

Title	The scope of public membership
Sub Title	
Author	遠藤, 知子(Endo, Chikako)
Publisher	Global Center of Excellence Center of Governance for Civil Society, Keio University
Publication year	2009
Jtitle	Journal of political science and sociology No.10 (2009. ) ,p.13- 26
JaLC DOI	
Abstract	Questions about the scope of social justice, democracy and citizenship have become a central issue for political theorists today. Within this context, this paper aims to provide some theoretical grounding for understanding the scope of a public within which political principles and institutions might function. I argue that we can understand the domain of public membership in terms of the reach of public institutions set up to regulate conflicts among individuals' diverse activities in civil society. Moreover, I try to show that conceptualizing the boundaries of an internalized sense of public membership in this way has advantages over civic liberalism and liberal nationalism, which seek to demarcate members from non-members based on their similar commitments, either to liberal principles or a common national culture.
Notes	
Genre	Journal article
URL	<a href="https://koara.lib.keio.ac.jp/xoonips/modules/xoonips/detail.php?koara_id=AA12117871-20090300-0013">https://koara.lib.keio.ac.jp/xoonips/modules/xoonips/detail.php?koara_id=AA12117871-20090300-0013</a>

慶應義塾大学学術情報リポジトリ(KOARA)に掲載されているコンテンツの著作権は、それぞれの著作者、学会または出版社/発行者に帰属し、その権利は著作権法によって保護されています。引用にあたっては、著作権法を遵守してご利用ください。

The copyrights of content available on the KeiO Associated Repository of Academic resources (KOARA) belong to the respective authors, academic societies, or publishers/issuers, and these rights are protected by the Japanese Copyright Act. When quoting the content, please follow the Japanese copyright act.

# The Scope of Public Membership

Chikako Endo

## **Abstract**

Questions about the scope of social justice, democracy and citizenship have become a central issue for political theorists today. Within this context, this paper aims to provide some theoretical grounding for understanding the scope of a public within which political principles and institutions might function. I argue that we can understand the domain of public membership in terms of the reach of public institutions set up to regulate conflicts among individuals' diverse activities in civil society. Moreover, I try to show that conceptualizing the boundaries of an internalized sense of public membership in this way has advantages over civic liberalism and liberal nationalism, which seek to demarcate members from non-members based on their similar commitments, either to liberal principles or a common national culture.

## **I. Introduction**

In this paper, I address the question of the boundaries of a 'public'. Previous theories regarding democracy, equality, justice and the like have implicitly taken for granted the framework of the nation state. However, the empirical reality of growing multiculturalism and pluralism within states, as well as economic, political, cultural and other interactions at the transnational level, have called for a more explicit account of the appropriate boundaries of political organization. Questions about the scope of social justice, democracy and citizenship have become a central issue for political theorists today. Within this context, my aim in this paper is to provide some theoretical grounding for understanding the scope of a public within which such political principles and institutions might function. Being a member of a public, unlike having membership in a particular organization or having a particular legal status, is an internal perception of one's relationship to fellow members. In this sense, it is particularly difficult to demarcate between members and non-members. Why do we need to talk about people's internal perceptions of their relationships to one another, rather than simply their concrete legal status as citizens for talking about the domain of political organization?

The idea that effective liberal democracy requires, in addition to the formal legal status of equality, a feeling of membership in a common public community comes from at least two related perspectives. The first is that the political stability of just institutions requires a morality of association or a moral community bound by affective ties among members.<sup>1</sup> According to Eamonn Callan, a just society depends on citizens who have particular commitments to their political community because warranted ties of trust are necessary in order to realize relationships of reciprocity where citizens can give and receive justice reliably.<sup>2</sup> Among a random group of people, there could be a collective action problem in that people may not feel comfortable to respect the terms of justice owed to others, since there is no assurance that others would do the same. The second argument for the need for affective attachments and moral community comes from the perspective of social justice. In particular, liberal nationalists argue for the need for moral community in order to support policies for social redistribution.<sup>3</sup> Their question is, how can a society motivate its more well-off members to see their own assets as common assets available for social redistribution? Contemporary liberal theorists thus argue that respecting the principles of justice and sharing the burdens of social cooperation require some form of internalized sense of mutual obligation and trust which enables citizens to uphold their political principles and institutions.

