emotions are a constituent element of friendship. On the other hand, we do not have such strong feelings toward our compatriots. When we hear the news that our compatriot had a car accident, we may feel sad, but we seldom keep feeling sad for weeks. Emotional bonds among compatriots are too shallow to justify special duties.

We cannot avoid this criticism by assuming that compatriots have associative relationships in an interpretive sense. Ronald Dworkin claims that the concern among citizens is “an interpretive property of the group’s practices of asserting and acknowledging responsibilities..., not a psychological property of some fixed number of the actual members” (Dworkin 1986: 201). However, if we appeal to interpretive bonds, the friendship theory is doomed to fail, because the premise (F1) does not hold. There are emotional bonds among friends that generate special obligations. If there is no emotional bond among compatriots, relationships among compatriots are not analogous to those among friends in a relevant sense.

### 3. THE ASSIGNED RESPONSIBILITY MODEL

#### 3.1. Special duties as a useful device

Robert E. Goodin suggests an appealing argument that justifies the welfare state in a global age. Goodin says:

“My preferred approach to special duties is to regard them as being merely “distributed general duties.” That is to say, special duties are in my view merely devices whereby the moral community’s general duties get assigned to particular agents” (Goodin 1988:280).

This approach is called “the assigned responsibility model.” He uses an example of doctors and patients to explain this model. Hospital patients are better cared for by being assigned to particular doctors rather than having all the hospital’s doctors devote one *n*th of their time to each of the hospital’s *n* patients (Goodin 1988:283). General duties to care for patients are discharged effectively if particular doctors are assigned to care for particular patients. National boundaries perform the same function, he argues. States are assigned special responsibilities for protecting and promoting the interests of those who are their citizens.

The structure of the assigned responsibility model can be analyzed as follows:

- (AR1) We have general responsibilities to aid general others.
- (AR2) Assigning general responsibilities to particular agents is an effective way to discharge general responsibilities.
- (AR3) We have special responsibilities to aid particular others. (From (AR1) & (AR2)).

The assigned responsibility model starts from general duties and explains special obligations as an effective way to perform general duties. This approach can explain why national boundaries have significance and limitation. When national borders are effective in accomplishing general duties, they are respected; when they are not effective, sufficient resources ought to be distributed from rich countries to poor countries to discharge general responsibilities.

### 3.2. Misallocation of resources

Goodin's argument seems to have at least two problems<sup>4</sup>. The first problem concerns a misallocation of goods. Singer criticizes Goodin by saying:

“While it may, other things being equal, be more efficient for states to look after their own citizens, this is not the case if wealth is so unequally distributed that a typical affluent couple in one country spends more on going to the theater than many in other countries have to live on for a full year. In these circumstances the argument from efficacy, understood in terms of gaining the maximum utility for each available dollar, far from being a defense of special duties toward our compatriots, provides grounds for holding that any such duties are overwhelmed by the much greater good that we can do abroad” (Singer 2002:172).

Singer denies the premise (AR2), because he thinks that the nation-state system is not an effective way to discharge general duties to aid people under the

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4. The other problem Goodin has is that he does not make it clear how the assigned responsibility model is related to his vulnerability theory of obligation. He develops the vulnerability model as a general theory of obligations in his *Protecting the Vulnerable* (Goodin 1985). The basic principle he advocates is the first principle of individual responsibility, which says:

“If A's interests are vulnerable to B's actions and choices, B has a special responsibility to protect A's interests; the strength of this responsibility depends strictly upon the degree to which B can affect A's interests” (Goodin 1985:118).

It follows from this principle the conclusion that we have special duties toward those who are vulnerable to us. This conclusion does not agree with the assigned responsibility model, because our fellow citizens are not necessarily those who are vulnerable to us, and those who are vulnerable to us are not necessarily our fellow citizens. His vulnerability model never justifies the welfare state, though he claims it does (Goodin 1985:145-169). I will discuss this issue in section 4.

huge gap between the rich and the poor in our world. David Miller also objects to putting the poorly-off in charge of the poorly-off. Miller says “nations are hugely unequal in their capacity to provide for their own members.” From the great imbalance of wealth in the present world, he claims that “it would seem odd to put the well off in charge of the well off and the badly off in charge of the badly off.” He concludes that “attempts to justify the principle of nationality from the perspective of ethical universalism are doomed to failure” (Miller 1995:63-64). I believe that this kind of criticism is not a fatal criticism against the assigned responsibility model, because Goodin never says that we must put the poorly-off in charge of the poorly-off. Rather, he writes:

“Sufficient resources ought to have been given to every such state agent to allow for the effective discharge of those responsibilities. If there has been a misallocation of some sort, so that some states have been assigned care of many more people than they have been assigned resources to care for them, then a reallocation is called for” (Goodin 1988:286).

