Citizenship and the Welfare State: A Critique of David Miller's Theory of Nationality

NEIL HIBBERT   *Queen's University*

Introduction

In the post-war period of its formation, T.H. Marshall's theory of universal social citizenship constituted the "core" social democratic idea of the welfare state (Marshall, 1964; Dahrendorf, 1996; Esping-Andersen, 1990: 21). According to this view, shared rights function as the primary source of social unity and can override other particularistic position-based interests (Marshall, 1964: 111–14). More recently, egalitarian theorists, such as John Rawls, have developed the principle of shared entitlement as a fair source of social unity in pluralist societies (1999a). Rawls argues that shared entitlement to primary social goods can generate an "overlapping consensus" on the legitimacy of just institutions among citizens with diverse private interests (1999b). Shared rights of citizenship is a "political" approach to legitimacy, in which institutions are charged with generating their own bases of support. It is political because justification appeals to the interests of citizens—not to pre-political identities or relationships—in its search for support for redistributive institutions. The present era of welfare state restructuring, however, has raised doubts and concerns regarding basing legitimacy on shared entitlement. As a result, Marshall's theory of universal and institutional citizenship has come under intense and diverse criticism, both of its efficacy and fairness as a mechanism of social unity and source of institutional legitimacy (for example, Klausen, 1995; Kymlicka and Norman, 1995; Rosanvallon, 2000).

This paper explores what can broadly be referred to as a cultural criticism of the motivational efficacy of the institutionalism of rights-based citizenship. Specifically, it examines David Miller's nationality thesis and critique of rights-based citizenship as the motivational foundation of the

welfare state (1988, 1995, 2000). He argues that institutional sources of legitimacy cannot transcend self-interest in political preference setting, and so without other ethical attachments the legitimacy of comprehensive welfare structures requires broad perceptions of shared socioeconomic risk. When differences in risk are explicit, the legitimacy of redistributive institutions must be moral and rooted in ethical relationships of bounded persons, particularly those of co-nationals. For this reason, an egalitarian society should foster the sense of nationality and the particular obligations of that relationship.

This paper begins with an overview of Marshall's conception of institutional citizenship, its relation to contemporary egalitarian theorists' attempts to deal with the problem of social unity in pluralist societies (particularly Rawls's political liberalism), and Miller's criticism of it. It then distinguishes between two types of cultural positions on institutional legitimacy, and by illuminating his justificatory concerns with regard to the fair accommodation of reasonable pluralism, situates Miller's approach within this classification. It then examines the explanatory, instrumental and ethical dimensions of the nationality thesis with regard to the redistributive politics of the welfare state. The argument to be developed is that institutions can secure their own support and that presenting a cultural argument for the legitimacy of institutions faces inherent difficulties in reconciling its motivational mechanisms with the demands of fairly accommodating societal pluralism. Securing the bases of social unity, while instrumentally necessary for the legitimacy of just institutions, must occur within the political sphere and appeal to the shared political interests of otherwise diverse persons. Persons, as citizens, share the interest of receiving fair treatment from the institutions which bind them in that relationship. Shared rights of citizenship can be theorized as constituting the basis of a coherent theory of liberal nationalism with the motivational capacities to realize social justice in the national welfare state, though its development need not be constrained by those boundaries.

Institutional Citizenship

The basic concern Marshall addresses in his account of citizenship is the problem of legitimacy that stems from the conflict between the egalitarian justification of liberal societies and the presence of market-based inequalities. He argues that extending equal entitlement to a broad range of social rights can bridge this justificatory gap by diminishing the scope of markets ("money incomes") in the distribution of life chances ("real incomes"). The motivational question is how shared social entitlement can be stabilized in a society that is stratified along multiple lines. The universal theory of citizenship mixes the political organization of inter-

Abstract. For much of the post-war period of welfare state formation, T.H. Marshall's idea of shared entitlement to universal social rights of citizenship formed the theoretical foundations of social democratic political reforms and legitimacy. This approach has been updated by contemporary egalitarian theorists, such as John Rawls. The ongoing politics of restructuring have led to a growing number of arguments against the motivational capacity of an institutional account of social unity. This paper examines a particular argument against rights-based citizenship—David Miller's theory of nationality. Miller argues that "pure" citizenship rests on self-interest, and thus when differences in risk are explicit it can only legitimate minimal redistribution. Strong welfare states require pre-political ties and must be embedded in the ethical relations of shared nationality. Against Miller's position, it is advanced that shared citizenship has both effective motivational and moral dimensions. It can also address the problems the nationality thesis faces in reconciling its account of motivation with the moral diversity that is constitutive of pluralist societies.