My purpose in this paper is not to contest these views, but rather to consider the principles for demarcating the boundaries of such a moral community or a sense of public membership. By a sense of public membership, I refer to the internalized sense of mutual trust and shared obligations of reciprocal justice among individuals sharing a political community. Political principles like democratic accountability and social justice require boundaries: To whom should democratic institutions be accountable and among whom should we distribute rights and resources? We then need a principled argument for distinguishing some people as ‘insiders’ as opposed to others. Hence, my objective is firstly to identify what is particular about a public association in relation to other associations, and secondly to provide some principled basis for identifying the boundaries of public membership.

In the second section, I will try to lend some structure to the concept of a public by referring to John Dewey’s idea of a public as an association of individuals whose independent activities have indirect consequences upon each other. In the third section, I will discuss the boundaries of such a public association in terms of the institutions that are set up to accommodate conflicts among individuals engaged in their respective activities in their private lives and civil society. The fourth section discusses how conceptualizing the boundaries of public membership in terms of the reach of institutions enables us to distinguish the ‘limited range’ of justice within which mutual obligations of reciprocal justice may arise. The fifth section discusses how this way of understanding public boundaries can overcome the limitations of civic liberalism and liberal nationalism that rely on individuals’ similarities for distinguishing members from non-members. I will argue

that conceptualizing the boundaries of a public in terms of the reach of institutions provides us with a principled basis for distinguishing members from non-members without relying on individuals' personal beliefs or character-traits that may unfairly marginalize certain groups or individuals.

## **II. The Idea of a Public**

For Dewey, a public arises when conflicts and issues that arise from individuals' independent activities cannot be resolved directly by the parties involved and call for a third party to oversee these conflicts.<sup>4</sup> The distinction between private and public activities lies in whether their consequences have far-reaching effects on second and third parties who are not directly involved.<sup>5</sup> In this sense, a public is larger in scope than immediate, personal relationships. Conflicts that arise within intimate, personal relationships may often be resolved through direct negotiation, aided by individuals' affective concern for one another. However, a public encompasses the indirect and often unintended consequences of people's independent activities in their personal spheres, creating an extended network of individuals who influence each other without having direct contact with one another.

A public is also larger in scope than various associations in civil society such as private companies or voluntary associations, for instance, the local golf club or environmental group. Individuals are engaged in a variety of associative ties in civil society – neighborhoods, churches, unions etc. People come together in such associations through sharing common interests beyond their intimate personal relationships. However, a public association is more comprehensive than such associations in civil society in at least two ways. First, a public encompasses the network of multiple associations and activities in which each individual is engaged. Each individual is involved in particular associations through his or her particular interests or circumstances. However, a public must accommodate people who may not necessarily come together voluntarily through their particular interests or perceptions of the good life, but whose respective activities nonetheless impact one another. In other words, it must accommodate both the golf club member and the environmentalist. As members of a common public, the golf club members would have to negotiate with non-club members about issues that affect the wider community, for instance, how much land the club could take up for their golf course. Each member of the public is related to other members, not necessarily through their private interests or beliefs, but by virtue of the fact that her actions do not occur in isolation but have implications for others, regardless of their personal views or interests.

Secondly, a public is more comprehensive than civil society associations in the sense that it must be enduring over time. Social movements for a particular cause can bring together individuals across various social spheres and instill internal perceptions of common purpose and solidarity among them. Such solidarity can become a powerful force, particularly when fighting oppression as various cases in history have shown.<sup>6</sup>

While the legacies of such movements may have enormous consequences for future generations, the associations themselves could disintegrate quickly once their goals are achieved. By contrast, a sense of public membership should be enduring over time for members to accumulate a reservoir of trust upon which they would reliably observe the fair terms of social cooperation.

### **III. The Boundaries of Public Membership**

We have now seen that the scope of a public is comprehensive in the sense that it encompasses the plurality of independent associations in which individuals are involved and extends over time. What about its limits? While we can identify what a public may encompass, it is particularly difficult to define its limits since, as I have already noted, being a member of a public is very much an internal perception of our relationship to fellow members. Nevertheless, we can attempt to clarify some of the conditions necessary for identifying the contours of public membership. By referring to Dewey, I have argued that a public arises through the network of mutual impact of individuals' respective activities. Therefore, one of the conditions which contribute to defining the boundaries of public association is that its scope must be narrow enough to the extent that individuals are able to perceive their mutual relationships to each other. Although this is very much a subjective perception, if the impacts of individuals' activities are too abstract, it would be difficult for them to have tangible awareness of their inter-relationships.

