The Common Good
The Common Good

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For people not conversant with political theory or libertarian ideology, the common good (or the public interest) is a self-evident concept. It connotes those goods that serve all of us and the institutions we share and cherish – for instance, national defense or a healthy environment. The common good is much more than an aggregation of all private or personal goods. It includes things that serve no one in particular, like preserving our national monuments, and it serves members of generations not yet born, as for instance does basic research. Contributions to the common good often offer no immediate benefits, and frequently it is impossible to predict on whom such benefits will fall in the long run. Still, we invest in it not because it will necessarily or even likely benefit us, or even our children, but because we consider it a good to be nourished. In plain English, we consider it the right thing to do, by itself, for itself – which surprises only those who claim that we always have an ulterior motive.

Why would anybody be troubled by a concept such as the common good, rather than recognizing its importance, celebrating its value? Libertarians, and a fair number of those who adhere to the contemporary version of liberal political theory, hold that individuals should decide for themselves what is good, and that shared goods will arise out of the aggregation of such choices, not out of communal moral dialogues that lead to collective decisions with public policies based on them. They also fear that once there are shared formulations of the good, governments will be tempted to coerce people to serve these formulations, thereby diminishing people’s liberty and autonomy, which libertarians and many liberals consider to be the goods that trump all others. It should be noted,
though, that even neoclassical economics, a social science that is ideologically compatible with libertarian philosophy, recognizes that there are some goods that the market fails to provide, and therefore it is kosher to serve them collectively – basic research for instance. Economists are keen merely to keep the list of such goods as short as possible. Communitarians, who recognize liberty as merely one very important value among others such as caring and sharing, have a longer list of common goods.

Still other liberals fear that even if there is no reason to be concerned that shared formulating concepts of the common good will open the door to government enforcement, doing so will still lead to moral judgmentalism. People will chide, socially pressure, and stigmatize those who do not do their share to serve the common good – those who do not voluntarily recycle, make donations to a good cause, and so on. These fears reflect a misunderstanding of the way societies work. Societies cannot rely on people to automatically do of their own free will all that must be done, without their being encouraged by their fellow men and women. Indeed, it is these informal social forces that carry a good part of the work that must be done in society. If these forces slacken, often the government must step in. The social undergirding of the common good is the best way to limit government; to undermine the common good, in effect, fosters government intervention and expansion.

One should not, however, confuse moral judgment with judgmentalism, with the pious, self-righteous waving of fist or finger in the faces of those who do not share our moral convictions. There is nothing inherent in the concept of the common good, or the sociological insight that it is best promoted by informal communal processes, that requires it to be enforced through harsh or obnoxious means. Indeed, informal social controls work best when they are subtle, individually tailored, and inviting rather than condemning.

No society can flourish without some shared formulation of the common good. It provides criteria to draw on when the interests and values of the various groups that compose the society pull them in conflicting directions. It provides a rationale for the sacrifices members of every society have to make sooner or later for their children, for the less endowed, and for the future, among other causes. It provides a vision that guides our collective effort, as the vision of a better Europe guides those who are thickening and expanding the European Union.

The common good needs to be seen “within history.” Its standing differs greatly from age to age and from one society to another.
Some societies, especially those that are totalitarian and authoritarian, use their view of the common good to demand that citizens set aside their preferences, agree to severe limitations on their autonomy, for the greater whole. They demand that their citizens find satisfaction first and foremost from doing service for whatever causes the state promotes. In such societies, one needs to curtail the demands advanced in the name of the common good and make room for greater recognition of individual expression, preferences, and choices – in short for individual rights and liberty. Most societies in earlier periods, and many today, erred on this authoritarian side of the delicate balance between the common good and autonomy that, in the judgment of this communitarian, makes for a good society.¹

Societies can and do lose their balance in the opposite direction. As Robert Bellah and his associates showed in a widely known book Habits of the Heart,² American society has suffered from excessive individualism, a grand loss of commitment to the common good. In the 1960s, expressive individualism spread, which encouraged people to walk away from their societal obligations in order to “find themselves,” to develop their identities and heed their innermost desires. In the 1980s instrumental individualism added insult to injury as Reagan, like Thatcher, made a virtue out of watching out for oneself. On top of these two waves of individualism came an explosion of a sense of entitlement and litigiousness, in the name of what was due to the individual, with precious little concern for the effects on others and the common good. In this society it was necessary to rein in excessive individualism and to shore up the common good.