Résumé. Dans l'après-guerre, au moment de la formation des Etats-providence, la mise en place et la justification des politiques social-démocrates s'appuyèrent en grande majorité sur la théorie de T.H. Marshall à propos du rôle joué par les droits sociaux dans l'intégration civique. Cette approche a été actualisée par des théoriciens égalitariens tels que John Rawls. Les politiques actuelles de restructuration de l'Etat-providence ont provoqué la multiplication d'un certain type de critiques soulignant les insuffisances de cette approche institutionnelle du lien social en termes de ressources motivationnelles. Cet article examine l'une ces critiques, formulée par David Miller dans sa théorie sur la nationalité. Miller soutient que la citoyenneté "pure" repose sur l'intérêt personnel et qu'elle ne peut justifier qu'une redistribution minimale, lorsque les différences engagées sont manifestes. Pour affirmer leur autorité, les Etats-providence ont besoin d'être fondés sur des liens prépolitiques et soutenus par les rapports de solidarité d'une nationalité commune. A l'encontre de la position défendue par Miller, on avancera que la citoyenneté possède de façon effective une dimension qui est à la fois morale et motivationnelle. En outre, elle est à même d'affronter les problèmes que soulève la thèse sur la nationalité, en réconciliant sa conception de la motivation avec la diversité morale inhérente aux sociétés pluralistes.

ests towards the consolidation of a particular mode of institutional formation with a moral understanding of legitimacy based on the inherent equality of citizenship.

The most pressing challenge to the stability of egalitarian institutions is the presence of conflicting interests rooted in inequality. In diminishing the political salience of conflicting interests, Marshall argues that equal entitlement to universal rights forms "a new common experience," which alters related expectations and interests in ways that diminish the political importance of class-based interests (1964:102–3). Organizing interests through shared entitlement informs the "political logic" of the universal welfare state (Esping-Andersen, 1990: 67–68; Stephens, 1986). Institutional political economy shows that universal institutions—"those which take from everyone and give to everyone" (Rothstein, 1998: 150)—are more resilient to pressures for reform than are targeted policies because they create concentrated interests around the stability of institutions, which override class-based interests (for example, Pierson, 1994; Swank, 2002). By "framing policy in such a way" as to integrate conflicting interests in an egalitarian system of entitlement, universal social policy instigates a "two-way process" between institutions and supportive interests so that

the universal welfare state functions as a "perpetual motion machine" (Rothstein: 152). The basic idea is a protective one, whereby "policies create new politics" in which program beneficiaries become increasingly prominent political actors (Schattschneider, 1935: 288). A universal policy gives rise to a cross-class interest mobilized behind the stability policy itself.

As mentioned, the institutional source of legitimacy in Marshall's theory of citizenship has been developed by contemporary egalitarian theorists in addressing the problem of fairly constructing social unity for the instrumental purpose of supporting just institutions while respecting the reasonable pluralism that is constitutive of democratic societies. In a pluralist society, Rawls argues that the search for unity must be limited to the political sphere and thus that a conception of justice must generate "its own support" (1999: 154). Rawls holds that political unity is achievable along with societal diversity since, despite the plurality of private ends, there is a relatively general set of available and needed resources to pursue them. Politically, Rawls contends, diverse persons can generalize their specific interests as claims of citizenship, since, "citizens' needs are objective in a way that desires are not; that is, they express requirements of persons with certain highest-order interests who have a certain social role and status. If these requirements are not met, persons cannot maintain their role or status, or achieve essential aims" (1999a: 373–774).

Following Rawls, institutional mechanisms of the distribution of life chances generate their own support among otherwise deep diversity through their justification as "all-purpose means" for the pursuit of disparate ends. Thus, a "public understanding" of justice and unity among persons "holding different and opposing, and even incommensurable, conceptions of the good" can be obtained through the nature of past experiences and subsequent expectations generated by entitlement to the resources needed for the "advancement of final ends and loyalties" (1999a: 361). Because of their generality, social rights of citizenship can be extended into greater spheres of social and economic life without negatively affecting the pursuit of specific ends. As a result, Marshall argues that shared social entitlement causes, "social integration [to] spread from the sphere of sentiment and patriotism into that of material enjoyment" (1964: 96). Constructed and justified as "all-purpose means" rather than as intrinsic goods related to some prior attachment or end, the expansion of entitlement aims to neutrally function as the primary source of integration and unity in pluralist egalitarian political communities.

However, a straightforward interest-based argument for the stability of redistributive institutions faces significant problems. It specifically cannot explain the creation of universal institutions in the face of initial inequality; nor does it provide motivational resources to meet unaddressed and emerging needs and inequalities (Offe, 1987). In a strict interest-

based construction its motivational capacity is largely limited to providing an effective "rear-guard" defence of existing institutions against external pressures for their reform. Thus, as Rothstein argues, because there is "strong reason to question whether self-interest is a sufficient explanation of political behaviour ... the universal welfare state embodies a moral as well as a political logic" (1998: 156). Universal citizenship, Marshall argues, is a "principle of equality" and functions as an ideal "set against structural inequalities" compelling institutional formation towards more just outcomes as a condition of legitimacy. In processes of institutional formation, Marshall contends that the "the citizen is the superstructure of legitimate expectations," and so its condition shapes legitimation imperatives (1964: 104).

The moral dimensions of equal entitlement are also given expression in Rawls's idea of an "overlapping consensus" among diverse citizens on the legitimacy of institutions. He argues that experiencing egalitarian institutions moves support for them beyond material self-interest so that egalitarian political settlements represent more than a "mere" modus vivendi (1999b: 446). Experiencing just institutions leads to what Rawls calls "political virtues"—such as toleration, reasonableness and the sense of fairness—which constitute "political capital" to direct subsequent institutional formation towards justice. Institutional norms can affect the nature of solidarity and specify its motivational capacities in the direction of egalitarianism through the incorporation of the norms of just institutions into political identities, one's sense of justice and related preferences. Universalism in social policy preserves the standing of equality in the politics of the welfare state by reflecting the unconditionality of citizenship in socio-economic distributions, thereby heightening egalitarian norms in the terms of legitimate entitlement claims.

