

Just patriotism?

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Abstract

Patriotism is subject to searing moral criticism, but is it necessarily a vice? The article offers a conditional defense of patriotism. It acknowledges that even at its best, patriotism is a dangerous virtue and prone to abuse. Nevertheless, we ought to acknowledge the truth that a just patriotism is possible, and we should seek to specify and bring about its conditions. Just as it is permissible to form deep attachments to imperfect others, so, too, it is not always wrong to feel a special attachment to and responsibility for one's own country. Even so, addressing patriotism's manifest dangers requires enacting practical institutional reforms. These include greater protections for rights of political dissent and contestation, insulating the school curriculum from politicization and bringing more attention to the nation's shortcomings, and greatly expanding the role of international institutions and perspectives which furnish a salutary check on national self-preference.

Keywords

collective responsibility, partisanship, patriotism, political dissent, school curricula, self-governing communities, the US Constitution

People's proneness to excessive self-concern seems undeniable, and so is the tendency to rationalize this with convictions about one's worthiness and entitlements. As these are the lenses through which we view ourselves and others, conflict is inevitable. What is true of individuals is true of states also. There, however, the tendency toward special regard for one's group is sometimes regarded as virtuous insofar as it inspires devotion to the collective and a willingness to sacrifice for its well-being.

There is no doubt that patriotism is always dangerous but is it necessarily morally vicious? I want to discuss this in the context of worries about historical memory, partiality to one's compatriots, and public policy.

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States are all too apt to regard the teaching of history from the standpoint of a concern with patriotism: telling our collective stories in a way that is designed to instill solidarity and devotion. This is a prescription for the teaching of falsehoods or half-truths. By offering a distorted, self-serving and unselfcritical view of our collective experience and the world, it makes people prone to support government policies that advance our own aims and interests without due regard for the well-being of others. Patriotic education is, it seems, politicized education and that is no education at all. We should do all we can, on this view, to eliminate patriotism from the curriculum.¹

Does this also mean that we must sever education from any and all special concern with particular political projects, and take a universal point of view?

We have good reasons, quite aside from self-interest or self-love, for being specially concerned with the quality of the particular political community in which we reside. The special obligations of shared citizenship are not a mirage: we have genuine reasons for particular concern with the politics of our own political communities. Partisanship for our own political community tends toward predictable abuses, which include disregard for the equal standing of others and incomprehension of their points of view, which all too easily lead to atrocities in times of conflict. Nevertheless, we can have warranted grounds for pride in the accomplishments of the political communities to which we belong. The dangers of patriotism make it highly tempting to deny, and could justify simply denying, that patriotism is ever a virtue. Ordinary people can see that there is something to be said for patriotism. The best and safest course is to acknowledge the truth that there can be a just patriotism, while also recognizing its inherent dangers, and to seek to elicit greater awareness of both its dangers and the stringent conditions that must be met before it can be warranted.

So I argue here that while the critics of patriotism are correct to highlight its practical dangers, we ought to recognize the truth about patriotism: that while it is very often a cover for morally vicious, even murderous, collective self-regard, it is not always an intellectual and moral error. A just patriotism is possible; we should specify its conditions in order to seek to realize them.

Against patriotism

There are powerful arguments in favor of the view that patriotism can never be justified. Paul Gomberg argues that ‘Patriotism is like Racism’: it represents an arbitrary preference for the welfare of a particular group of human beings.² There is, in truth, nothing special about my compatriots, and therefore, there is no good ground for according them special concern. As a form of arbitrary preference for the welfare of a particular group, patriotism is like racism.

That is far too quick. Special relationships often generate special reasons for concern. And these forms of special concern need not be based upon the intellectual and moral error that those to whom we relate on special terms have special virtues. I love my partner or spouse not because I am convinced that he or she is better than all other people, but because of the particular life and commitments we share with one another; our shared history. The obligations generated by special relationships are perfectly consistent with a general respect and concern for human beings. Indeed, because I value my special

relationship with my partner I can regard it as valuable for everyone to experience a similar special relationship: not with my partner, obviously, but with a partner of their own. And so, in spite of the instability of marriages in western societies, most (or at least many) people still regard lifelong commitment as an ideal to aspire to. There is nothing mysterious about special relationships – or a shared history of valuable special relations – generating special grounds for mutual concern.