I also think that this is a natural conclusion from the assigned responsibility model. When some agents fail to discharge their special duties, these duties must be “discharged by the moral community at large, acting through any of many other potential agents” (Goodin 2003:76). We should add (AR4) to the structure of the assigned responsibility model to clarify this point.

(AR4) When some particular agents cannot discharge their special responsibilities, all other agents have general responsibilities based on (AR1).

Special responsibilities are assigned merely as an administrative device for discharging general responsibilities more efficiently. Therefore, even after special responsibilities are assigned to each agent, we still have *potential* general responsibilities. Our potential general responsibilities actualize when special responsibilities assigned to other agents are not discharged. We can discharge our general responsibilities in two ways. The first way is to reallocate resources, as Goodin says. ODA (Official Development Assistance) is an example of it. Bilateral ODA is required to discharge our general duties. The Tobin Tax is also an attractive mechanism to pursue global justice. The second way is to assist the poor in foreign countries more directly. Humanitarian NGOs (Non-Governmental Organizations) are a good example. NGOs can be a useful administrative device to discharge general responsibilities.

### 3.3. Charity begins at home?

“Charity begins at home,” people often say. They take it for granted that national boundaries carry moral weight. They mean that charity not only does but

also should begin at home. When it comes to national social security, it follows that we should assist our compatriots before we assist foreigners.

Should charity begin at home? The maxim that charity should begin at home is too strong to support morally. When you decide to be a foster parent to aid overseas children rather than national children, you are never doing a morally bad thing. We are not morally required to give charity to our compatriots instead of strangers.

Compare it with a weaker maxim that charity *may* begin at home. I think that even the weaker maxim needs at least two provisos to be supported morally. The first proviso is that charity may begin at home but *may not stop at home*. The boundary between home (inside) and outside is “arbitrary from a moral point of view” (Rawls 1971:15). You may start charity at home. But if there remain needy people outside your home, and you can help them without sacrificing yourself, you may not stop at home. That is to say, we have general duties to aid others. The second proviso is that charity may begin at home, *other conditions being equal*. When the poor outside our home are much worse off than the poor in our home, we must begin charity outside our home. In this case, charity may not begin at home. The saying that charity begins at home changes its validity in a global age.

### 3.4. General duties and individual rights

Is the welfare state a morally defensible form of political organization? Is it justified in making a structural discrimination? The welfare state looks dubious, because it structurally discriminates compatriots from foreigners. This problem is called “the distributive objection” by Samuel Scheffler (Scheffler 2001). Associative duties to people with whom we have special relationships invite two objections; the voluntarist objection and the distributive objection. The former depends on the idea of freedom. We cannot justify associative duties because they restrict our freedom. We must not be obliged by what we do not choose. The latter depends on the idea of equality. We cannot justify associative duties because they are discriminatory. We are not permitted to give priority to our fellow members.

Niko Kolodny claims that associative duties do not prevent the realization of global distributive justice. On the assumption of a global duty to realize some distributive aim such as equality of resources, associative duties have no effect in most cases (Kolodny 2002). Imagine a world of three people,  $x$ ,  $y$ , and  $z$ , and  $y$  is  $x$ 's compatriot,  $z$  is a foreigner to  $x$ . Initially,  $x$  has 12 units, while  $y$  and  $z$  have none, that is the distribution of resources is  $\langle 12, 0, 0 \rangle$ . When  $x$  has a special duty to transfer resources to  $x$ 's compatriot according to a certain distributive principle, say, equality of resources, the distribution is  $\langle 6, 6, 0 \rangle$ . At this stage,  $x$  and  $y$  has a global duty to transfer resources to  $z$ . Therefore, the final distribution is  $\langle 4, 4, 4 \rangle$ . The conclusion is the same in the case where  $x$  has no associative duties. We still have general obligations to all the people in the world, even after we have



discharged special obligation to our compatriots. As long as we assume general duties to aid others, we may not stop at national borders. In other words, associative duties do not matter, because associative duties make no difference.