Perceptions of mutual impact can be felt on a variety of levels. Simply by inhabiting the same planet, we all share the implications of each others' activities. For many people today, the effects of peoples' activities in distant parts of the world can be felt ever more strongly – environmentally, economically, culturally and politically. At the same time, if these perceptions are too abstract, they cannot serve as the basis of mutual obligation that constrains individuals' actions for social cooperation and cultivates relationships of trust among them. Peoples' perceptions of mutual impact must be sustained, as well as strong enough, potentially to generate a sense of belonging or identification with those with whom they share the indirect implications of one another's activities. Although we cannot demarcate any definite boundaries, one way in which to conceptualize the framework of a tangible public association is in terms of the reach of institutions that are set up to supervise various activities in civil society. When there is conflict between the golf club members who want to expand their golf course, and members of the environmental group who want to preserve the trees, we need institutions as a third party to regulate such conflicts and to set the ground rules for their negotiations. The limits of a public can be understood as the limits within which these institutions can exercise control and deliver services effectively.

For Dewey, these institutions were state institutions. According to Dewey, personal and social associations are simply natural to human existence. However, 'The characteristic of the public as a state springs from the fact that all modes of associated

behavior may have extensive and enduring consequences which involve others beyond those directly engaged in them.<sup>7</sup> A public arises when the mutual impact of individuals' respective activities calls for political institutions as a third party to regulate conflicts and issues that arise within them. We can think of sharing common state institutions as the basis of a tangible sense of mutual relationship since their structure and policies affect all those under their care. Citizens may develop a sense of interrelationship with fellow citizens with whom they may not have direct contact, but with whom they unavoidably share the burdens and consequences of sharing common political institutions. Moreover, citizens' perceptions of public membership may be reinforced through their entitlements to have democratic control over these institutions and through their common stake in them for setting the terms of their associations.

Despite the shifting loci of political and economic authority in our world today, state institutions retain a prominent role in overseeing and regulating peoples' affairs as a framework within which they may pursue their respective personal and social activities. Transnational organizations like the EU or UN may also have public dimensions, but their effects may seem too abstract or sporadic for many people to perceive a strong-enough sense of common public membership. State institutions continue systematically and comprehensively to affect a broad population in a relatively stable way so that the idea of a political public retains a strong connection to citizenship in a particular state. At the same time, the idea that the reach of institutions defines the boundaries of public association gives room for multiple, mutable and overlapping public spheres at different levels of social cooperation. The idea of a common public based on institutions that oversee individuals' mutual impact on one another is flexible and adjustable according to evolving human relationships and historical conditions. As transnational forms of mutual impact and institutional arrangements to regulate them arise, new forms of public membership may also arise.<sup>8</sup> Nevertheless, as the world now stands, there appears to be no strong rival to state institutions in terms of their comprehensiveness and sustainability over a consistent set of people in the ways I have just described.

This is not to say that the reach of public institutions or the legal status of citizenship in a particular state define absolutely the limits of one's internal perception of public membership, but rather to suggest that the relationship between the latter and its institutional aspects is likely to be a mutual one. Once public institutions are established, these institutions themselves contribute to defining the scope of an individual's internal perception of her mutual relationship with others. Public institutions both arise from, as well as come to shape, the internal perception of public membership among individuals.

Finally, simply perceiving the impact of others' activities is not enough for giving rise to a sense of public membership. Firstly, people could impact each other negatively as in cases of deeply ingrained ethnic or religious conflicts. In such cases, it would make no sense to expect people to share a sense of public membership since they mutually impact one another. Secondly, well-off individuals may simply continue to pursue self-seeking

ways of life at the expense of others, even if their actions hurt less well-off individuals. For a sense of public membership to arise, it requires that through the recognition of the implications of one another's activities, individuals come to affirm internally this relationship. The internal recognition and affirmation of one's relationship to others must 'be realized in thought and sentiment'<sup>9</sup> to have a transformative effect in that it creates a sense of common purpose or a 'common good'.