But, critics will say, politics is not a special relationship like love or friendship. Modern nation-states are hugely diverse and anonymous collectivities of tens or hundreds of millions of people. How can you have a ‘special relationship’ with 70 or 300 million or a billion people? Something weird is going on. Surely, the emotions generated by membership in such large and anonymous groups are misguided and groundless?

Maybe not. As members of a political community our fates are joined together in ways that are morally and practically consequential.³ Even the members of an authoritarian political oligarchy, such as China, participate in its collective life and share in its benefits and burdens (which may be distributed quite unfairly). Even there it does not seem arbitrary or groundless that members should care about their particular association and want it to go well. And if we focus on political communities with legitimate governments, in which each of us has a fair chance to play our part (admittedly small) along with our fellows in exercising some influence over the direction of government, then it is not surprising that ordinary citizens care about the well-being of their community and feel some measure of responsibility for the actions of their governments.

At their best, political communities serve important moral purposes. It is only via participation in political communities that we can effectively fulfill our natural duties to promote just institutions that protect our own and others’ equal basic interests over time. As citizens of legitimate, collectively self-governing political communities we participate in shaping the law that governs us all, we have obligations to participate in ways that can be justified to all our fellow citizens. When such communities work reasonably well – when they succeed in securing legitimacy and behaving decently toward all of their members – that is a great moral achievement, and one that is worthy of everyone’s admiration and the support of their members. Participation in such a project is a worthy human endeavor.

Particular political communities represent efforts to realize very great human values, and they are worthy of support and allegiance when they approximate in practice the values that political communities ought to pursue: including the general welfare and justice. Political communities must, to be legitimate and worthy of allegiance, respect and protect the human rights of their members and treat all normal adult long-term residents as entitled to a voice in the making of the community’s law. In making legitimate law political communities give specificity and content to the abstract claims of justice and the common good, which are worked out in light of specific traditions as distinctive public moralities.⁴ Our public morality has special authority for us because we have worked it out in the context of our history, and in the currency of our public reasons, via our legitimate processes of public justification. However, we need to be careful here. A political community is worthy of (conditional) support and allegiance only if we (its members) can see it *not only as ours* but also as succeeding over time in progressively realizing a system of morally decent collective self-rule that answers to critical standards of

legitimacy. Legitimacy and rightful authority flow from processes that respect human rights and rights of dissent and contestation, which include contestation of official acts in politically independent courts of law. No official claims can be placed beyond criticism and challenge. Public officials and authorities of all kinds must submit themselves to criticism and even insult.

So it seems to me that practices of collective responsibility and loyalty often make good sense. Ordinary citizens are right to feel especially implicated in their government's actions. If collective responsibility makes sense, so does collective pride insofar as the association succeeds in ways that justify our pride. We have reason to take pride in the success of our political community when it does succeed, and when that success is conditioned by respect for justice toward others.

Of course, citizens also display bumper stickers that say things like: 'Don't blame me, I voted for the other guy.' Doing what one can to promote just and fair policies provides one with a moral defense when and if unjust policies are enacted or sustained against one's efforts. That does not, however, necessarily relieve one of all practical responsibility: even those citizens who oppose the unjust actions of their government, and who therefore are not morally blameworthy, may nevertheless properly bear their share of the collective burden of compensating others for the damage that their government has done.⁵

The opponents of patriotism may not be convinced. George Kateb's skeptical indictment has the acid title *Patriotism and Other Mistakes*. Patriotism is a 'love of one's country', that is 'most importantly shown in readiness . . . to die and kill for one's country'. It thrives on having enemies, external or internal. It stirs murderous collective emotions that are very easily put to murderous ends. Patriotism is a mistake twice over: 'it is typically a grave moral error and its source is typically a state of mental confusion.'⁶

Kateb's central point is to emphasize patriotism's proneness to abuse: and there is no denying that patriotism is very often – he says nearly always – manifested in murderous disregard for equal rights and equal human dignity. It is an indirect form of self-worship (the love of my own) that may call upon our self-sacrifice, and that often involves the abjection of the self to a larger whole, based on a flattering sense of collective superiority. Its inherent tendency is toward morally vicious partiality and partisanship: love of one's own above all others and at the expense of others. That for Kateb is the essence of patriotism: it is 'a passion to forsake moral principle with an easy conscience'. It suppresses self-doubt and criticism. 'The patriot always gives his side the benefit of the doubt. Patriotism is on a permanent moral holiday, and once it is made dynamic, it invariably becomes criminal.'⁷

In spite of his apparently unyielding opposition, Kateb also says that no one can help being a patriot of some kind. It would seem to be a weakness to which we are inevitably prone, but not one that should be celebrated.