As of 1990 a reaction set in, led by a group of new communitarians who should not be confused either with Asian communitarians, who are in effect authoritarian, or with the academic communitarians of the 1980s. The new communitarians included Robert Bellah, William Galston, Mary Ann Glendon, and myself, among many others.³ The main thesis of this group was that strong individual rights presume respect for strong obligations to the common good. Since then literally thousands of groups have amended their statements of purpose to include not only rights they bestowed on members, but also responsibilities they expect their members to embrace.⁴ One exception: despite concerted efforts, the United Nations Universal Declaration of Human Rights has still not been amended to include a declaration of responsibilities. Also, since the 1990s, similar themes have been embraced by other societies, especially Anglo-Saxon societies, which feared that they were leaning too far in
the individualistic direction. For instance, community, and the slogan “responsibility for all, responsibility from all” played a key role in Tony Blair’s first election. Many Canadians found the approach attractive as their commitment to public order has strong communitarian overtones.

In this book, I assume that the reader has some basic sympathy for the notion of the common good, and focus instead on the many issues raised once its basic merit is recognized. The first chapter concerns the scope of the common good, the question of to whom we have moral obligations. There is a strong human tendency to include only the members of one’s community, be it defined as family, village, or nation. However, justice may compel us to treat all human beings equally. Can particularistic obligations be justified in the face of such universal claims?

In chapter 2, the deliberations turn to a specific common good, one almost never examined: privacy. In law, social mores, and common parlance, privacy is treated as a right rather than a good or obligation. However, the conception of the common good held in nearly all cultures leads us to believe that certain activities ought to be attended to out of sight and hearing of others. Over the last decades in the West, however, the notion of privacy as a social and legal obligation has declined. For instance, breast-feeding – once considered something one ought to do in the privacy of one’s home – is now generally accepted in public spaces. However, does that mean that relieving oneself or sexual intercourse in public will soon be viewed similarly? We do redefine the common good, but where should new lines be drawn? On what grounds?

The third chapter is concerned with a very highly regarded common good: the well-being of children. The same libertarians and select liberals who fear the common good are also opposed to limiting the free speech of minors. Here the issue regards the consumption, rather than the production, of speech. The issue is not whether a 17-year-old student should be prevented from making a political statement, but whether children in kindergarten should be exposed to all the violent and vile materials that flood the internet, the media, and video games. Oddly, this is a matter not clearly legislated in Europe, while in the US much attention is paid to pornography, but not to the depiction of gratuitous violence, which is much more damaging to the common good and to children.

Chapters 4 and 5 deal with public safety, a common good few challenge, although most agree that it can be accorded too much
weight. The issue is often framed in terms of where to draw the line between national security and individual rights. For Americans, the answer to this question was significantly altered after September 11, 2001; however, the question of where to redraw the line between safety and liberty remains. With an eye toward answering the basic question in a principled manner, I here undertake an examination of six specific measures. The often asked question of what should be tolerated or banned in the name of safety gives way to the true heart of the matter, the question of proper accountability.

I examine DNA tests in the context of fighting crime rather than enhancing national security and find that many of the criticisms leveled at DNA tests are unfounded. Indeed, if one accepts the liberal idea that it is better to let a thousand criminals walk free than to jail one innocent person, the use of DNA evidence should be embraced, celebrated, cheered, and fostered – especially by those who now criticize it, those who see liberty as the common good to be promoted even at the expense of other goods.

The final three chapters deal with the polity. There is a tendency to reduce society to the state. The state, to many, seems to be a clearly defined entity. It includes the head of state, the cabinet, the civil servants (or "administration," the legislature and the court, the police and tax authorities, and so on. In contrast, society has no address, organizational chart, nor any other clearly delineated features. No wonder there are those who argue that it is a fiction. However, if we consider society as composed of families, communities, national bonds of affection, identity, and shared values, we realize the importance of society in general, especially for the formulation and informal promotion of the good. Indeed, because society is the basis for the moral deliberations from which shared formulations of the good arise – the place where the polity’s claim for legitimacy is recognized or rejected – it is not merely important in its own right, but also important for the polity.