#### **IV. Institutions and the Limited Range of Justice**

If sharing the burdens of social cooperation and respecting principles of justice require particularistic attachments to a particular political community and to a particular group of people, we need an account of why individuals can legitimately owe special obligations of justice to these groups of people and not to others. In other words, the question I now need to address is why is the reach of public institutions appropriate for conceptualizing the boundaries of public membership as the domain of social cooperation and social justice?

Referring back to the social contract tradition of the rise of political association is helpful for clarifying how the reach of institutions can set principled boundaries of public membership within which political principles of democracy and social justice takes place. In the state of nature, all human beings are equal in the sense that there are no special political obligations towards any particular sets of other human beings. However, once institutions arise to regulate their affairs, special ties and obligations arise among those who come under the care of those specific institutions, or, to put it in another way, among those for which those institutions were specifically set up. Jeremy Waldron describes this process drawing from the social contract tradition of Kant.

Now, although Kant acknowledges that in principle all humans share the earth, clearly those with whom I come into conflict will in the first instance be my near neighbors. Since no one can afford to wait until all possible conflicts arise so that all can be definitively settled at once, the Kantian approach implies that I should enter quickly into a form of society with those immediately adjacent to me, those with whose interests my resource use likely to pose the most frequent and dangerous conflicts. These conflicts at any rate must be resolved quickly on the basis of just political and legal institutions, in order to avoid arbitrariness and violence.<sup>10</sup>

Although distinct from the social contract tradition which starts from an account of the competition over limited material resources, Dewey's argument for the need for government and legal institutions also stems from the pragmatic necessity of a third party to regulate the consequences of peoples' activities beyond those directly engaged in them. Dewey's proposition is 'that the perception of consequences which are projected in important ways beyond the persons and associations directly concerned in them is the source of a public;



and that its organization into a state is affected by establishing special agencies to care for and regulate these consequences.’<sup>1 1</sup>

The rise of institutions thus creates a ‘limited range’ within which they may administer justice, and therefore demarcate ‘insiders’ and ‘outsiders’.<sup>1 2</sup> In other words, these institutions create a limited range of *applicability* for the specific justice that they provide and for the specific obligations owed to others within their boundaries. Since institutions were set up to deal with the claims of a particular set of people, those who come under those institutions have what Waldron has called an ‘insider’ relation to the principles of justice administered by them.<sup>1 3</sup> Since we are no longer in the state of nature, this usually means the state institutions of the territory in which we are born or take residence. According to Waldron, ‘[I]n general, a person is an insider in relation to an institution if and only if it is part of the point of that institution to do justice to some claim of his among all the claims with which it deals.’<sup>1 4</sup> Legal and other political institutions of New Zealand, for instance, apply to New Zealanders, since they have been set up, ‘precisely to address the question of the rights and duties in his position vis-à-vis his fellow New Zealanders.’<sup>1 5</sup> This principle of applicability based on the boundaries of institutions enables us to distinguish which just association applies to us in a way that allegiance to abstract principles of justice cannot. While there are just institutions in New Zealand as well as just institutions in Britain, what determines whether we have special ties to one rather than to the other is who they have been specifically set up for. Individuals have special moral obligations to support just institutions that apply to themselves. The British National Health System applies to residents of Britain. They are insiders in relation to that institution since it is part of the point of the NHS to provide accessible healthcare specifically to those people. Being an insider means not only that you are entitled to your claims to justice vis-à-vis such institutions but also that you have certain obligations to them such as paying tax in order to support their effective function. It is up to these institutions to determine how to distribute fairly burdens and benefits to those which have an insider relation to them.

While I have emphasized that citizens have special ties to one another by virtue of the just institutions that specifically apply to themselves, the special character of these institutions are tied to the particular historical and cultural context within which they developed. Unlike the abstract principle of justice, the actual administration of justice takes specific forms: ‘[P]rinciples cannot conduct distributions by themselves: they must be administered by working institutions.’<sup>1 6</sup> The particular history and context of these institutions add specificity to the content and administration of policies which reflect abstract political principles. For instance, particular forms of redistributive justice such as affirmative action may be required of justice in a society that has a history of systematic injustice towards a particular minority group, while it may not be so in one that does not have such a history. Moreover, the choice of the best operationalization of just principles and the administration of policies may depend not only on the contingencies of history and circumstance, but on how they are coordinated within a certain scheme of policies. For



instance, 'It may not be possible to say that the taxation scheme of a society is just until we consider how it fits with the property system, the education system, the welfare system, and so on.'<sup>17</sup> Justice is in this sense systematic, and this systematicity influences the specific content and administration of interrelated policies. Therefore, both the historical and cultural contingencies within which particular institutions developed, as well as the specific system of policies, lend particularity to the institutions which administer justice to the individuals to whom they apply.