Miller's nationality thesis is based on a skeptical view of the moral possibilities of the shared rights of citizenship, and he attributes the motivational shortcomings of institutional citizenship to what he sees as the central role of self-interest. He argues that the type and intensity of motivation derivable from a "pure" identity of citizenship—that is, one lacking a "communitarian background," and constituted instead by shared institutional entitlement—represents no more than a reciprocal agreement between mutually uninterested persons based on their mutual "participation in a practice from which they stand to benefit" (1995: 71–72). Support for redistributive institutions is, in this case, a form of rational self-insurance (see also Dryzek and Goodin, 1986; Heath, 2006). Rather than creating unity, the development of universal citizenship reflects prior societal unity. In this understanding, the post-war formation of the universal welfare state received its legitimation from the relatively homogenous economic experiences of the working classes in industrial capitalism

and the relatively equal distribution of economic risks across society. With the de-industrialization and disorganization of capitalism, economic identities become fractured and differences in actual risk are made explicit (Rosanvallon, 2000). Acting from self-interest, well-off persons, it is argued, will withdraw their support for redistributive institutions since they no longer perceive themselves as vulnerable to the socioeconomic risks they protect against. As market-based inequality is consolidated in particular roles, the capacity of shared rights of citizenship to legitimize welfare efforts along the insurance model diminishes. To move beyond this limitation, Miller argues that the rights of citizenship must be embedded in the moral relationships of shared nationality; that is, the legitimacy of political rights and institutions requires the deeper, and prior, mutual ethical obligations that exist between co-nationals. We turn now to evaluate Miller's nationality theory of motivation and legitimacy in the welfare state and to ask whether it poses a credible alternative to institutional citizenship that is capable of constructing principled social unity while respecting societal diversity.

Culture and Institutional Legitimacy

Miller's nationality critique of institutional citizenship is a form of a communitarian or cultural position, since it links the possibilities of institutional formation and functioning to pre-political factors. Culture, as an explanatory approach, looks for the presence of a "coherent cluster of attitudes" and a "deep-seated configuration of norms," which inform institutional formation and performance (Jackman and Miller, 2004: 8; also Etzioni, 1996: 140–48; Putnam, 1993: 120, 165). To examine the nationality thesis, it is important to distinguish between two ways the functional role of culture can be understood. First, the role of norms can be understood directly, as the presence of moral agreement and thus generally shared views as to what justice requires. Second, norms can be understood indirectly, as widely held ethical attachments, civic virtues or other informal bases of co-operation that are capable of supporting an array of institutional forms and goals. Miller's nationality thesis attempts to defend the latter view out of justificatory concerns regarding the former in pluralist societies.

His rejection of the first interpretation of the motivational role of culture as direct and shared norms pertains to his egalitarian concern for the fair accommodation of pluralism in justification, which precludes appealing to a specific conception of final ends. For this reason, Miller endorses a distributive (or resource) conception of justice (or view of socialism) over an "aesthetic" understanding (1988: 53). An aesthetic critique of actual capitalism alludes to the teleological Marxist notion of

humans as producers and to the condition of alienation from that end caused by the commodification and division of labour (Marx, 1978: 70–72). In contrast, a distributive critique of free markets does not make similar claims to "comprehensive" doctrines and ends. According to Miller, the aesthetic argument is to be rejected on egalitarian grounds, in favour of a distributive argument. He argues that the aesthetic critique is perfectionist and places a specific doctrine and form of life ahead of other reasonable options, and bases justification of institutions on this partial ranking. Even if such a mechanism is available—one which facilitates, mandates, or privileges the desired end—its justificatory basis is a specific view of the good that has been "elevated to the status of universal truth" (Miller, 1988: 56). Though certainly adding to a democratic critique of capitalism, it is a form of justificatory argument that is incapable of gaining assent in a pluralist society.

Ostensibly, embracing a distributive conception of social justice as a way to reconcile justification of redistributive institutions with pluralism seems to do away with an important role for pre-political unity. Instead, it seems to indicate that a theory of justice must generate its own support in the political sphere as a condition of pluralism. As Rawls asserts, "a democratic society is not and cannot be a community" when a community is posited as "a body of persons united in affirming the same doctrine" (2003: 3). In the proper absence of an assumption of moral agreement, justification, it would appear, must proceed from the political sphere and the shared public identity and interests of citizenship. Miller, however, rejects this implication and seeks to retain an essential role for a second normative understanding of "community" as a precondition of justice.