For centuries, millions of people all over the world have associated their well-being and the common good with the well-being of their nation. Indeed, nations evoke strong loyalties that often trump most, if not all, others. One tends to forget that nation-states are a relatively recent social construction, neither natural nor divine. Indeed, a strong case can be made that, in this day and age, the more we separate community from state, the more peaceful the world may become. However, for such a separation to occur, one’s identity and concerns about the common good, which now involve the state, must be invested somewhere else.
Introduction

Lastly, in cyberspace we now face issues that have challenged us at least since the ancient Greeks. Critics argue that our growing involvement in cyberspace undermines our communal bonds – our ability to deliberate as persons and as groups, to formulate the common good, and to govern ourselves democratically. These are the questions I explore in the closing chapter of this book.
Are Particularistic Obligations Justified?

If three children go hungry in a community, the members of many such communities are more distressed than if thousands starve in some faraway country. Moreover, people not only care more about members of their own communities, but maintain that they are justified in doing so, that one has a higher level of obligation to one’s “own kind” than to all others. Are such particularistic obligations justified, and on what grounds?

This question has been the subject of an immense amount of deliberation, which is not reviewed here. This exploration is limited to an examination of communitarian justifications for particularistic obligations, and only to those in a societal rather than in a political context. That is, it concerns the obligations of members of communities, not those of citizens of states.

Introduction

Special import to communitarians

Addressing this question is of particular importance to communitarians. Those who center their social philosophy around the concept of individual rights need not recognize that collectivities (social groups, communities) have any rights or can elicit any special obligations. Indeed, Bentham argues that the very notion of the existence of a society, as distinct from an aggregate of individuals, is a fiction.

In contrast, because communitarians consider shared formulations of the good essential, these formulations *ipso facto* entail
particularistic moral obligations to and for the members of the community involved. For instance, to hold that one ought to cherish one's ethnic heritage entails “do's” and “don'ts” for and to members, but not for others.

The argument could be made that given that liberals are concerned with universal rights, which the state is obligated to honor, and that communitarians deal with particularistic obligations within communities (and the society, as a community of communities), there is not necessarily a conflict between these two philosophies. Indeed, one might suggest that there is no reason for liberals to object if members of communities abide by some particularistic commitments in the private realm. Such a liberal, however, may still be concerned that private commitments, if widely endorsed, will lead to state enforcement. For instance, if most members of a community agree that abortion is immoral, they might well seek to use the state to ban it. The particularistic position of a community thus would become a law that might well violate one or more universal rights. Hence a liberal may well prefer not to open the door to particularistic obligations, not necessarily because they are objectionable in themselves, but in terms of what they may lead to.

Also, many liberals hold that social pressure by communities on their members to abide by particularistic obligations amounts to coercion. For instance, they not only oppose laws that mandate HIV testing and disclosure of the results to one's sexual partners, but also social pressure to do so on the ground that it is coercive. Given that communities are the source of coercive social pressure, some deride them as “Salem's” as places they would rather do without – one more reason they do not brook particularistic obligations.

Indeed, the basic vocabulary and paradigm of those political theories that are centered around rights, as well as those moral philosophies that are centered around universal principles and individual autonomy, do not include the concept of particularistic obligations. (“Basic” is used to remind us that there are numerous different liberal positions and that the preceding point may not fully apply to some liberals.) Even when liberals do not explicitly object to particularistic obligations, they as a rule do not examine the grounds on which these obligations may be justified. In contrast, communitarians, whose paradigm is centered around the common good as conceived by particular social entities such as communities and societies, must deal with the question of whether special commitments to these entities by their members are morally appropriate.
Communities, not state or families

The following exploration of the issue concerns only the particularistic obligations members of communities have to one another and to the common good of their communities – not obligations to the state or members of one’s family. The concepts of state and society are often conflated, but the state commands special duties and can coerce compliance, raising a host of moral issues that communities do not face. These issues are explored often enough. Families, though in some sense small, intense, immediate communities, lay moral claims on their members that are readily apparent and do not apply to more extensive communities. Here, the focus is on the distinct particularistic obligations of members to their communities and to one another.