Thus, we can draw the boundaries of membership by which we may distinguish members from non-members according to the reach of public institutions. We share, with particular sets of people, the implications of the public institutions specifically set up to care for us. Hence, we owe special obligations of reciprocal justice to fellow citizens who share in the implications of these institutions.<sup>18</sup>

## V. An Alternative to Civic Liberalism and Liberal Nationalism

Demarcating the domain of public membership in terms of the reach of public institutions in this way is insightful in relation to two prominent ways of conceptualizing public membership in contemporary liberal theory: civic liberalism and liberal nationalism. The former seeks to integrate individuals based on their shared identification with common liberal principles, while the latter demarcates public membership in terms of a shared national culture.

The idea of integrating citizens through their commitments to liberal political principles has a variety of names such as civic liberalism,<sup>19</sup> liberal patriotism<sup>20</sup> and constitutional patriotism.<sup>21</sup> What these views have in common is that by emphasizing citizens' commitments to liberal political principles outlined in the constitution, they seek to detach political allegiance from loyalty to any particular ethnic, cultural or religious tradition. People with various beliefs and backgrounds can share patriotic commitments through their allegiance to universal political principles. In this way, civic liberalism succeeds in incorporating both the universalistic and inclusive ideals of liberalism.<sup>22</sup>

Advocates of civic liberalism such as Stephen Macedo<sup>23</sup> and Eamonn Callan<sup>24</sup> argue that citizens' commitments to liberal principles of justice must become parts of their moral identities as well as the basis of their particularistic political attachments. Macedo develops Rawls' view that liberal democratic citizens must share a commitment to liberal principles<sup>25</sup> by holding explicitly that citizens should not only honor them in practice, but that their commitments to such principles should become parts of their moral identity. By contrast to Rawls who seeks to separate citizens' commitments to liberal principles from their moral ones, Macedo states that liberal citizenship requires more emphasis on what liberal citizens converge on, namely their commitments to liberal principles since 'a constitutional order that is liberal, democratic, and characterized by wide-spread bonds of civic friendship and cooperation requires an adequate degree of moral convergence'.<sup>26</sup>

According to Macedo, citizens' shared identifications with liberal political principles should be strong enough so that 'liberal institutions and practices shape all of our deepest moral commitments in such a way as to make them supportive of liberalism'.<sup>27</sup> Macedo's emphasis on citizens' moral commitments to liberal principles comes from his concern regarding the liberal emphasis on diversity that may actually undermine the stability of a liberal polity. If a liberal society tolerates too many illiberal individuals, how can it sustain liberal ideals and institutions? However, even if Macedo is correct that a stable liberal polity requires an adequate number of citizens who are morally committed to liberal principles, identifying ideal citizens in terms of their internal moral commitments to certain principles can be problematic for unfairly excluding or marginalizing those who may not morally identify with such principles so long as they abide by the constitutional order of their political community in practice. We can think of an 'illiberal' man who does not morally identify with the principle of gender equality but who nonetheless recognizes that he cannot publicly enforce his private beliefs without public justification. Identifying citizens in terms of their moral commitments could lead to labeling citizens who do not converge on socially upheld values as unworthy of political respect and trust.

From another perspective, Callan holds that commitments to general principles lack the emotional force required for sustaining enduring systems of justice. Citizens must be committed to a particular political community and to a particular set of people who share a reservoir of trust reciprocally to uphold liberal principles. Thus, Callan argues that Rawls' idea that citizens are to be committed to the principles of justice cannot be understood independently from the formation of a morality of association. For Callan, bonds of friendship and trust are likely to develop among those who regularly uphold the fair terms of social cooperation that generate particularistic attachments.<sup>28</sup> Yet, it is difficult to identify how liberal principles themselves can justify such particularistic attachments. Thus, many theorists have argued that liberal principles as such are too thin as the basis of citizens' specific attachments to their specific political community.<sup>29</sup> As Melissa Williams argues, it may be difficult to find within liberal theory itself, any principled account of which affirmers of core liberal principles should be included as members of a particular moral community deserving of trust and equal respect: 'Liberal democracy needs the boundaries that define a *demos*, but cannot provide them from within its own concepts and principles.'<sup>30</sup> In principle, all human beings could be committed to liberal principles, but there must be some substantive reason why individuals should identify with *this* liberal political community rather than to another, and to *these* sets of people rather than to others.