This conclusion needs some limitations. An interesting observation Kolodny has made is that personal prerogatives which permit people to retain resources exacerbate inequality. If everyone has a prerogative to keep six units in the above case, the final distribution is  $\langle 6, 6, 0 \rangle$ , not  $\langle 4, 4, 4 \rangle$ .

$\langle 6, 6, 0 \rangle$  may be thought to be worse than  $\langle 4, 4, 4 \rangle$ . However, when the threshold to live on is five units, and everyone has a right to live a decent life,  $\langle 6, 6, 0 \rangle$  is no worse than  $\langle 4, 4, 4 \rangle$ . Therefore, individual rights can be a limitation to general duties. We can justify such individual rights in various ways. Everyone has a right to pursue one's own happiness, or a society where every one has a right to enjoy one's life is better than a society where none has it. It is important to note that individual rights can restrict general duties only to the degree that we have sufficient reasons to do so. Individual rights cannot nullify our general responsibilities.

### 3.5. Relational equality

Christopher Heath Wellman has suggested three reasons to support the welfare state that favor compatriots (Wellman 2000:545-549). The first reason emphasizes the importance of making formal rights effective. A relative lack of funds can render political cooperation among fellow citizens ineffective. Nevertheless, it may not affect political cooperation between societies. The second reason is based on a relational interpretation of equality. The extent to which we should worry about inequality depends on the nature of the relationship between the non-equals. Inequality is much less worrisome if they live in separate societies. Insofar as citizens share an important relationship, inequality between them may be especially problematic. The third reason stresses the social nature of consumption. Because social humans derive satisfaction from their assets in relative, rather than objective, terms, a poor citizen in a less wealthy state needs fewer resources than a poor citizen in a wealthier state.

I will call these the relational equality argument. The structure of it can be analyzed as follows:

- (E1) Relational equality morally matters only in a relevant relationship.
- (E2) We are in a relevant relationship only with our fellow citizens.
- (E3) Relational equality morally matters only within our countries. (From (E1) & (E2)).

The three reasons suggested by Wellman relates to the premise (E1). All of these reasons rely on a relational conception of equality. The second reason describes the idea of relational equality itself. The first reason focuses on political

relationship, and the third on social relationship. Equality morally matters within political and social relationships. The existence of political and social relationships makes inequality a much more severe problem.

Some philosophers insist that relational equality does not matter. For instance, Harry Frankfurt claims that “economic equality is not as such of particular moral importance.” This is because “what *is* important from the point of view of morality is not that everyone should have *the same* but that each should have *enough*. If everyone had enough, it would be of no moral consequence whether some have more than others” (Frankfurt 1988:134). Frankfurt supports the principle of sufficiency instead of the principle of equality. However, his claim is rebutted by the fact that a gap between the rich and the poor has been a fundamental social issue in many countries. Whether each has enough or not in a society depends on what the society is like. Nobody is counted as having sufficient under a huge gap in wealth. That is to say, the relational conception of equality morally matters.

On the other hand, globalization calls into question the premise (E2). Globalization means that we should be in a good relationship not only toward our fellow citizens but also toward all the people on earth. Globalization also means that we should value equality between societies as much as equality within a society, even when we accept the relational conception of equality. Singer criticizes Wellman saying that Wellman’s argument is at least partly answered by the phenomenon that we are facing issues that affect the entire planet (Singer 2002:173).

We interact with foreigners through our common participation in a network of interlocking economic, political, and technological structures and arrangements. We are in a relevant political relationship with all nations. When poor countries cannot afford the cost of hotels, offices, and salaries in places like Washington D.C. and Geneva, they are hardly represented in international negotiations (Wade 2003:24). We are also in a relevant social relationship with all the people. We have no moral justification that 20 percent of the world’s population enjoys 80 percent of its income. More than 1.1 billion people stay in extreme poverty; they live on less than a dollar a day (World Bank 2004:1-2). We also know that more than 10 million children die every year from preventable causes such as illness, malnutrition, unsafe water and inadequate sanitation (UNICEF 2004). Global media has been uniting the wealthy and the poorly-off beyond borders.