Universal AND particularistic

In many discussions that compare the liberal and communitarian positions, it is stated, or at least implied, that one has either particularistic obligations or universal ones. The two approaches seem, on the face of it, oppositional: one either respects all persons equally or holds that some individuals command higher regard than others. For instance, one holds that either all individuals are entitled to the same basic rights, say to purchase a house put up for sale, or one discriminates between members and non-members of a community, according members only the right of first refusal.

The same assumption is implied in many of the discussions comparing partiality to impartiality. Although these concepts do not precisely parallel those of particularistic versus universal obligations, there are strong similarities. In both cases, it is often assumed that it is impossible both to approach all people as deserving equal regard and sometimes to hold particular people as commanding special privileges. Lawrence Blum articulates this assumption when he writes of the “unexamined presumption of traditional moral theories, especially of a Kantian or utilitarian stripe, that the impersonal demands of morality ought always and automatically to take precedence over personal pursuits.” Marcia Baron argues that the charge that impartialists do not allow room for partiality is incorrect, since many are not so extreme in their views. This may be true for moral philosophers, but it is not the case in political theory. Indeed, one of
the “hottest” current positions is that immigrants and citizens should be treated alike; or, ideally, all people of the world should be. This claim includes not only basic rights such as healthcare and employment, but all rights, for example voting.\textsuperscript{11}

As I see it, the dichotomous opposition between partiality and impartiality, or between particularistic and universal obligations, holds only if we assume that one’s position on this matter must be all-encompassing. But there is no logical requirement to assume such comprehensiveness, and in social reality people often combine the two orientations. The well-known concept of hyphenated Americans is centered around the notion that one has some particularistic obligations to one’s ethnic community, and at the same time respects the laws of the land, including of course the Bill of Rights. Similarly, one may honor one’s obligations to the nation – commonly defined as a community invested in a state, hence the reference to a member and not citizen – of which one is a member and still respect the UN Universal Declaration of Human Rights.

The observation that one can combine particularistic and universal obligations, partial and impartial considerations, is not to suggest that these orientations never come into conflict. However, this is not a reason to abandon either, and there are procedures to work out these differences and find a point of balance between the two. Here, the focus of attention is on what justifies particularistic obligations in the first place.

One may argue that such a combination may hold only as long as one limits universal rights to negative liberty rights that impose only duties of non-interference. According to this objection, if positive liberty rights are included (e.g., a right to an education), these impose a duty to provide whatever is needed to satisfy this right for all. My point, however, is that even if we owe certain obligations to provide a minimum level of well-being to all, we still may be obligated to give more to members of our own community. But this is not permissible if one’s impartial morality is not rights-based but, say, some form of maximizing utilitarianism. In this case, one must ensure that the good of all, impartially considered, is an aim.\textsuperscript{12}

This may indeed be the case, but this argument merely serves to highlight my point that one can define the opposition between the two moral orientations such that they will become mutually exclusive. However, there is no necessary reason to embrace this particular form of utilitarianism when dealing with partiality and impartiality. For the sake of the discussion that follows, I assume that there is no principled reason that a person cannot fully respect
Are Particularistic Obligations Justified?

some universal rights (e.g., to free speech, to a given level of education) as well as some particularistic obligations to members of his or her community (e.g., to help a particular school). The issue explored here is not whether one ought to respect particularistic obligations instead of universal ones, but whether one is on justifiable moral grounds when one assumes any obligations to members of one’s community that are not extended to everyone.

Critics fear that people will get “stuck” at a particularistic stage of development and not come to acquire universal commitments as well – thus leading to tribalism. It is undoubtedly true that children acquire particularistic obligations first, especially with regards to their family members, though they are reported to display a sense of fairness, which is not particularistic, early in life. However, there is no indication that children are hindered by their early moral commitments when it comes to acquiring universal commitments such as justice and human rights. In fact, some argue that it is by first appreciating a particular person that children can acquire a sense of abstract obligations; loving a human being precedes loving humankind, and only the most dangerous zealots love humanity but not particular persons. As far as adults are concerned, in all but preliterate small tribes or isolated villages, there is no evidence that having particularistic obligations hinders the acquisition of universal obligations.