Civic liberals are often criticized for ignoring the cultural mediation between citizens and their institutions and the role of particular political cultures in grounding universalistic principles.<sup>31</sup> In other words, they seem to take too little account of the motivational conditions of justice and democracy. Liberal nationalists, on the other hand, draw on the substantive resources of particular traditions, culture, language, or historical institutions for drawing the boundaries of public membership. According to David Miller, one of the

requirements of a national identity is a set of characteristics that define a common public culture, or 'a sense that the people belong together by virtue of the characteristics they share.'<sup>3 2</sup> The beliefs which hold a nation together are transmitted 'through cultural artifacts which are available to everyone who belongs—books, newspapers, pamphlets, and more recently the electronic media' all of which are means for making collective imagining possible.<sup>3 3</sup> In the same way, Yael Tamir has argued that membership in a liberal state demands, not only agreement on the principles of public discourse, but a 'shared culture and identity.'<sup>3 4</sup> For Tamir, the shared culture of a national community represents its 'distinctive character' and the 'uniqueness of their communal life' which citizens identify with and should seek to protect through their right to national self-determination.<sup>3 5</sup> For liberal nationalists, the distinct characteristics that citizens share in common are not only the basis for political intelligibility and common dialogue, but an important source of their personal identity and civic solidarity.

At the same time, like civic liberals and liberal patriots, liberal nationalists also seek a form of public membership that is inclusive with regard to a variety of citizens' private cultures and identities. Unlike traditional forms of ethnic or cultural nationalism, contemporary liberal nationalists do not rely on naturalistic factors as the source of public integration and hold that in principle, the nation is open to anyone so long as he or she is willing to adopt the national culture. Moreover, the common symbols and practices that citizens are to identify with are not absolute and static, but negotiated through citizens' inputs and their interpretations of them.<sup>3 6</sup> The character of a common national culture can change over time with a changing population, the integration of minority groups, or the influence of wider historical and social circumstances. A common national identity is understood as an overarching identity among a variety of private cultures for the purpose of realizing the fair distribution of the burdens of social cooperation among citizens.

In this way, liberal nationalism grounds universalistic political principles in a particular cultural context, and thus takes into account the motivational conditions for citizens' commitments to them. However, identifying national identity too closely with individuals' political identity as citizens may be dangerous for potentially obscuring the political principles that a common national culture is meant to serve. From the perspective of liberal nationalists, national affiliation is important at least partly for its functional role of informing, motivating and justifying egalitarian policies. However, as Dzur has rightly pointed out, issues of social and economic equality are distinct from cultural membership. National symbols and narratives could recognize citizens as equal co-nationals, but whether it also justifies or motivates social and economic equality is another question.<sup>3 7</sup> People should treat others equally because of their right to equal treatment supported by just institutions that enforce democratically formulated laws, not because they share the same nationality.<sup>3 8</sup> Liberal nationalists themselves recognize the distinction between national sentiments and egalitarian principles and may argue that the former is a necessary, but perhaps not sufficient, condition for the realization of liberal principles of justice.

National identity is the foundation of moral association, while liberal democratic principles and institutions inform the terms of social justice. Nevertheless, at a practical level, there is the danger that cultural unity and national sentiments could gradually come to be conflated with the right to equal citizenship. If individuals' national identity overlaps too broadly with their public or political identities, the former could obscure the legitimate justification for citizens' rights to equal treatment, namely the liberal principle of justice. In other words, one's national identity could come to dominate individuals' civic/political identities so that membership in a national community and one's identification with the national culture become merged with citizens' entitlements to their political rights. Relying excessively on national culture for social integration and citizens' civic commitments may thus defeat their intended purpose of realizing liberal democratic principles.

