

# *The Loving State*

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## *Introduction*

**The Question.** What *attitude* should the state have towards its citizens?

**The Answer.** The state should not be indifferent towards its citizens. Nor should it merely respect them. Rather, it should *love* its citizens. The proper attitude of the state to its citizens is a loving attitude.

Let's start with some ground-clearing.

*The State.* The state is an organization made up of officials: bureaucrats, presidents, legislators. I'll assume that this organization is a group agent: it can have beliefs, desires, intentions and these are rationally integrated. When it wants something, it does what it sees as instrumental to the thing. But, unlike many agents, the state is not made of muscle and bone: it is made of people.

*Practical love v. Affective love.* The notion of 'love' I'll employ is a practical notion. It consists in dispositions to act and deliberate in certain ways. This differs from an affective conception of love, on which love is a warm fuzzy feeling. Even if the state can't have warm fuzzy feelings, it *can* have the dispositions that make up practical love.

*What is practical love?* Practical love involves concern for one's beloved's well-being. When one loves someone, one tries to make their life better. But practical love also involves respect for one's beloved's agency. When one loves someone, one respects and supports their choices.

## *The Anti-Subordination Argument*

Asymmetries of power create objectionable relationships. *Examples:* masters and slaves, kings and subjects, husbands and wives under Coverture laws. In all these cases, one agent has asymmetric power over another. This makes them inegalitarian relationships, relationships of subordination and domination. Such relationships are objectionable.

**The Problem.** The state has enormous power over its citizens. It can arrest, prosecute, ruin anybody in its territory. Its individual citizens do not have similar power over it. So, the state has starkly asymmetric power over

This assumption owes most to List and Pettit (2011). The basic case for it is that it fits (1) ordinary language (2) functionalist metaphysics of mental states and (3) social scientific theories.

The distinction is from Kant (1997, Ak. 4:399). But he calls the affective conception of love "pathological love".

For this kind of view, see Niko Kolodny (2014) and Frank Lovett (2010).

The claim here is that relationships of subordination are both (1) intrinsically bad and (2) something we have a claim against being in.

One might, like Kolodny (2019, 112), deny that subordination to a group agent is intelligible. But it seems perfectly intelligible: it consists merely in being under the asymmetric power of that agent.

its citizens. This threatens to subordinate them. The problem is how to ameliorate this threat of state subordination.

**The Solution.** Love ameliorates the problem with asymmetries of power. When the person with superior power loves those who lack it, that mitigates the badness of the asymmetry. So, if the state loves its citizens, the badness of its enormous power is ameliorated. So, the state should love its citizens.

Let's look at two pieces of evidence for the claim that love ameliorates the problem with asymmetries of power.

*Parent-Child Cases.* The relationship between parents and their children is one of asymmetric power. But it is not objectionable. One nice explanation of this is that (good) parents love their children. Of course, a competing explanation is that their children fall below some threshold of rationality. But this doesn't explain all cases. Specifically, power wielded by unloving parents does seem objectionable.

*Internal Barriers.* Asymmetric power is bad only when it can be *easily misused*. Power is misused when it's used in a way that subverts its subject's autonomy or impairs their interests. But love is a potent internal barrier to the misuse of power. When you (truly) love someone, you will not misuse your power over them. So love means asymmetric power cannot be easily misused.

– *What About Respect?* Let's think of respect as a kind of regard for agency. One respects someone when one doesn't interfere with their choices. On this construal, respect is a less demanding notion than love. It requires neither much positive support for those choices nor concern for their welfare. Love requires both. But the more one cares about someone's welfare and agency, the less likely one is to misuse one's power over them. So, love is a more robust barrier to the misuse of power than is respect.

But might there not be other ways to ameliorate the threat of state subordination?

- **External Barriers.** Perhaps we could institute external barriers to the state misusing its power. These would be things external to the state that prevent it from misusing its power. If state officials are determined through democratic elections, then the people's will provides such an external barrier. Debatable, an independent judiciary provides such a barrier. But I think there are two problems with relying entirely on such external barriers.
- *Feasibility.* It's really hard to stop the state misusing its power. Your state can crush you (yes, you!) if it wants to. Elections and courts don't stop it

I'm not claiming that love makes power asymmetries completely anodyne. Only that it makes them less bad.

*Case:* Imagine a parent who pushes their talented kid into acting. The kid doesn't like acting at all, but they make a lot of money. The parent does it for the money. In this case, the parent's power is objectionable.

*Case:* Clark Kent has asymmetric power over the citizens of Metropolis. He can shoot rays out of his eyes. But this doesn't subordinate the citizens to Clark. Why? Because he is such a good guy; he would never misuse his power.

For the idea that respect is a less demanding notion than love, see Velleman (1999, 366).

You can see this appeal to external barriers in Locke (1690, ch. 29). But, more recently, this is also influentially the view in Pettit (2012, 152–179). In other words, it is the neo-republican position.

doing this. Just think of Fred Hampton, Edward Snowden, Chelsea Manning *etc.* So, practically, external barriers can at best also help ameliorate the problem of state subordination. But they don't dispense with love.