When we revise (E2) to reflect intensifying global relations, (E2’) and (E3’) say that:

- (E2’) We are in a relevant relationship with all the people in the world.
- (E3’) Relational equality morally matters within the global community. (From (E1) & (E2)).

Although we might be in a more relevant relationship with our fellow citizens than with other people in the world, it is simply a matter of degree. We may give priority to our compatriots only to a certain degree.

To sum up, when we try to justify the welfare state in a global age, we must start from the fact that we have general duties to aid others. However, we have three considerations to limit our general duties. Firstly, as the assigned responsibility model shows, assigning general responsibilities to each agency is a useful way to discharge them. This consideration is based on the idea of efficiency. Secondly, everyone has a right to live a decent life and none is required to sacrifice his or her life. Wealthy people also have human rights. This consideration is based on the idea of individual rights. Thirdly, equality within each state is morally more important than equality between states. Equality is a relational, not substantive, concept. This consideration is based on the idea of equality. Although these three considerations can limit our general duties to aid others, they have their own limitations as I have discussed. It follows that we can justify the welfare state in a much more restricted way than we supposed.

#### 4. COMPLEX BORDERS

##### 4.1. The boundary between citizens and aliens

Although the first problem with the assigned responsibility model is not fatal for the assigned responsibility model, the second problem is critical to Goodin's argument. The second problem concerns where we should draw boundaries. The problem is not with the premise (AR2) itself, but with how Goodin institutionalizes it. He draws national boundaries between citizens and foreigners. Goodin seems to suppose that we have special responsibilities only toward the people who have the same citizenship as ours. He remarks:

“Boundaries matter, I conclude. But it is the boundaries around people, not the boundaries around territories, that really matter morally. Territorial boundaries are merely useful devices for ‘matching’ one person to one protector. *Citizenship* is merely a device for fixing special responsibility in some agent for discharging our general duties vis-à-vis each particular person” (Goodin 1988:287. Takikawa's emphasis).

Goodin distinguishes between the territorial boundaries and the personal boundaries and claims that the personal boundaries along citizenship fit his assigned responsibility model. He distinguishes between compatriots and resident aliens. I will call this the compatriot thesis.

There is a contradiction between his effective device thesis (AR2) and his compatriot thesis. As Andrew Mason says, “it is unclear why the assigned responsibility model should distinguish between citizens and long-term residents”, because making a distinction between citizens and residents is not the most effective way to discharge our general duties (Mason 1997:434-435). With regards to administrative effectiveness, the best way to protect and promote people's interests

is to draw boundaries between those who live within a state territory and those who do not. It is much easier for a state to assist those who live in a territory than those who live overseas. It follows from the assigned responsibility model that national borders should be drawn between citizens and resident aliens, on the one hand, and overseas nationals and other aliens, on the other<sup>5</sup>. In other words, territorial boundaries, not personal boundaries, must be a logical conclusion from the assigned responsibility model.

This conclusion is confirmed by legal practice in many countries. National borders concerning social security are not drawn between citizens and resident aliens. For example, in Japan, resident aliens have been eligible for national health insurance and national pension since 1981 when the Convention Relating to the Status of Refugees was ratified. Although public assistance is literally limited to nationals in Public Assistance Law, resident aliens are also provided with public assistance in administrative practice.

The same holds in major Western countries. In the USA, qualified aliens are eligible for Medicaid (State Medicaid Manual 3211). In the UK, the NHS (National Health Service) makes no distinction between citizens and aliens. In Germany, aliens who stay in Germany are provided with social assistance (Bundessozialhilfegesetz, 120-1). In France, the social security act applies to aliens who reside in France (Code de la Securite Sociale, Article L111-1). These examples show that national borders are not drawn between citizens and non-citizens as regards social security. In other words, personal national borders on social security are out of harmony with citizenship.

The background philosophy of these practices cannot be the compatriot thesis, which supports the boundary between citizens and aliens, but must be the assigned responsibility model, which draw borders along residency. In other words, legal practices on social security are based on our general duties to aid others.