Instead of shared *thick* beliefs or identity as the basis of legitimate institutions, Miller endorses a more general, soft-communitarian account of community that accords with the second, relational, understanding of the role of cultural norms in institutional formation. According to Miller, "our ideas of distributive justice are powerfully affected by our perception of the relationships generally prevailing in the set of people within which the distribution is going to occur" (1988: 58). Thus, different types of relationships are accompanied by different distributive principles, with more particular relationships possessing deeper obligations, and so "states which in this sense aim to be welfare states and the same time to win democratic legitimacy must be rooted in communities" (1995: 93). While members need not agree with their fellow members on moral matters, they must feel the sense of ethical attachment that is rooted in their relationship, which requires politically promoting its salience. Without felt "communitarian relationships," and their attendant obligations, extensive redistribution will not be considered reasonable by those from whom resources are being taken. According to Miller, "we can only expect them

[the well off] to consent to institutions that enforce the preferred distri-
bution if they regard themselves as bound to the beneficiaries by strong
ties of community" (1988: 59). On the other hand, the demands of jus-
tice in a strictly political relationship will, Miller contends, be minimal
in the Nozickean sense (see Nozick, 1974: 26–28). Egalitarian political
rights, then, are the collectivization of the inter-personal obligations of
communitarian relationships, and "the stronger the ties, the more egali-
tarian the distribution can be" (Miller, 1988: 59). By employing rela-
tional notions of behavioural and attitudinal norms that accompany the
ethical relations of national communities, Miller's nationality thesis is
the less direct version of the cultural position. It is argued below, how-
ever, that consistently maintaining this distinction between the roles of
the two types of norms in a motivational account of the welfare state is
ultimately untenable. This causes significant difficulty in reconciling the
nationality thesis with egalitarian justificatory requirements in pluralist
societies.

Having identified Miller's critique of institutional citizenship and his
justificatory concerns, we now assess the motivational aspects of the
nationality thesis in its explanatory, instrumental and ethical dimensions.

Nationality and Welfare State Formation

Following the nationality thesis, we should expect to observe a strong
correlation in the "world of welfare capitalism" between strong welfare
states and strong national identities. To a certain extent, there is some
truth here. The Scandinavian social democratic welfare states exhibit both
cultural homogeneity and high aggregate welfare expenditures; such is
also the case with certain corporatist welfare states, including France and
Germany (Esping-Andersen, 1990). It is important to note, however, that
these latter regimes, while spending significant portions of their GDP on
welfare generate minimal social redistribution, and work instead towards
income maintenance and "vertical redistribution" over the lifespan of indi-
viduals (Cameron, 1991; Offe, 2000). Despite this distributive structure,
overall spending levels do impact decommodification in welfare states
and so lessen market-determined inequality (Myles, 1998). Neverthe-
less, certain counter-examples to the nationality thesis exist, two of which
Miller directly confronts: the Canadian and American cases.

With the divisions in the Canadian national identity, following the
nationality thesis we would expect to see a weak welfare state and yet
observe a strong welfare state in the Canadian case. While there may be
good reason to question this description of the Canadian welfare state
(Esping-Andersen, 1990), a sufficient proportion of its institutions exhibit
social democratic qualities to permit this labelling—especially in com-

parison to the American case—and the tension it creates in the nationality thesis (Olsen, 1994). Miller responds by arguing that during the history of the formation of the Canadian welfare state, the French–speaking population of Quebec saw themselves as part of "*la nation canadienne-francaise*." Thus, during this time there was a relatively unified Canadian identity, which the Canadian welfare state came to embody—"although French- and English-speakers thought of themselves as different kinds of Canadians, they held in common a Canadian identity that was more than merely the fact of membership in a single state" (1995: 95). So the explanatory aspect of the nationality thesis is not threatened by the Canadian case, but is in fact strengthened as "once again we find that democratic states that have successfully pursued policies aiming at social justice have a unifying identity" (1995: 95). Whether or not such a time in Canadian history meaningfully existed, this response misses the broader issue of more complex identity and "territorially fragmentation" competing against a unified state that has defined, in large measure, the formation of the Canadian state (Banting, 1995: 269). This inexhaustively includes (leaving aside the far more complex issues related to indigenous politics), in addition to Quebec, the regional politics and identities of western and eastern Canada. According to Banting, in the building of the Canadian state rather than representing Canadian unity, social policy has functioned as an instrument of "national integration on a territorial basis" (1995: 270). Banting further emphasizes that the ongoing divisions in the Canadian state continue to drive and explain the formation of social policy in Canada, as well as elsewhere, "as long as citizens define their communities locally and nationally, as long as ethnic and linguistic groups are geographically concentrated, as long as regional economic inequalities persist within political communities, territorial politics will inform social policy, and the welfare state will be an instrument of statecraft as well as an instrument of social justice" (1995: 300).

In this alternate reading, the institutions of the Canadian welfare state are, in part, constitutive of the Canadian nationality. In addition to the Canadian case, there are numerous other examples in the formation of welfare states in which social policy is part of the political process of creating national unity. In many cases the state has preceded and strengthened national identity, and historically its institutions have functioned as a source of national integration (Kuhnle et al., 1999: 65–69: also Weber, 1977). In the history of the welfare state we see undemocratic elites (Bizmarck, for example) using social policy to strengthen loyalty to the state, and to weaken more particular forms of attachment and social protection that work against national unity and state authority (Rimlinger, 1971; Weale, 1990). Universal social policy has also been used by social democratic reformers with the explicit purpose of weakening sub-national forms of social protection and acquiring middle-class support for the

welfare state (Esping-Andersen, 1990: 31, 66–67). The legitimation effects of nationality and citizenship can be understood to "cut both ways" (Keating, 2001). The condition of citizenship—its shared experience and related expectations—helps define national identity, which in turn supports the obligations of citizenship (Keating, 2001: 40; Moreno and McEwen, 2005: 8). The importance of the welfare state in identity formation and cohesion is further evidenced by the centrality of social policy in the politics and struggles of sub-state national groups (Beland and Lecours, 2005: 679). Thus, with the historical role of institutions and social policy in developing and sustaining social unity at national levels, strong national identity need not be considered necessary for the development of the welfare state; the causes of the welfare state are plural and it has been used to promote broader solidarity by a variety of interests.