'How', Kateb asks, 'can one love such a mottled entity as a country', especially when, as in a democracy, 'the country's people are . . . directly and indirectly responsible for the country's wicked policies?'⁸ It is a good question, and revealing. Not all policies are wicked. In remarks such as these, Kateb's skepticism about patriotism shades into a skepticism about politics. He acknowledges the need for politics but seems to regard it as merely a necessary evil. He wants a politics of equal individual rights that protects

all persons, with equal dignity and freedom, and a global federation of liberal states to protect everyone's equal rights. What Kateb seems to want most is a politics without particular memberships and loyalties: a universal politics of human dignity, rights and individuality.

Kateb is right that patriotism is fraught with moral peril, and it has often been the refuge of scoundrels and worse. Even at its best, organized politics involves compromise. With Socrates in the *Republic*, it is tempting to say that those who love truth and justice should stay out of politics and keep their hands clean. But that would leave politics to people who do not love truth and justice, and, meanwhile, political instrumentalities will remain potent and capable of summoning intense loyalties. The fact, moreover, is that we need public authority to realize justice in the world: we need authoritative institutions for settling on a particular interpretation of political justice and working toward its realization. Rights are political creations; they succeed based on mutual subscription and collective enforcement. The only safe course is to work for the improvement of political institutions: not renouncing political solidarism altogether but seeking to yoke it to constitutions and social movements that promote self-critical and morally aspirational attitudes by dividing powers and promoting contestation, insisting on the rule of law, fostering inclusion, and hoping for incremental improvement over time.

Even Kateb concedes that patriotism can be instrumentally good, which means that it is conditionally good: good if the object of affection is worthy. That is what any morally critical defender of patriotism should say.

Patriotism's critics are correct to warn of its abuses. The interests and passions that lead us to love our own people – right or wrong – and favor them over others can all too easily be aroused by opportunistic leaders who play on the mental laziness of voters in mass democracies. The practice of patriotic politics must attend to its pathologies; even at its best it is a dangerous virtue.

Kateb allows that Abraham Lincoln offers the strongest case for patriotism. He enlisted patriotic attachment to the constitution and its underlying moral principles (expressed in the Declaration of Independence) to summon support for the struggle to preserve a union dedicated to the ultimate extinction of slavery. As Eamonn Callan points out: popular moral sentiment against slavery in the northern states was not nearly strong enough on its own to motivate people to mount this effort.⁹ On the contrary, northern indifference to slavery made a war for its purposeful eradication altogether doubtful. Lincoln's political genius was in building a coalition on grounds broader than morality for a supreme moral purpose. Summoning patriotic sentiment to preserve the Union was crucial: protecting the handiwork of the founders of the American republic and passing it on to later generations. Lincoln manipulated these sentiments masterfully, but also more or less openly. A northern majority would not fight to eliminate slavery, but Lincoln succeeded in mounting a war effort to preserve a union which he said repeatedly was dedicated to the ultimate elimination of slavery.

The critics may reply that in practice patriotism has very rarely served noble ends while very commonly serving base ones. And even on those rare occasions when it has been summoned on behalf of justice, as in Lincoln's case, those noble ends have had to be wrapped in the bogus rhetoric of honoring our founding fathers and our 'special' traditions.