A rather different matter is to ask which obligations will take precedence when the particularistic and universal come into conflict. This is an issue often faced when communities are parts of larger entities, as in when ethnic communities are part of a larger pluralistic nation. First of all, the fact that there are different levels of obligation, while it does not speak to the issue of which takes precedence in a conflict, does show that having one kind of obligation does not prevent a person from developing the other kind. Second, it is morally preferable for universal to trump particularistic obligations – for rights to take precedence over communal bonds and values. Thus a good society does not tolerate honor killing, forced marriages, or racial discrimination simply because such practices are part of the moral culture of a particular community. On all matters not governed by universal rights, however, particularistic obligations hold sway. Critics may well find that the line between universal rights and communal bonds is not always clearly drawn, and they may even find some instances in which bonds should take precedence over rights. However, none of this undermines the claim that people can – and commonly do – respect both particularistic and universal
obligations. They are not mutually exclusive, which is all that I seek to establish at this point.

Outline of the discussion

The discussion that follows first illustrates the issue at hand with a brief report about a case in which a ruling was made against parents who sought to provide special support for the particular public school their children were attending, above and beyond what they provided, through the tax system, to all children in the citywide school system. I then examine the reasons provided by those who favor particularistic obligations on empirical grounds. Next, the concepts of reciprocity and mutuality are examined to determine whether they can be drawn upon to justify particularistic obligations. This chapter closes by providing communitarian arguments that derive particularistic obligations from the roles communities have in constituting individuals, allowing them to function as full human beings, and in enabling human betterment. These arguments share elements of phenomenological, existentialist, and Aristotelian essentialist thought; however, because these designations imply many complex meanings to different people, the argument at hand follows a line of thought we will deem “constitutive communitarian arguments.” Membership and participation in community is at once fundamental to human functioning and essential for the development of identity and character and human flourishing, from which emanates a moral obligation to nurture and sustain community and the particularistic obligations without which it cannot exist.

Our School vs. Schools: An Illustrative Case

In 1997, Public School 41 in Greenwich Village, part of New York City, decided to let go of a teacher for budgetary reasons. The parents reported to the school that they would raise the $46,000 needed to keep the teacher. However, Rudy Crew, New York’s Schools Chancellor, ruled that such donations were unacceptable; he preferred to delve into his limited uncommitted funds to pay for the teacher rather than allow the parents to make voluntary contributions. Crew’s decision reportedly avoided “opening the door to widespread efforts by parents to raise money” for their children’s schools. Indeed, there were indications that parents at other New York schools were about
to follow the example of those in the Village.\textsuperscript{15} Crew reasoned that such donations would create inequities between schools in poor and in rich districts.\textsuperscript{16} Another reason was that such donations would undermine the willingness to support taxes (either at the current level or future increases) used to pay for the total school system, and that if parents wanted to make donations, they should make them to the total school system and not to “their” schools.

Note that the issue is not whether Village residents should have neglected their universal duties and been allowed merely to attend to their particular ones; the parents paid taxes dedicated to the total school system. The opposite question is raised: whether they should have been allowed to respond to moral claims made by their community to contribute additional funds to their particular school. Those objecting to the contributions were challenging the moral legitimacy of the claim of obligation placed on parents by the community to help their particular community’s school, above and beyond what they were required to do for the whole school system.

It should be noted in passing that in this case, as in many other, the demand was not actually to make donations only to a truly universal category, say to schools in general, but merely to a larger community, in this case New York City. But the claims are made in universal terms: the parents seek to favor their children over “children,” their affluent neighborhood over poor ones.\textsuperscript{17}

Whether one takes the side of the parents or the Chancellor in the case at hand, it provides a vivid introduction to the question explored here in a realistic rather than hypothetical context.