Conceptualizing the boundaries of public membership in terms of the limited range of political institutions can get around the problem of unfairly excluding those who do not identify with certain political principles, as well as provide a principled basis of particularistic attachments. We owe special obligations of justice to *this* political community and to *these* groups of people, not necessarily because we share similar beliefs or characteristics with them, nor because we share the same nationality, but because we share in the implications of common institutions of justice that apply specifically to us. The specific historical and cultural context, as well as the systematicity, of just institutions lends particular character to the public association to which we belong. Such contexts are important for grounding citizens' attachments to the principles that their institutions represent. However, by contrast to the liberal nationalist position, the particular history and culture to which these institutions are bound are contingencies, rather than the principles of demarcation. In both Kant's and Dewey's accounts, political institutions arise through the unavoidable impact, whether negative or positive, that individuals' independent actions have on one another rather than by virtue of shared principles or cultural beliefs and practices. In this sense, the principle for demarcating the limited range of justice is not substantive but functional and pragmatic. Through participating in one's specific scheme of social cooperation, people can develop special ties and attachments to fellow citizens as 'associates' in a system of social cooperation through which a sense of moral community and identity may grow. Thus, we can give a principled account of why we owe special obligations of justice and affective ties to fellow citizens in terms of the institutions that protect individuals' basic liberties themselves rather than through any substantive cultural norms or practices that are distinct from the principles of justice they are meant to serve.

## VI. Conclusion

In this paper, I argued that we can understand the scope of a public in terms of the reach of

public institutions set up to regulate conflicts among individuals' diverse activities in civil society. Moreover, I argued that understanding the boundaries of an internalized sense of public membership in this way can avoid the problems of unjust exclusion based on individuals' internal beliefs or cultural identity that civic liberalism and liberal nationalism may face.

Contemporary civic liberals who argue for integration based on shared political principles and liberal nationalists who seek to integrate citizens based on a common national identity both see citizens' similarities, whether in terms of shared commitments to liberal principles or to a common national culture, as the grounds for public membership. However, we have seen that liberal principles may be too thin to create a morality of association sufficient to motivate liberal justice, since there is nothing internal to liberal theory itself that provides a principled basis for the special ties and commitments to a particular political community. On the other hand, liberal nationalism draws on the resources of a common national culture as the social glue to draw together diverse citizens under a common citizenship. However, I have argued that national sentiment may not be the most appropriate basis of a liberal democratic moral community. National identity should not be too closely identified with an individual's political identity in order to protect the independence of liberal democratic principles and institutions as the justification of individuals' political rights and liberties.

A sense of public membership that arises from the perception of the mutual impact of one another's activities and the shared implications of common institutions set up to regulate them gives us a principled basis for drawing the boundaries of public membership within which obligations of reciprocal justice and the burdens of social cooperation may be shared effectively.

## Notes

<sup>1</sup> See e.g. Eamonn Callan (1997), *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Oxford University Press); Stephen Macedo (1990), *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism* (Oxford: Clarendon Press).

<sup>2</sup> Callan, *Creating Citizens*, pp. 95-7.

<sup>3</sup> See e.g. Margaret Canovan (1996), *Nationhood and Political Theory* (Cheltenham: Edward Elgar); David Miller (1995) *On Nationality* (Oxford: Clarendon Press); Yael Tamir (1993), *Liberal Nationalism* (Princeton: Princeton University Press).

<sup>4</sup> John Dewey (1991), *The Public and its Problems* (Athens: Swallow Press).

<sup>5</sup> Dewey, *The Public and its Problems*, pp. 12-13.

<sup>6</sup> Paradigmatic examples include the civil rights movements in the United States and civil society movements against authoritarian regimes in Eastern Europe.

<sup>7</sup> Dewey, *The Public and its Problems*, p. 27.

<sup>8</sup> Most cosmopolitans are moral cosmopolitans as opposed to political cosmopolitans. While the former hold that human beings everywhere are entitled to equal treatment as persons of equal moral worth, the latter are concerned with global political institutions. See David Miller

(2007), *National Responsibility and Global Justice* (Oxford: Oxford University Press). p. 24.

<sup>9</sup> Dewey, *The Public and its Problems*, p. 27.

<sup>10</sup> Jeremy Waldron (1993), 'Special Ties and Natural Duties', *Philosophy and Public Affairs*, 22(1), 3-30, p. 15.

<sup>11</sup> John Dewey, *The Public and its Problems*, p. 39.

<sup>12</sup> Jeremy Waldron, 'Special Ties and Natural Duties'

<sup>13</sup> Jeremy Waldron, 'Special Ties and Natural Duties', p. 16.

