RESEARCH NOTE

Rethinking remedial responsibilities

Thom Brooks*
Department of Politics, Newcastle University, Newcastle upon Tyne, UK

Abstract
How should we determine which nations have a responsibility to remedy suffering elsewhere? The problem is pressing because, following David Miller, ‘[i]t is morally intolerable if (remediable) suffering and deprivation are allowed to continue . . . where they exist we are morally bound to hold somebody (some person or collective agent) responsible for relieving them’. Miller offers a connection theory of remedial responsibilities in response to this problem, a theory he has been developing over the last decade. This theory is meant to serve as a guide on how we can best determine which nations are remedially responsible for alleviating suffering and deprivation elsewhere. Miller’s theory entails our following a procedure in order to determine remedial responsibility for nations. The problem is that there is an important flaw in this procedure, a flaw that previous critiques have overlooked. This essay will explain this flaw and how Miller’s theory might be reformulated into a two-tiered procedure that would take better account of this problem.

Keywords: Global justice; nationalism; Miller; identity; distributive justice; severe poverty

THE MORAL SIGNIFICANCE OF NATIONALISM

Miller’s connection theory rests on a particular understanding of global justice and national responsibility that I will summarise. Miller argues that our nationality may have moral significance. This will depend on whether our shared identity as co-nationals satisfies three tests. The first test is that our shared identity as co-nationals is intrinsically valuable. The second test is that our shared identity gives rise to special duties to fellow compatriots. The third and final test is that our shared identity as co-nationals is not premised on the unjust treatment of others. Not all shared identities will have moral significance. These may be identified if they fail any one of these three tests. For example, persons who have a shared identity as members of a white supremacist community fail the first test. This is because their shared relationship as racists is not intrinsically valuable. Similarly, persons sharing an identity as persons who enjoy

*Correspondence to: Thom Brooks, Newcastle University, Newcastle upon Tyne, Tyne and Wear, NE1 7RU, UK. Email: t.brooks@ncl.ac.uk

©2011 T. Brooks. This is an Open Access article distributed under the terms of the Creative Commons Attribution-Noncommercial 3.0 Unported License (http://creativecommons.org/licenses/by-nc/3.0/), permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.
listening to music would fail the second test as no special duties arise from their shared identity.¹

The third and final test requires more explanation. Consider the missing child case: a child is missing and there are concerns for her safety.² We would have a duty to assist any search and rescue efforts all things considered. Now consider the our missing child case: a child is missing, there are concerns for her safety, and the child is our daughter. It seems clear that we would likewise have a duty to assist in any search and rescue efforts, although our duty is more compelling. Now consider a scenario where we had to make choice and we may only choose to assist with the search and rescue efforts for one of these two searches. We have an additional moral reason to assist the search for our own child over the search for someone else’s child. We perform no injustice to this other child because we do not treat him less than he deserves when deciding to search for our own child given our morally significant relationship. Likewise, we may assist co-nationals if we must choose between otherwise similarly situated persons on account of the morally significant relationship we share with co-nationals. Our nationality as a shared identity is not morally irrelevant provided it satisfies the three test criteria.

NATIONAL RESPONSIBILITY AND REMEDIAL RESPONSIBILITY

Miller argues that we can determine which nations are remedially responsible for alleviating suffering elsewhere by way of his connection theory of remedial responsibility. Perhaps controversially, he defends a view that nations may be held responsible for collective actions as a group.³ Nevertheless, nations may be found remedially responsible after a consideration of their relation to six factors. We may be remedially responsible even where we are not outcome responsible for suffering: our focus is to determine which nation or nations should remedy suffering elsewhere because there is a situation. Miller says:

that demands to be put right: it is morally unacceptable for people to be left in that deprived or needy condition, and there is no overriding justification such as that they are being fairly punished for some wrongful deed … All that matters is that we find it morally unacceptable if the deprived person is simply left to suffer.⁴

A connection theory of remedial responsibility considers six factors. Its goal is to determine what connections may exist between a nation and those in need elsewhere in light of these six factors. Miller says: ‘The basic idea here is that A should be considered remedially responsible for P’s condition when he is linked to P in one or more ways’.⁵ These factors and the questions they address are:

1. Causal responsibility. Was a nation causally responsible for bringing about suffering and deprivation elsewhere?⁶
2. Moral responsibility. Was a nation morally responsible for bringing about suffering and deprivation elsewhere?⁷
3. Capacity. Does a nation have the capacity to provide a remedy?⁸
4. **Community.** Is a nation amongst any particular community shared with a nation suffering deprivation whether it be ‘ties of family or friendship, collegiality, religion, nationality, and so forth’?9

5. **Outcome responsibility.** Is the suffering and deprivation faced elsewhere a side effect of any nation’s activities?10

6. **Benefit.** Did a nation benefit from the suffering and deprivation elsewhere even if the former played no causal role in the latter?12

Miller argues that these different factors, when considered together, help us determine the remedial responsibilities of nations. We consider each nation with a view to any possible connections through these six factors. Miller says that ‘[w]e have to rely on our intuitions about the relative importance of different sources of connection’.13 We intuitively balance the relative weights of the various connections that may exist between a nation and those in need elsewhere. This procedure may be a bit opaque, but several considerations are clear. One is that each factor carries equal weight and none have priority over others. The fact that one factor is present in one case, but absent in another does not trump any factor in favour of another.

**SHOULD ALL FACTORS BE WEIGHED EQUALLY?**

Miller argues that these factors weigh equally. This may appear problematic. For example, consider a case where Nation A is morally responsible for suffering and deprivation elsewhere and Nation B is causally responsible for suffering and deprivation elsewhere. We may think that Nation A will possess more remedial responsibility than Nation B because their responsibility has greater weight. Miller appears to offer sympathetic words in this direction, such as where he argues that ‘I assume … that negative duties weigh more heavily than positive ones’.14 This would suggest that my nation’s negative duty to avoid being morally responsible for causing harm to others a more weighty factor than, say, a second nation’s lacking any responsibility (causal, moral or outcome) for deprivation elsewhere, but possessing capacity.

We may respond that there may be situations where negative duty considerations weigh more heavily on our judgements. Consider the following:

* Nation A is morally responsible for severe poverty in Nation X.
* Nation B enjoys a benefit from Nation X’s severe poverty. Nation B lacks causal, moral, or outcome responsibility for severe poverty in Nation X.
* Nation C shares a border with Nation X. Nation C enjoys no benefit from Nation X’s severe poverty. Nation C lacks causal, moral, or outcome responsibility for severe poverty in Nation X.

Our intuitive response may be to say that the remedial responsibilities for these nations A, B, and C look like this:

* Nation A > Nation B > Nation C.
Nation A is most remedially responsible because it alone possesses moral responsibility. This speaks to the greater weight we have often given to negative duties over positive duties. Nation B is less remedially responsible because it merely benefited from the misfortune of Nation X without being involved in bringing about its misfortune. However, Nation B is more remedially responsible than Nation C because the former does enjoy a benefit at the expense of Nation X however, inadvertent; Nation C merely shares a border.

This scenario would appear to suggest a rank ordering of factors whereby those more closely linked with negative duties have priority over others, but this is false and it is central to Miller’s argument. It is important to recall that the purpose of Miller’s connection theory of remedial responsibility is to help us determine which nation or nations should provide remedy to others. What matters is that we have a procedure by which at least one or more nation(s) can provide remedy: we must find some agent responsible to remedy suffering elsewhere if this suffering is morally intolerable.

There is no rank ordering of factors for Miller. The six connections offer different considerations of possible linkages between nations. It is not the number of connections that one nation has with others, but the strength of any connections on balance all things considered. While we may give weight to moral responsibilities arising from any negative duties, we should not prioritise any one connection over any others. Moreover, the connections are different in character. Miller says: ‘[t]he nature of the link varies greatly: in some cases ... it provides a substantive moral reason for holding A remedially responsible, whereas in others it simply picks A out as salient for non-moral reasons’.

We might argue that the fact of this difference gives sufficient reason to prioritise some connections over others. For example, we may be tempted to favour connections that provide substantive moral reasons over those that do not. Miller rejects this view. He says:

> We might think, therefore, that some forms of connection should always be given priority over others; I shall argue, however, against this. The point to bear in mind is that the weight of justification is borne by the pressing need to relieve P, and the necessity of identifying a particular agent as having the obligation to provide the relief. The fact that some of the links appear morally flimsy when taken by themselves matters less when this point is grasped.

No one connection has greater weight over any other connection. We are to consider the full range of any connections a nation may have with others. The purpose is to best identify the nation or nations with remedial responsibilities.