Against the wide range of forces behind welfare state formation, in order to makes sense of positing its institutions as the collectivization of the ethical duties between co-nationals, the nationality thesis is committed to a view of the welfare state as a mechanism for realizing social justice; its explanatory capacity is thus limited by the fact of a plurality of forces behind the welfare state. Nationality, however, may have instrumental value for realizing social justice in ongoing institutional formation and so should be fostered by those who hold that justice requires significant redistribution. Fostering nationality has instrumental value for realizing social justice, Miller argues, because a nation is an ethical community that consists, in part, of obligations for individuals "*qua* members of this nation to support common projects and to fulfil the needs of fellow members" (1995: 73 n. 25). Thus, though social justice was not the original motivation in much of the institutional design of the welfare state, moral principles can be imposed on its subsequent formation in a strong national community. With the stronger ethical attachments of co-nationals, greater redistribution can be achieved since for individual members "being able to contribute to the fulfilment of others is an integral (and *not* an instrumental) part of their own fulfilment" (Tam, 1998: 224). To steer political preferences in a moral direction that is conducive to realizing social justice in institutions, it is important to have the "bounds of nationality and the bounds of the state coincide" and to incorporate new members of the state into the national identity (Miller, 1995: 71–73).

The American case presents a strong counterexample to this argument because it has both a strong sense of national identity and arguably the most paltry and inegalitarian welfare system in the developed world. By way of formulating a response to the American case, Miller introduces a further aspect of the nationality thesis; whereas the moral element appeals only to the presence and "strength" of national identity, a further cultural element adds consideration of the "character" of national identity, and the political virtues it gives rise to (1995: 94). In light of the

American counterexample, it no longer suffices to solely posit "strength" of national identity as determinative, we must additionally assess the prevalent features of national culture, its moral "character." Thus, the American case is accommodated by pointing to its highly individualistic culture, which stresses self-reliance, independence and so forth. So, as it were, despite the strength and salience of American national identity, its character is such that individual Americans are without the type of strong moral obligations to their co-nationals that would lead to the development of strong redistributive institutions. Instead, American political morality favours self-help and a politics of labour market activation through targeted and stigmatizing relief, opportunity discourse and charity (Esping-Andersen, 1990: 73–77; Marmore et al., 1990). Individualistic and self-help cultural norms are barriers to redistributive institutions, and so the nationality thesis stands since the American welfare state accurately reflects America's national culture and political morality.

Recalling the distinction made above regarding the direct and indirect functioning of norms in cultural explanations, the "character" response to the American case is problematic for Miller's nationality thesis. In addressing the American counterexample by adding the character dimension of national identity (in addition to strength or salience), Miller raises an even more potentially problematic issue than the anomalous nature of the American welfare state; if nationality is the key, but it is its character that ultimately matters, what causes the character of a national identity and national culture to take the shape it does? Following the cultural argument, it must be the case that it is the direct norms that are doing the work of defining American cultural identity, that is, the "aggregate properties of society" based on a "configuration of attitudes" that favours self-reliant individualism. Indirect or second–tier norms, like generic or uncharacterized ethical attachment and obligations, are not enough to explain outcomes. Rather, some prior account of deeper-seated norms is required to explain how initially neutral or apolitical variables (like a shared sense of national identity) are conditioned to lead to specific institutional outcomes. Offering such an account will however violate the reasons for Miller's rejection of the perfectionist critique of markets in favour of the distributive argument, namely, that a shared comprehensive doctrine or conception of the good cannot function as a justificatory basis in a pluralist society.

While the welfare state depends on some degree of shared identity to overcome the role of conflicting interests rooted in particularistic attachments in institutional formation, undefined or unprincipled membership is not, on its own, enough to secure the development of egalitarian institutions. Rather, the specific character of shared identities conditions the limits of institutional formation. The more difficult motivational question for egalitarians is how the character of unity can be

fairly conditioned to support justice in institutional formation. An egalitarian theory of motivation must have the capacity to create principled collective identities while respecting the moral diversity of pluralist societies. Miller's liberal-nationalist answer proves unsatisfactory because to answer the character question it must appeal to deeper pre-political norms that we cannot assume are shared. Social unity must begin at the political level, or as Rawls puts it, as a condition of the fact of pluralism a conception of social justice must be able to generate its own support through its institutions (1999: 230). While not ruling out strong national attachment as instrumentally valuable to realizing justice in institutional formation, it is advanced that its relationship to citizenship must be differently ordered than in the nationality thesis, in which egalitarian citizenship depends on strong national ties. To accommodate diversity, the norms of shared liberal nationality must be derived from the ties of citizenship and the institutional forms that are constitutive of that relationship. This section has identified difficulties in the nationality approach to political solidarity and has attempted to outline egalitarian reasons, which appeal to fact of pluralism, for deriving normative social unity from institutions.