<sup>14</sup> Jeremy Waldron, 'Special Ties and Natural Duties', p. 16.

<sup>15</sup> Jeremy Waldron, 'Special Ties and Natural Duties', p. 18.

<sup>16</sup> Jeremy Waldron, 'Special Ties and Natural Duties', p. 15.

<sup>17</sup> Jeremy Waldron, 'Special Ties and Natural Duties', p. 24.

<sup>18</sup> This does not mean that there are no obligations of justice to people beyond state borders, but simply that there are *special* obligations to members by virtue of the shared stake in, and implications of, sharing common institutions. There are various arguments regarding the extent and nature of obligations we owe to non-citizens. See e.g. David Miller (2007), *National Responsibility and Global Justice* (Oxford: Oxford University Press); Thomas Pogge ed. (2001), *Global Justice* (Oxford: Blackwell); Simon Caney, David George, Peter Jones eds. (1996) *National Rights, International Obligations* (Boulder, CO: Westview Press).

<sup>19</sup> Macedo, *Liberal Virtues*

<sup>20</sup> Callan, *Creating Citizens*

<sup>21</sup> Jürgen Habermas (1989), *The New Conservatism: Cultural Criticism and the Historians' Debate* (Boston, Mass: MIT Press); Jürgen Habermas (1999) 'Citizenship and National Identity: Some Reflections on the Future of Europe', in Ronald Beiner, ed., *Theorizing Citizenship* (New York: State University of New York Press). Habermas' account of constitutional patriotism is a nuanced one, which takes into account the role of historical context as particularistic perspectives for grounding universal principles.

<sup>22</sup> For an account of various interpretations of constitutional patriotism, see Cecile Laborde (2002), 'From Constitutional to Civic Patriotism', *British Journal of Political Science*, 32: 4, pp. 591-612.

<sup>23</sup> Macedo, *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism*

<sup>24</sup> Callan, *Creating Citizens: Political Education and Liberal Democracy*

<sup>25</sup> Rawls' idea of an overlapping consensus is one way in which individuals with diverging comprehensive conceptions of the good can come together based on their converging conception of justice. However, Rawls does not explicitly state the need for citizens' affective attachments to their political association or to their fellow citizens. So long as citizens converge on the fair terms of their political organization, they do not have to share a common cultural identity or affective ties to one another. See, e.g. John Rawls (1993), *Political Liberalism* (New York: Columbia University Press); John Rawls (2001), *Justice as Fairness: a Restatement* (Cambridge, Mass.: Harvard University Press).

<sup>26</sup> Macedo, *Diversity and Distrust*, p. 2.

<sup>27</sup> Stephen Macedo (2000), *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Oxford: Clarendon Press), p. 216.

<sup>28</sup> Callan, *Creating Citizens: Political Education and Liberal Democracy*, p. 93.

<sup>29</sup> See, e.g. Charles Taylor (1989), "Cross-Purposes: The Liberal-Communitarian Debate", in Nancy L. Rosenblum (ed.), *Liberalism and the Moral Life* (Cambridge, Mass: Harvard University Press).

<sup>30</sup> Melissa Williams (2003) 'Citizenship as Identity, Citizenship as Shared Fate, and the Functions of Multicultural Education', in Kevin McDonough and Walter Feinberg (eds.), *Education for Citizenship in Liberal-Democratic Societies: Teaching for Cosmopolitan Values*

and *Collective Identities* (Oxford: Oxford University Press), p. 211.

<sup>3 1</sup> Laborde, "From Constitutional to Civic Patriotism", p. 592.

<sup>3 2</sup> Miller, *On Nationality*, p. 25.

<sup>3 3</sup> Miller, *On Nationality*, p. 32.

<sup>3 4</sup> Tamir, *Liberal Nationalism*, pp. 128-9.

<sup>3 5</sup> Tamir, *Liberal Nationalism*, p. 127.

<sup>3 6</sup> See e.g. Miller, *On Nationality*, p. 127

<sup>3 7</sup> Albert W. Dzur (2002), "Nationalism, Liberalism, and Democracy", *Political Research Quarterly*, 55(1), 191-211.

<sup>3 8</sup> Dzur, "Nationalism, Liberalism, and Democracy", p. 201.