An often repeated argument against denying the moral appropriateness of particularistic obligations (in order to ensure commitment to universal ones) is that to do so flies in the face of human nature. I realize that many social scientists object to the use of the term “human nature” on the grounds that we have no way of studying it because all we encounter are people who are socially and culturally constructed. However, most social scientists do not raise similar objections if one points to behavioral attributes that are found widely among the members of most, if not all, societies, such as the quest (or “need”) for profound affective attachments.\textsuperscript{18} I use human nature here in this sense.
The specific ways the argument from human nature may be made differ, but the conclusion is the same: people are unable to abide by sheer universal dictates. For instance, J. L. Mackie writes:

To put forward as a morality in the broad sense something which, even if it were admirable, would be an utterly impossible ideal is likely to do more harm than good. But why, it may be asked, are such moralities of universal concern impracticable? Primarily because a large element of selfishness is a quite ineradicable part of human nature.¹⁹

That is, at least in consequentialist terms, a position that does more harm than good is unethical.

A seemingly obvious example,²⁰ although, like all such, not an uncontested one,²¹ is that if a person were forced to choose between saving the life of a loved one and that of a stranger, one “naturally” would choose the loved one. Thus it is imprudent to ask people to treat those to whom they have a particularistic bond as if they were the same as others.²²

This argument takes two major forms. One is a didactic, educational argument. If you train children to jump, you should not ask them to clear a bar a yard higher than the one they currently clear, because they will soon find themselves unable to live up to your urgings and will ignore your exhortations altogether. Such excessive demands may backfire, causing resentment and detachment. Instead, you should ask children merely to jump, say, an inch higher. The assumption here is that certain demands should not be made because of the way people are. (Theoretically, children simply could do their best whether you asked for an inch or a yard.)

The same is said for the moral equivalent of stretching people too far, a moral didactic argument. An ethic that laid excessive requirements would lose whatever guidance it might provide to make human life more moral. Sometimes the term “heroic” is used to suggest that one should not demand that ordinary people act in ways only heroes or saints might.²³

A different version of the same argument is implied by the body of literature dealing with supererogation. It focuses on the distinction between moral duties and acts that are praiseworthy – but not mandatory – because they are above and beyond what one can reasonably expect from human beings. The classic example is the soldier who throws himself on a grenade in order to save the lives of those around him.²⁴ This action is commendable, but, so the argument goes, beyond what we can reasonably expect a person to do. Though
there is a universal moral obligation to save lives, normal human instincts for self-preservation are perfectly understandable – and in some sense expected – given the situation. The sacrificial act is extraordinary, and one cannot be faulted for not performing it.\textsuperscript{25}

The action of the soldier who throws himself on to a live hand grenade in order to save the lives of those around him is said to be morally praiseworthy. There is, however, no such moral duty that one can lay on all soldiers.\textsuperscript{26} Why not consider this act a duty? One can argue that one ought to cherish one’s own life more than that of a group of others on some moral ground – but if this is the case, why declare such an act of sacrificial morality praiseworthy rather than morally defective? The line, in this and many other cases found in the literature on supererogation, is the same: it would be a good act, but it is “too much” to demand that it be regularly undertaken.

The soldier and the hand grenade example does not concern particularistic obligations and merely illustrates the line between that which is demanded and that which is merely praised (I am not addressing the legitimacy of this distinction here, and discuss supererogation arguments only insofar as they rely on human nature for their justification); the next example can be adapted to involve particularistic obligations. If a person is going to see a movie and he is asked instead to make a donation for the poor, he may do so, but it is not morally required according to supererogation scholars.\textsuperscript{27} For those who (this author included) may not immediately see the point, the example is extended: presume the same person is asked to make such a donation every time he is on his way to see a movie.\textsuperscript{28} (True, the cases at hand deal with self-interest; to make them communitarian, presume that the person is planning to buy movie tickets for her friends.) One can extend the example still further and ask – given the great number of the poor – what if the person is asked to donate the funds he sets aside for any diversion? Clearly, it is argued, that would be “asking too much,” would ignore human nature. David Heyd summarizes five grounds for the distinction between “‘basic rule’ (duty) and ‘the higher flights of morality’ (supererogation).”\textsuperscript{29} One is “the incapacity of ordinary men to go beyond basic duty.”