## 4.2. Complex borders

This observation leads to a new conception of the world order. Globalization demands “a theory of boundaries”, and “boundary problems are a theme for the twenty-first century” (Jordan and Düvell 2003:vii, 3). Globalization seems to support a world-state. However, a world-state will not be an effective administration, because a world government “would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions

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5. In fact, we need a careful consideration of overseas nationals, because their positions are often vulnerable. I think there are good reasons to draw boundaries including overseas nationals within their mother country. In other words, an overseas national should be treated as a member of her mother country as well as a member of her host country.

and peoples tried to gain their political freedom and autonomy” (Rawls 1999:36). After criticizing a world-state, John Rawls says:

“An important role of a people’s government, however arbitrary a society’s boundaries may appear from a historical point of view, is to be the representative and effective agent of a people as they take responsibility for their territory and its environmental integrity, as well as for the size of their population... Unless a definite agent is given responsibility for maintaining an asset and bears the loss for not doing so, that asset tends to deteriorate. In this case the asset is the people’s territory and its capacity to support them *in perpetuity*; and the agent is the people themselves as politically organized” (Rawls 1999:38-39, Rawls’s emphasis).

Here, Rawls emphasizes the “role of boundaries.” The structure of this argument can be analyzed as follows:

- (LP1) We have a duty to prevent deterioration of the asset.
- (LP2) Assigning responsibility to a definite agent is an effective way to discharge the duty.
- (LP3) We have special responsibility to care for our asset. (From (LP1) & (LP2)).

It is obvious that this argument has the same structure as the assigned responsibility model (AR). Rawls assumes that each people are assigned responsibility to care for their territory and national boundaries should be drawn around the territory. The people as politically organized, not others, have responsibility for their territory. This argument implies that “a people has at least a qualified right to limit immigration” (Rawls 1999:39 n.48).

In contrast with Goodin, Rawls believes that territorial boundaries morally matter, because the territory is “the asset” we have a duty to care for. The role of boundaries is to prevent the territory from deteriorating. However, Rawls agrees with Goodin on the point that personal boundaries are simple. A people is appointed and assigned to have responsibility for a territory, and it is strictly distinguished from the other peoples. The boundary of a people corresponds exactly to the boundary of a territory. Rawls implicitly assumes that borders are simple.

Instead of simple borders, I will suggest complex borders as a new conception of the world order. I have been focusing on a special political obligation to aid our fellow citizens. Political obligations include other obligations such as the duty to fight for one’s own country, the duty to pay taxes, and the duty to obey the law. Now I will confirm where we draw personal national borders on these matters. Who have these obligations in a country, and who do not?

When it comes to the conscription system, personal national boundaries agree with nationality. Only citizens have a special political obligation to defend their own country; permanent residents do not have such an obligation, let alone other aliens (Walzer 1970: chap. 5). International law admits this distinction. Personal

national borders regarding taxes are complicated. In most cases, not only citizens but also resident aliens have to pay taxes to the country where they reside. When the country has a treaty on taxes with other countries, resident aliens may pay taxes to their home country and may not pay taxes to the country where they live. Personal national borders regarding the duty to obey the law are simpler. "The requirement of particularity" (Simmons 1979) does not apply. It is not the case that only citizens have a special duty to obey the law in a country. Aliens, residents or travelers, have the duty to obey the law in the countries where they stay.

As these examples show, personal national boundaries are not simple, but complex. As long as we keep the nation-state system, territorial boundaries are simple. A certain territory belongs to a country, not to any other countries. On the other hand, personal boundaries are complex. It can be the case that a certain person has a special obligation to country X and another obligation to country Y. This reflects the fact that we have various aims to achieve. Different national borders are drawn to promote various aims, for instance, to assist the poor (social security), to defend political society and pursue a just and lasting peace among peoples (national defense), to administer a country (tax), and to keep legal order (legal enforcement). Even in a global age, we need the nation-state to achieve these aims in effective ways. National borders are, however, not simple any longer. We have various problems to be solved collectively, and we must work out an optimal solution to each problem. The best solutions vary depending on the characters of the problems. We need to establish complex, not single borders to accomplish these tasks.