- *Appeal.* Locke, influentially, likens a rule to a lion: a wild beast that threatens to devour its citizens. This solution takes the same attitude towards the state. It's like a barely contained, ravening beast in your backyard, which would not hesitate to do terrible ill to you. But this is not an appealing picture of our relationship to anything, including the state. It's a relationship akin to enmity, and such relationships are objectionable. So, this solution replaces subordination with a different sort of objectionable relationship.

Locke makes the comparison in the Second Treatise, ch.7, §93.

So, external barriers help with the problem of state subordination. But we still need to appeal to love.

I don't claim that "all you need is love": just that love helps.

### *The "No Excuses" Argument*

Let an excuse for not  $\phi$ -ing be something that undermines or defeats a reason to  $\phi$ . Then the argument is:

1. We all have some reason to love everyone.
2. The state has no excuse for not loving its citizens.
- ∴
3. The state should love its citizens.

A reason is *undermined* when its weight is reduced. It is *defeated* when it is outweighed by a contrary reason.

The background picture of normativity here is: if you have some reason to do something, and nothing defeats or undermines that reason, then you should do it.

*Universal Love.* What's the argument for (1)? Well, first note that this doesn't commit us to loving everyone. It just says we have some reason to do so. Most of us have a good excuse for not loving everyone. Second, note that it does seem plausible that we have some reason to care about others' well-being and respect their agency. But, these are the core features of practical love. So, that makes it plausible that we do have some reason to love everybody, in the relevant practical sense.

*No Excuses.* What's the argument for (2)? The central excuse most of us have for not loving everyone is that it's too demanding. We have our own personally valuable projects and relationships. These would be unsustainable were we to love everyone. But the state doesn't have personally valuable projects and relationships. Its projects and relationships are at most valuable insofar as they help flesh-and-blood individuals. So it is not too demanding to insist that the state love everyone.

Another way to put this point is: flesh-and-blood agents have moral status. The state does not. There's a limit to how much you can demand of agents with moral status. There is no limit to what you can demand of agents without moral status. So, there's no limit to what we can demand of the state.

Now let's address a couple worries about the argument. Both suggest that it *overgeneralizes* in an objectionable way.

- *What about Nike?* Nike, the company, also doesn't have personally valuable projects and relationships. But Nike surely isn't required to love everyone. It needn't, for example, love fickle Adidas customers. Yet the argument seems to imply that Nike is required to love everyone. So something must be wrong with the argument.
- *Reply.* Nike has a different excuse for not loving everyone. The key point is that the members of Nike have a prerogative to take part in economic organizations (like shoe companies). That means anybody who stops them doing this wrong them. But if Nike loved everybody, it would be an unsustainable as a shoe company. So Nike's excuse for not loving everybody is that this would wrong its members. The state doesn't have a like excuse because it is a coercive organization. You don't generally wrong people when you stop them setting up coercive organizations.
- *What about foreigners?* States should treat their citizens better than they treat foreigners. The Italian state should spend more money helping needy Italians than it spends helping needy Canadians. It has special duties to Italians. Yet the argument above seems not to distinguish between citizens and foreigners. So, something must be wrong with the argument.
- *Reply.* Relationships modify the weight of reasons to love. One has weightier reason to love those with whom one shares a close relationship than one does to love strangers. But states have a closer relationship to their citizens than to foreigners. So, states have weightier reasons to love their citizens. And that is why they should treat citizens better than they treat foreigners.

So, to sum up, there are a few excuses for not loving somebody: (1) It's too demanding, (2) It would violate other people's prerogatives, and (3) You don't have any relationship with them. The state has none of these excuses vis-à-vis its citizens. So it should love its citizens.

### *What is the Loving State Like?*

We now look at the nature of the loving state. This will ground an *abductive* argument for the claim that the state should love its citizens. Namely, we have many intuitions about how a state should be. The claim that the state should love its citizens explains these intuitions. So, we should infer that the state should love its citizens.

### *The Liberal State*

**Intuition.** States should not interfere in their citizens' personal sphere. They shouldn't interfere in their religious choices, who they marry, how they do their hair. States should be liberal.

The worry goes for many non-state group agents: Ford, Oxfam, the Paris Opera *etc.*

*Prerogatives.* For the purposes of this argument, S has a prerogative to  $\Phi$  iff anybody who stopped S from  $\Phi$ -ing would wrong S.

For the purposes of this argument, foreigners are non-citizens who have never set foot in a state's territory.

This isn't to say that love at first sight must be unreasonable. But it is, perhaps, supported by relatively weak reasons.

The background assumption here is just: if some claim explains a lot of our intuitions, then that is good evidence for the claim.

Here 'liberal' is meant in the Millian sense, rather than the sense common in contemporary U.S. politics

**Observation.** Love involves adopting one's beloved's ends as your own. If your beloved wants to become a writer, you should also aim that they become a writer. So, you should support their attempt to be a writer. You shouldn't, at least after a certain point, try to stop them becoming a writer.

The insight here is from Kyla Ebels-Duggan (2008).

**Conclusion.** The loving state will adopt its citizens ends as its own, and so not interfere in those ends. So, it will be a liberal state.