The Ethics of Nationality

Keeping the above discussion in mind, we now turn to a discussion of the ethical dimensions of Miller's nationality thesis: whether linking justice to national systems of welfare provision is itself ethical. Doing so will further clarify some of the difficulties faced by the nationality thesis discussed above. To reiterate, Miller's instrumental claim regarding nationality is that the particular moral capacities of nationality, as a formative aspect of individual identity and interests, can uniquely support just institutional formation. This is argued to be so due to the nature of the moral ties between co-nationals, which when appropriately fostered and mobilized will form the support basis for egalitarian policies. Persons, it is maintained, will make greater material sacrifices for those with whom they share a communitarian condition.

The further claim is that instrumentally appealing to these moral ties is in itself ethical. According to Miller, "a proper account of ethics should give weight to national boundaries, and that in particular there is no objection in principle to institutional schemes—such as welfare states—that are designed to deliver benefits exclusively to those who fall within the same boundaries as ourselves" (1995: 11). Thus, Miller argues that we can legitimately have specific "rights and obligations of nationality" (1995: 71). In other words, a nation taken as an "ethical community" in which members owe one another "special obligations"

is "rationally defensible" against universalist claims that relations between persons are not properly "part of the basic subject-matter of ethics" (1995: 49–50). Ethical particularism "invokes a different picture of the ethical universe, in which agents are already encumbered with a variety of ties and commitments" (1995: 50). Pre-political "ties and commitments" provide legitimacy to institutions that promote meeting the obligations attached persons have to one another. The welfare state, according to Miller, is the collectivization of the "special duties" that we rightly owe to our co-nationals. Miller's understanding of the concept of nationality incorporates two basic claims. First, it posits an understanding of the welfare state as institutions designed for the promotion of a view of social justice embedded in pre-political relationships, the demands of which are derived from the nature of the prior moral duties. The second claim is that the persons to whom we owe specific and fairly comprehensive social duties are our co-nationals. Taken together, the welfare state is a structure of justice promoting institutions, which are the collectivization of the special moral duties we rightly owe to our co-nationals as members of a pre-political ethical community.

Miller's combination of these two basic theses into a liberal concept of nationalism is problematic. The main difficulty is positing the *specific* duties related to the institutions of an existing national welfare state as being embedded in a coherent pre-political community. As has been argued, historically social policy has played an active role in creating national identity and often social policy preceded the shared identity amongst those included in the system of social protection. According to Greenfeld, liberal or "civic" nationalism is "identical with citizenship" and such communities are "at least in principle open and voluntaristic" (1992: 11). Because of the unintelligibility of a distinctly liberal nationalism prior to institutionalization, in order to make sense of understanding the welfare state as a mechanism for performing antecedent moral duties of some sort—that is, *if* institutions come from pre-political duties—these duties must be considered general or universal (related to basic human needs and risks).

In contrast to Miller's particularist defence of the welfare state is Goodin's position that rejects attributing national institutions to special duties not derived from universal ones (1988: 679). Goodin argues that "there are, at root, no distinct special duties, but only general ones ... the duties that states ... have *vis a vis* their own citizens are not in any sense special ... they are merely the general duties that everyone has toward everyone else worldwide" (1988: 679, 681). The welfare state has been "assigned responsibility" for meeting the universal obligations we, as persons, have towards one another. The reasons we assign responsibility and create particular obligations are, Goodin argues, largely efficiency concerns; we have "picked" the nation-state to "devolve" general

duties onto thereby creating special (though ultimately derivative) national duties.

Goodin's view accords with Greenfeld's voluntaristic ideal of liberal nationalism, and by positing assigned general duties as the basis of particular obligations and rights, Goodin's universalism overcomes the problems of Miller's particularist approach by allowing for the political particularization of responsibilities to define political community. It does, however, face certain problems of its own. Modern welfare states provide the resources for meeting such a wide array of evolving needs and interests that the needs and interests themselves cannot be understood apart from the context in which they are (politically) defined. Locating and defining duties in pre-political or ethical terms has trouble being reconciled with the comprehensive nature of advanced welfare states in which, as Miller points out, the entitlement of citizens far exceeds a coherent understanding of respecting human rights. The rights and obligations constitutive of citizenship in advanced welfare regimes should be understood in terms of their political-functional development within a continually forming political economy with contextual legitimation imperatives. Legitimacy imperatives in egalitarian political communities are based on working out the demands of equal respect; equal respect is a political virtue and its institutional demands are connected to the expectations and needs of citizens in an evolving institutional context. As needs emerge, or are (re-)defined, and their meeting is institutionalized and transformed into legitimate expectations or rights, identities and duties subsequently evolve as well. The legitimation requirements of the liberal state are not fixed but develop politically (Reiman, 1997: 127). Thus, the extensive network of rights and duties of citizenship in contemporary welfare capitalist regimes cannot be understood as the "assignment" of the general duties we are owed and owe fellow persons. Rather they should be understood as developing endogenously within the processes of the formation of welfare regimes.

We are perhaps left with something of an intractable situation in this rendering of the issue. Miller's particularism cannot support a specifically nationality-based conception of attachment as the basis of national political communities. Obligations must therefore exist prior to the institutionalization of a political community, and in this sense be universal. However, identifying national welfare states as the assigned collectivization of universal moral duties faces difficulties in reconciling the comprehensiveness of advanced welfare states with the idea of universal moral duties. As was suggested, the operative and defining rights and obligations of citizenship should be understood as specific to their institutional context.