Consider the *drowning child*. Suppose someone pushes a child into a river. It may be tempting to believe that this person should save the child because of his moral responsibility. However, Miller warns that moral responsibility comes in degrees and other possible connections may trump:
Moral responsibility is one connection amongst others. We consider the possible remedial responsibilities of agents in terms of the connections they may have on balance. Note that those agents who perhaps morally ought to provide rescue may not possess remedial responsibilities. The careless pusher may be morally responsible for pushing the child into the river, but moral responsibility may be insufficient to justify his possessing remedial responsibilities. This is especially true where the careless pusher is unable to make the rescue easily or safely. Thus, the fact that he ought to provide rescue does not assume he can or that he has remedial responsibilities.

THE PRIORITY OF REMEDY

Consider the Evil Nation. This is a nation that desires to create severe poverty however, it can, but it lacks the ability to remedy the damage it creates. Thus, remedial responsibilities will always fall to other nations despite the fact that the Evil Nation possesses causal, moral, and outcome responsibility, it may further benefit in the delight that spreading severe poverty brings to its citizens and enjoy membership in particular communities of nations that are its targets. Thus, it may satisfy strong connections among five of Miller’s six factors, but nevertheless it can never be held remedially responsible because the Evil Nation lacks any capacity to provide remedy to the destruction it directs.

The problem I intend to highlight with this example is not the problem of holding nations remedially responsible. Miller’s focus is on suffering and deprivation existent now and how we might determine which nations should be selected to address this problem. The Evil Nation example is clearly fictional. If it were to become a reality, then procedures may be put in place to provide sufficient disincentives to prevent the birth of any such nations.

Instead, the Evil Nation example highlights an important flaw in Miller’s connection theory of remedial responsibility that other commentators have overlooked. Miller claims that each of the six factors possesses equal weight. This is false. One factor does carry more weight than the others: this factor is capacity. The evidence for this problem is clear: if a nation lacks sufficient capacity, then it can never be held remedially responsible. Miller wants to provide a procedure to determine which nation or nations may be held remedially responsible. The problem is that he fails to recognise that whether or not a nation is held remedially responsible rests upon a consideration of whether this nation possesses any capacity to provide remedy.

Consider the Evil Nation. It lacks any capacity to provide a remedy. While it may possess moral or causal responsibility in abundance, the strength of any other factor beyond capacity is irrelevant where capacity is wholly lacking. The reason is simple: if
a nation lacks the capacity to provide remedial responsibility, then it is nonsensical to weigh other considerations of various factors concerning its possible remedial responsibilities if only this nation had sufficient capacity. A nation without capacity is unable to possess remedial responsibilities no matter its other connections. The situation is opposite where capacity is present. The nation that has the capacity but may not be morally responsible or merely a neighbour nevertheless has the capacity to provide a remedy. The ability to provide a remedy is central to the possibility of possessing a remedial responsibility. Miller is mistaken to argue that the six factors carry equal weight because it would have us consider nations lacking any capacity for assignment of remedial responsibilities.

Miller should correct his connection theory of remedial responsibility. He should not claim that his six factors possess equal weight. Instead, he should accept a two-tiered procedure asking different questions. The first tier would ask which nations possess capacity. The purpose of this exercise is to focus our attention upon those nations with the capacity to possess remedial responsibilities. It is a mistake to do otherwise. If our project is to offer a method whereby we may determine the nation or nations that should provide remedy to others, then surely our first task is to single out those nations that may provide any remedy. We should then select a nation or nations from this pool of nations capable of being remedially responsible according to Miller’s criteria.

Indeed, Miller offers various suggestions in this direction, such as:

One obvious way of identifying an agent who can be held responsible for bringing relief to P is to establish who is capable of supplying the remedy ... The rationale for this criterion is evident: since the whole purpose of identifying remedial responsibilities is to get help to P, picking the agent who is actually able to provide that help makes obvious sense.

Perhaps surprisingly, this does not lead Miller to argue—as he should have argued—that we first consider which nations are capable of providing remedial responsibilities and then we weigh the six connecting factors amongst these remaining nations. He uses the example of who should save a person thrown into a river: should it be the person morally responsible, someone who is not responsible but a strong swimmer or someone else? Thus, why not say a strong swimmer (with capacity) should remedy the situation even if he were not responsible for the problem faced? Miller says: ‘Getting P out of the river seems more important here than enforcing the moral responsibility of the pusher’.