The complex borders theory is stated as follows:

- (CB1) We have a general duty to work out a problem.
- (CB2) Assigning a special duty to a particular agent is a useful way to discharge the general duty.
- (CB3) We have a special duty to work out the problem. (From (CB1) & (CB2)).
- (CB4) We have to associate with others to work out various problems.
- (CB5) The optimal solutions to the problems, that is, the logics, sizes, and boundaries of associations, vary depending on the characters of the problems.
- (CB6) Borders of the associations are complex and multilayered. (From (CB4) & (CB5)).

(CB1) to (CB3) in the complex borders theory are equivalent to (AR1) to (AR3) in the assigned responsibility model. The difference lies in the recognition of (CB4) and (CB5). We face various problems, besides what I have mentioned earlier, such as environmental protection, citizenship education, and war against terrorism. We must seek the best solution to each problem. Suppose that the best solution to the problem M is to divide M into three parts and assign each of them to the agents  $m_1$ ,  $m_2$ ,  $m_3$ , and that the best solution to the problem N is to divide N into three parts and assign each of them to the agents  $n_1$ ,  $n_2$ ,  $n_3$ . In this case,  $\langle m_1, m_2, m_3 \rangle$  do not necessarily correspond to  $\langle n_1, n_2, n_3 \rangle$ , because the

problems M and N are different. The single borders system requires that  $\langle m_1, m_2, m_3 \rangle$  agree with  $\langle n_1, n_2, n_3 \rangle$ , but it is no longer a useful way to solve the problems. Global problems urge us to live in an age of complex borders.

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## BIBLIOGRAPHY

- Dworkin, Ronald, 1986, *Law's Empire*, Harvard University Press.
- Frankfurt, Harry, 1988, *The Importance of What We Care About*, Cambridge University Press.
- Goodin, Robert E., 1985, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*, The University of Chicago Press.
- Goodin, Robert E., 1988, "What is so special about our fellow countrymen?", *Ethics* 98 (1988), pp. 663-686, as reprinted in Goodin, 1995, pp. 265-287.
- Goodin, Robert E., 1995, *Utilitarianism as a Public Philosophy*, Cambridge University Press.
- Goodin, Robert E., 2003, "Global Justice", in Held and Koenig-Archibugi (eds.), 2003, pp. 68-92.
- Held, David, and Mathias Koenig-Archibugi (eds.), 2003, *Taming Globalization: Frontiers of Governance*, Polity Press.
- Jordan, Bill, and Franck Düvell, 2003, *Migration: The Boundaries of Equality and Justice*, Polity Press.
- Kolodny, Niko, 2002, "Do Associative Duties Matter?", *The Journal of Political Philosophy* 10, pp. 250-266.
- Mason, Andrew, 1997, "Special Obligations to Compatriots", *Ethics* 107, pp. 427-447.
- Miller, David, 1995, *On Nationality*, Oxford University Press.
- Rawls, John, 1971, *A Theory of Justice*, Harvard University Press.
- Rawls, John, 1999, *The Laws of Peoples*, Harvard University Press.
- Scheffler, Samuel, 2001, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, Oxford University Press.
- Simmons, A. John, 1979, *Moral Principles and Political Obligations*, Princeton University Press.
- Singer, Peter, 2002, *One World: The Ethics of Globalization*, Yale University Press.
- Steger, Manfred B., 2003, *Globalization: A Very Short Introduction*, Oxford University Press.
- Tamir, Yael, 1993, *Liberal Nationalism*, Princeton University Press.
- UNICEF, <http://www.unicef.org/childsurvival/index.html> (2004.10.10).
- Wade, Robert Hunter, 2003, "The Disturbing Rise in Poverty and Inequality: Is It All a 'Big Lie'?", in Held and Koenig-Archibugi (eds.), 2003, pp. 18-46.
- Walzer, Michael, 1970, *Obligations: Essays on Disobedience, War, and Citizenship*, Harvard University Press.
- Wellman, Christopher Heath, 2000, "Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'?", *Ethics* 110, pp. 537-562.
- Wellman, Christopher Heath, 2001, "Friends, Compatriots, and Special Political Obligations", *Political Theory* 29, pp. 217-236.
- World Bank, 2004, *World Development Indicators 2004*, World Bank.