To begin a way beyond this impasse it is helpful to identify a common thread between the particularist and universalist views. Social jus-

tice in both is the collectivization of moral obligations between (initially) institutionally unconnected persons. The two perspectives diverge on questions of what individuals, what precepts, and what form of collectivization, but they do share the common assumption that justice arises from considerations of interpersonal, pre-political ethical duties. Institutions, in this view, are *mechanisms* of justice. However, as discussed above, the institutions of the welfare state do not necessarily have as their historical function the pursuit of social justice.

An alternative "political" framework regards institutions not as *mechanisms* of justice but as its *subject* (Rawls, 1999: 3–6). In this understanding, social justice concerns not what we owe to one another as persons (co-nationals, or otherwise) but what sort of institutional formation can be justified to equal citizens. In the subject view, citizenship separates the political from the ethical and creates a distinct political morality. This overcomes numerous difficulties facing justification in pluralist societies by circumscribing the necessary sphere of agreement. While institutions have arisen for reasons other than promoting justice (as ethical duties between persons), justice, as a set of regulative principles of institutional formation, can emerge in a political community that is legitimated by equality of citizenship. Justice, in the first instance, concerns how institutions may not function through the guarantee of equal basic liberties (Pogge, 1989: 213). We can arrive at the positive demands of justice, and the concept of social rights (or "primary goods"), through consideration of the worth of these liberties and because material needs that are capable of expression as claims of citizenship will be sufficiently general and are "thus removed from the political balancing of competing particular interests" (Vernon, 1998: 304). It is therefore possible to retain the importance of an instrumental conception of shared public identities to legitimate just institutions while consistently rejecting a necessary ethical dimension in institutional creation. As a result, this view of citizenship is not necessarily bound by nationality and has the conceptual capacity to transcend it; citizenship transforms institutional structures into political communities with legitimation requirements, and thus, "in principle, the sociopolitical dynamic Marshall identified could also operate on other (territorial/membership) scales" (Wincott, 2006: 183).

The subject view has important implications for theorizing justice at emerging sites of transnational governance. Much like the case of the development of the institutions of the nation-state, democracy and justice are not the foundational goals of these institutions. Throughout the history of the welfare state collective identity had to catch up to expanding institutional structures. In the case of nation-states, substantive goals were subsequently imposed onto their ongoing formation as the idea of equal citizenship took hold in their justification and political reformers

used this basis of equality to pursue social change (Morrison, 2003). The nation-state experience holds important lessons for conditioning the institutions of transnational governance, which lift power beyond established solidarities; in some way, citizenship must be extended to them in order to align their legitimation requirements with egalitarian norms. However challenged, the institutional theory of citizenship holds some resources in this regard, whereas the nationality thesis remains bound by national attachments and faces difficulties in promoting egalitarian goals as governance increasingly occurs beyond these sites.

Conclusion

This paper has defended an institutional conception of citizenship against Miller's nationality argument. In doing so, it maintained that principled social unity—a principled sense of membership in a normative community as central to members' self-understanding—is necessary for the legitimacy and stability of its corresponding institutions. The theoretical challenge is to advance a conception of principled social unity that respects the diversity of members. The motivational aspects of Miller's nationality thesis for providing legitimacy to redistributive institutions were argued against on a number of related grounds. Appealing to a pre-political or pre-citizenship view of nationality has little capacity to explain the creation of welfare states and faces problems in fairly accommodating reasonable societal pluralism; moreover, it lacks resources to be applied to transnational institutions. These difficulties relate to the view of institutions as mechanisms for, rather than as the subject of, the demands of social justice. Both nationally and transnationally, institutions have emerged from a variety of reasons and causes. It is the distribution of their gains that is the subject of social justice. When an institutional structure overlaps with citizenship its legitimation requirements can incorporate elements of social justice based on both its solidaristic and moral capacities. Of course, the motivational capacities of citizenship depend on how it is institutionalized, and thus egalitarians should theorize its condition as a major factor in shaping the prospects for realizing of social justice in the welfare state and beyond.

References

Banting, Keith. 1995. "The Welfare State as Statecraft." In *European Social Policy*, ed. Stephen Liebfried and Paul Pierson. Washington: The Brookings Institute.

Beland, Danil and Andre Lecours. 2005. "The Politics of Territorial Solidarity: Nationalism and Social Policy Reform in Canada, the United Kingdom, and Belgium." *Comparative Political Studies* 38(6): 676–703.

Cameron, David. 1991. "Continuity and Change in French Social Policy." In *The French Welfare State*, ed. John Ambler. New York: New York University Press.

Dahrendorf, Ralf. 1996. "Citizenship and Social Class." In *Citizenship Today: The Contemporary Relevance of T.H. Marshall*, ed. Martin Bulmer and Anthony Rees. London: UCL Press.

Dryzek, John and Robert Goodin. 1986. "Risk Sharing and Social Justice: The Motivational Foundations of the Post-War Welfare State." *British Journal of Political Science* 16(1): 1–34.

Esping-Andersen, Gosta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton: Princeton University Press.

Etzioni, Amitai. 1996. *The New Golden Rule*. New York: Basic Books.

Goodin, Robert. 1988. "What Is So Special about Our Fellow Countrymen?" *Ethics* 98(4): 663–86.