The incapacity referred to is not an educational or training or some other such correctable lack, but a more profound one – that ordinary people are presumed to be inherently unable to reach a higher level of moral accomplishment; their nature hobbles them. (I am not exploring the other grounds given, because my only purpose here is to show that ethicists have used human nature as an argument to
explain why one cannot expect a person to assume only universal obligations, which thus leaves room for particularistic ones.)

A colleague wrote in response to an earlier draft of this chapter that at issue here is not a concession to human fallibilities, but that:

the general claim that a moral code is too demanding may amount to a “moral” criticism of that code. Demanding too much of people may result in them doing less than they would have done if asked to do less. Imagine I insist that nothing less than a donation of $100 to charity is morally acceptable when you are capable — psychologically or for whatever reason — only of giving $50, with the result that you give nothing. But you would have given up to $50 if I had said that you ought to give what you can. Thus the more demanding claim yields less money for charity than would have a less demanding one.

Even if one accepts this strictly consequentialist reasoning, one still must account for the reason that one is not “capable” of doing more. It seems to be a sense of congenital limitations of mortals that guides setting the moral duty at a lower level of donation rather than a higher one.

To reiterate: although not all, or even most, supererogation arguments deal with particularistic obligations or human nature, their application to the issue seems clear: abiding exclusively by comprehensive universal obligations is beyond human nature. In contrast, abiding by particularistic obligations comes naturally. Indeed, often what must be ensured is that powerful particularistic obligations do not pervert justice, fairness, the law, and much else, that obligations to one’s friends, family, and community do not turn into cronyism, nepotism, and favoritism at the work place and in public office. One may argue that the fact that such obligations must be tolerated does not mean that they are morally appropriate. However, if one takes into account the human suffering and other harms that result when one strongly promotes an ethic people cannot adhere to, one finds here a measure of a pragmatic, consequentialist moral justification for not relying exclusively on universal obligations and hence for leaving the door open to particularistic obligations.

Reciprocity and Mutuality

Another line of argument in favor of particularistic obligations is that particularistic bonds (with friends, neighbors, co-workers) cannot be sustained without particularistic obligations. The bonds
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are particularistic because they entail special, favorable treatment of those encompassed compared to all those excluded. Ergo, as long as one considers the bonds at issue morally worthy, they bestow some moral justification on those obligations without which these bonds cannot be sustained.\(^\text{30}\)

A whole school of thought, sometimes referred to as rational choice, at the heart of neoclassical economics, law-and-economics, and exchange sociology, treats particularistic bonds as based on reciprocity, which in turn is said to be based on self-interest rather than on moral obligations.\(^\text{31}\) Their essence entails that ego does for alter what alter does for ego because both benefit. A shopkeeper pays for the delivery of goods because he needs future shipments, and the producer ships the goods because he needs a market to sell them. Initially, both sides may seek some assurances, say in the form of a deposit or a legally binding contract, but if the trade continues they will rely on the self-interest of both parties – rational choice advocates argue – to sustain the relationship.

Reciprocity, though, is a thin reed on which to rest particularistic bonds. Sociologists and anthropologists have often pointed out that even in strictly economic relations, self-interest cannot be relied upon fully, and relationships must be backed up at least by some measure of moral obligation. Reciprocity is more solidly based if it is given a moral overcoat, because reciprocal acts are never completely symmetrical, and there is typically some time gap between an act and the reciprocation. There is at least a measure of implied promise which, if not honored, undermines the relationship, but which cannot be retaliated for and hence must rest on other foundations. Moreover, the transaction costs of fully laying out all the terms of transactions and verifying that they have been abided by are prohibitive.\(^\text{32}\) Indeed, if one of the sides finds that its self-interest is no longer served, it can often wiggle out of a contract, and the costs of enforcement may be ruinous. In short, commerce flows much more smoothly when the sides can trust each other, because there is a sense that they will abide by their mutual commitments due to their sense that obligations must be respected. As Emile Durkheim put it, contracts require some \textit{pre}-contractual obligations.\(^\text{33}\) (This does not mean that the parties will necessarily absorb a very large loss in order to be true to their moral obligations, but the fact that under some circumstances they might well seek to violate their moral obligations does not show that they do not have any.)\(^\text{34}\)

If particularistic bonds that commerce draws on heavily cannot fully rely on reciprocal self-interest and require some moral