This is incompatible with two deeply held positions. One position is that each factor is weighted equally, which we have already discussed. If all were equally weighty, then we may find a nation remedially responsible where any one factor or more were lacking. The problem here is that if a nation lacked any capacity to provide remedy then it could never be held remedially responsible. Therefore, remedy provides an important threshold that any nation must satisfy in order to be considered remedially responsible. The second position is ‘[a]s far as I can see, there is no algorithm that could resolve such disputes. We have to rely on our intuitions about the relative
importance of different sources of connection’. This is incorrect. We should rely on our intuitive judgements weighing the connections between a nation and others against a criteria, but only after we have determined whether a nation may be remedially responsible. There is an algorithm after all: first, we should determine which nations may be held remedially responsible and, second, we then weigh the six factors against our commonsense morality to determine remedial responsibilities for nations but amongst nations that may provide remedies.

CONCLUSION

Miller offers a connection theory of remedial responsibility. It offers us a procedure we can use to determine which nation or nations should be held responsible for remedying the suffering and deprivation elsewhere. The problem with this procedure is Miller's insistence that the six factors we should use to intuitively weigh any nation’s connection with those suffering deprivation elsewhere are equal and do not trump other factors. The problem is that this view rests on an important mistake. This mistake is that a nation’s capacity to provide remedy has priority. If a nation lacks any capacity, then it never matters how many nor how well other connections may relate to this nation because it could never be held remedially responsible.

The recommended correction is that Miller develops a two-tiered procedure. First, we single out all nations that possess sufficient capacity. Secondly, we consider the intuitive weight of the various connections held between only those nations possession capacity and those nations suffering from deprivation. This may offer a straightforward correction of Miller’s position, but one that would benefit its wider acceptability. Miller's connection theory of remedial responsibility would benefit greatly by shifting from the view that all six factors should be weighed equally to the view that while no factor may hold greater weight than others beyond a threshold, it is first necessary to make this determination amongst nations with sufficient capacity. Where a nation lacks any capacity, this nation can never possess remedial responsibilities whatever the relative weight of other connections.

NOTES

1. David Miller, National Responsibility and Global Justice (Oxford: Oxford University Press, 2007), 40.
2. David Miller, ‘Cosmopolitanism: A Critique’, Critical Review of International Social and Political Philosophy 5 (2002): 80–85; Miller, National Responsibility, 39.
3. Miller's position on group responsibility is controversial, but not indefensible. I will not challenge his position in order to most charitably assess the flaw that remains despite this concession when considering his connection theory of remedial responsibility. See Miller, National Responsibility, (111–34); Peter Jones, ‘Group Rights and Group Oppression’, Journal of Political Philosophy 7 (1999): 353–77, on group responsibility more generally.
4. Miller, National Responsibility, 98.
5. Ibid., 99.
6. Ibid., 101–2.
7. Ibid., 100.
8. Ibid., 103–4.
9. Ibid., 104.
10. Ibid., 100–1.
11. Miller amended his earlier statement (David Miller, ‘Distributing Responsibilities’, *Journal of Political Philosophy* 9 (2001): 453–71) to include factors (5) and (6) in his latest statement on this theory (Miller, *National Responsibility*).
12. Miller, *National Responsibility*, 102–3.
13. Ibid., 107.
14. Ibid., 48.
15. Ibid., 99.
16. Ibid., 99–100.
17. Ibid., 105.
18. The example may appear unrealistic. This is because most, if not all, actual cases where nations have had responsibility for poverty elsewhere are cases where these nations also possess the means to alleviate poverty. However, the hypothetical example is meant to be illustrative. Should there ever be like cases then these would be evidence that we ought not equally weigh all connections.
19. For example, see Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009); Kasper Lippert-Rasmussen, ‘Responsible Nations: Miller on National Responsibility’, *Ethics and Global Politics* 2 (2009): 109–30; and Margaret Moore, ‘Global Justice, Climate Change, and Miller’s Theory of Responsibility’, *Critical Review of International Social and Political Philosophy* 11 (2008): 501–17.
20. This is true in all cases and not only the Evil Nation.
21. Miller, *National Responsibility*, 103.
22. Ibid., 105–7.
23. Ibid., 105.
24. Ibid., 107.