Greenfeld, Liah. 1992. *Nationalism: Five Roads to Modernity*. Cambridge: Harvard University Press.

Heath, Joseph. 2006. "The Benefits of Co-operation." *Philosophy and Public Affairs* 34(4): 313–51.

Jackman, Robert and Ross Miller. 2004. *Before Norms*. Anne Arbour MI: University of Michigan Press.

Keating, Michael. 1996. Nations Against the State: The New Politics of Nationalism in Quebec, Catalonia and Scotland. New York: St. Martin's Press.

Klausen, Jytte. 1995. "Social Rights Advocacy and State Building: T.H. Marshall in the Hands of Social Reformers." *World Politics* 47(2): 244–67.

Kuhnle, Stein, Peter Flora and Derek Urwin and Derek Urwin, eds. 1999. *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan*. Oxford: Oxford University Press.

Kymlicka, Will and Wayne Norman. 1995. "Survey of Recent Work on Citizenship." In *Theorizing Citizenship*, ed. Ronald Beiner. Albany: State University of New York Press.

Marmore, Theodore, Jerry L. Mashaw and Phillip L. Harvey. 1990. *America's Misunderstood Welfare State: Persistent Myths, Enduring Realities*. New York: Basic Books.

Marshall, T.H. 1964. *Class, Citizenship and Social Development*. New York: Doubleday & Co.

Marx, Karl. 1978. "Economic and Philosophic Manuscripts of 1844." In *The Marx-Engels Reader*, ed. Robert Tucker. New York: W.W. Norton and Co.

Miller, David. 1988. "In What Sense Must Socialism Be Communitarian?" *Social Policy and Philosophy* 6(2): 51–73.

Miller, David. 1995. *On Nationality*. Oxford: Oxford University Press.

Miller, David. 2000. *Citizenship and National Identity*. Cambridge: Polity.

Moreno, Luis and Nicola McEwen. 2005. "Exploring the Territorial Politics of Welfare." In *The Territorial Politics of Welfare*, ed. N. McEwen and L. Moreno. New York: Routledge.

Morrison, Bruce. 2003. "Transnational Democracy: The Pursuit of a Usable Past." In *Transnational Democracy in Critical and Comparative Perspective: Democracy's Range Considered*, ed. B. Morrison. Burlington: Ashgate.

Myles, John. 1998. "How to Design a 'Liberal' Welfare State: A Comparison of Canada and the United States." *Social Policy & Administration* 32(4): 341–64.

Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.

Offe, Claus. 1987. "Democracy against the Welfare State?" *Political Theory* 15(4): 501–37.

Offe, Claus. 2000. "The German Welfare State: Principles, Performance and Prospects after Unification." *Thesis Eleven* 63(1): 11–37.

Olsen, Gregg. 1994. "Locating the Canadian Welfare State: Family Policy and Health Care in Canada, Sweden and the US." *Canadian Journal of Sociology* 19(1): 1–20.

Pierson, Paul. 1994. *Dismantling the Welfare State?* New York: Cambridge University Press.

Pogge, Thomas. 1989. *Realizing Rawls*. New York: Cornell University Press.

Putnam, Robert. 1993. *Making Democracy Work*. New Jersey: Princeton University Press.

Rawls, John. 1999. *A Theory of Justice* (revised edition). Cambridge: Harvard University Press.

Rawls, John. 1999a. "Social Unity and Primary Goods." In *Collected Papers*, ed. Samuel Freeman. Cambridge: Harvard University Press.

Rawls, John. 1999b. "The Idea of an Overlapping Consensus." In *Collected Papers*, ed. S. Freeman. Cambridge: Harvard University Press.

Rawls, John. 2003. *Justice as Fairness*, ed. Erin Kelly. Cambridge: Harvard University Press.

Reiman, Jeffrey. 1997. *Critical Moral Liberalism*. New York: Rowman and Littlefield.

Rimlinger, Gaston. 1971. *Welfare Policy and Industrialization in Europe, America and Russia*. New York: Wiley and Sons.

Rosanvallon, Pierre. 2000. *The New Social Question*. Princeton: Princeton University Press.

Rothstein, Bo. 1998. *Just Institutions Matter*. Cambridge: Cambridge University Press.

Schattschneider, E.E. 1935. *Politics, Pressures, and the Tariff*. New York: Prentice-Hall.

Stephens, John. 1986. *The Transition from Capitalism to Socialism*. Urbana IL: University of Illinois Press.

Swank, Duane. 2002. *Global Capital, Political Institutions, and Policy Change in Developed Welfare States*. Cambridge: Cambridge University Press.

Tam, Henry. 1998. *Communitarianism: A New Agenda for Politics and Citizenship*. Basingstoke: MacMillan.

Vernon, Richard. 1998. "Liberals, Democrats and the Agenda of Politics." *Political Studies* 46(2): 295–308.

Weale, Albert. 1990. "Equality, Social Solidarity and the Welfare State." *Ethics* 100(1): 473–88.

Weber, Eugene. 1977. *Making Peasants into Frenchmen: The Modernization of Rural France, 1870–1914*. London: Chatto and Windus.

Wincott, Daniel. 2006. "Social Policy and Social Citizenship: Britain's Welfare State." *Publius: the Journal of Federalism* 36(1): 169–88.