- We can now deal with an important worry about the loving state. The worry is that it would be intrusively paternalistic. As the argument in this section shows, this worry rests on a misconception of what love is. A merely benevolent state might be intrusively paternalistic; a loving state will not be.

### *The Democratic State*

**Intuition.** States's policies should be driven by what their citizens want. If their citizens want universal healthcare, they should set up such healthcare. If their citizens want lower taxes, they should cut taxes. States should be democratic.

**Observation.** The state should have *general love* for its citizens. It should love its citizens as a plurality. Compare: I might be afraid of the angry mob without being afraid of any of its members. My fear here is fundamentally directed at a plurality. Likewise, states should direct their love not just fundamentally at individual citizens, but at their citizens as a plurality.

The notion of 'general love' here comes from White (ms). One clean definition of it is: S generally loves xx iff S loves xx and this love is not grounded in S's love for the individual members of xx.

- Why think this? One argument for it is the argument from group subordination. The idea is that one can be subordinated as a plurality. Permanent minorities in democracies suffer such subordination. They're not individually less powerful than are the members of the majority. They're only collectively less powerful. Thus, general love helps ameliorate the threat of the state subordinating its citizens as a group.

**Conclusion.** To have general love for a collective is to adopt their collective will. So, the loving state will adopt its citizens' collective will. It will be a democratic state.

Many contemporary writers (e.g. Christiano 2008; Kolodny 2014; Viehoff 2019) think that democracy is valuable since it realizes equality of political power. But this doesn't support democracy in my sense. That is because equality of power is achieved when no citizen has any political power at all (imagine that polices were chosen by lottery, or by a machine). So we need for a further, non-egalitarian, justification of democracy.

### *The Welfare State*

**Intuition.** The state should not just be a nightwatchman. It shouldn't merely protect its citizens from theft, assault, murder. It should try to promote the well-being of its citizens to the greatest extent that it is able. It should provide them with healthcare, housing, sustenance. The state should, in this sense, be a welfare state.

**Observation.** When you love somebody, you care deeply about their well-being. You would not let someone you love go without healthcare, housing or sustenance if you could provide it to them. In fact, you try to promote their well-being to the greatest extent possible.

**Conclusion.** The loving state will try to promote the well-being of its citizens. It will be a welfare state.

### *The Egalitarian State*

**Intuition.** The state should treat its citizens equally. When it provides a benefit to some of its citizens, its other citizens have a prima facie claim to a like benefit. The state must have a good reason for not providing the benefit universally. (In contrast, flesh-and-blood agents can benefit people without giving others claim to like benefits—think of supererogatory benefits).

**Observation.** The loving state will be maximally concerned for its citizens well-being. But, if the state has maximal concern for each of its citizens, it has the same attitude towards each of them: maximal concern. And, what it is to have the same attitude towards them is, in part, to be disposed to treat them the same.

**Conclusion.** The loving state will treat its citizens equally. It will be an egalitarian state.

### *The Explanatory Import of Love*

I want to address one objection to this abductive argument for the ideal of the loving state. The objection says that we can explain all these features of the ideal state without claiming that the state should love its citizens. We can explain them entirely via the claim that the state should have a very high degree of concern for both their welfare and their agency. So, the appeal to love is explanatorily otiose.

*Unity.* The appeal to love adds to the unity of our explanation of these features. It's not that, at root, they are explicated by appeal to two independent constraints on the state's attitudes. Rather they are explained by a single unitary constraint on the state's attitudes: that it should love its citizens.

*Intuitive Grip.* We sometimes have clearer intuitions about what love involves than about what high degrees of respect and care involve. Thus, appealing to love gives us a distinctive source of insight into the state's proper nature.

– *Epistemic Partiality.* For example, a loving state will see its citizens with a “friendly eye”: it will believe the best of them consistent with the evidence. This matters for the many times it is in a position to judge them: in courts, when distributing e.g., disability benefits *etc.*

Some people, like Nozick (1974), might object that people's property rights trump the demands of love. There are two replies to this. First, intuitively, when we love someone, we'll often protect their well-being even when doing so violates property rights. You'll steal a loaf of bread to feed your family. Second, it's difficult to come up with a theory of property rights that implies actual property rights trump the demands of love. Saliently Nozick's historical theory, in my view, does not.

Scanlon (2018, 10–25) has an extended discussion of this intuition.

For the “friendly eye” claim, see Jollimore (2011, 46–72).

*Concessive Response.* The distinctive things I'm doing in this paper is showing how fruitful it is to theorize about the proper *attitudes* of the state. We can come to conclusions about what those attitudes are and use them to explain further phenomena. The objection under discussion concedes that point.

It's common to make claims about the state's proper attitudes. Dworkin (1977, 273), for example, claimed that the state should have "equal concern and respect". But these claims are rarely defended *or* put to explanatory work.

### Conclusion

- I've given three arguments for the claim that the state should love its citizens: (1) The anti-subordination argument (2) The "no excuses" argument and (3) The abductive argument. Collectively this seems to make up a powerful case for that claim. The state, I think, should love its citizens.

Want to read more? You can find the entire paper [here](#).

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