The point here could be that if the founding fathers of the USA or Turkey or France are truly especially wise, then everyone should honor them. But if our founding fathers are lauded by us only because they are ours, surely that is delusional, morally bankrupt and the forgery of local virtue parading as universal virtue. This brings us back to the view of patriotism as a kind of intellectual error that leads to moral wrongs. So defenders of patriotism should acknowledge that two tendencies are in tension in all principled defenses of patriotism: the references to justice and other moral virtues and the embrace of particular constitutional traditions and leading figures that are always flawed. The most thoroughgoing opponents of patriotism might say that of course we should love justice but not grow attached to any particular project that seeks to realize it in practice, for that realization will only be partial. Lovers of justice should love the real thing, not the distant approximations found in practice. But this is like saying we should love humanity but not particular people. Our attachments and even our loves need not be blind. Moreover, it should matter how our traditions and political heroes look to the rest of the world: it should matter to Americans that Lincoln is honored the world over.

Attachment to particular political projects that very imperfectly embody justice can be a motive for seeking their improvement. Living as a human on earth means living in a particular place among particular people with whom one shares special relations and ties, including a particular constitutional project. Particular political attachments, including special forms of responsibility and pride, are not necessarily wrong.

Promoting just patriotism

If we allow that patriotism can be justified the question then becomes how to put in place checks and safeguards that have a decent chance of resisting the predictable pathologies of partiality.

There are ways of thinking about our politics that take the twin concerns of justice and particularity seriously. This has always seemed to me one of the principal attractions of what has been called the ‘moral reading’ of the constitution.¹⁰ Sotirios Barber develops this idea nicely, in his book *On What the Constitution Means*.¹¹ He begins with the US Constitution’s supremacy clause – in which the constitution claims to be supreme law – and asks: why should we take an old document made by others so seriously? It was made when women were disenfranchised and black people were enslaved. So what is the constitution to us?

To address that question Barber turns to part of the US Constitution that is often completely ignored: the preamble, which contains a statement of ends and purposes:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

This statement of ends suggests that there could be good reasons for regarding the constitution as supreme law, namely, if it actually succeeds in approximating to these valuable ends of government. The preamble invites a morally aspirational reading.

That is: we should interpret the document and the laws enacted within its structure as attempts to realize the preamble's ends, insofar as we can.

This does not turn constitutional law into political morality. While the constitutional text and the law sometimes set out abstract standards that invite moral reflection (the prohibition on 'cruel and unusual punishments') the constitution can also be quite specific, especially when laying out the structure of governing institutions (the president must be at least 35 years old not 'mature', every state gets two senators not a fair share). Plausible interpretations must in some measure 'fit' the constitutional text and the other authoritative materials – the decisions, practices and institutions – that we inherit. All of these are in important respects particular and local. The jurisprudence that informs the so-called 'wall of separation' between church and state in the United States is peculiar. Abstract principles of ideal justice and rights must be made concrete in particular places. Legislative enactments, executive orders and policies, administrative rulings, the decisions of courts, etc., all need to be taken seriously as exercises of political authority, at least when they are the product of legitimate procedures and institutions.

In constitutional systems a crucial role is played by institutional checks and balances which foster contestation and the insistence that arguments and reasons should be met with the force of better arguments. Obviously of great importance are protections for the rights of dissenters and the civil rights of minorities generally. The politically independent judiciary is crucial in this regard. The courts provide a neutral forum in which aggrieved individuals or groups can challenge decisions by the police and other executive agencies based on rights established under law. The court's authority to interpose itself between the government and citizens rests to a great extent on the force of the arguments that judges muster in publicly justifying their decisions based on the constitution and the traditions of its interpretation. Rawls is right to call the courts exemplars of public reason,¹² not because other branches of government have less need to engage in public justification, but because the authority of unelected courts uniquely depends upon public reason.

Among the rights that are crucial for checking the pathologies of patriotism is the freedom to criticize government, including official narratives of political events, past and present. John Stuart Mill was right when he argued – in his ringing defense of liberty of speech and the press in *On Liberty* – that we can have no warranted confidence in the truth of a given proposition except on the basis of a standing invitation to prove it wrong.¹³ Governments and the politically powerful will often say that political cohesion and authority require limitations on political criticism. And sometimes, when speech amounts to incitement to imminent violence, curbs on speech may be necessary. In addition, there are reasonable debates to be had about the appropriate grounds of legal actions for defamation and libel. What can never be justified in any decent constitutional state is the crime of 'seditious libel': speech critical of government or public officials to the point of defaming them and bringing them into 'hatred or contempt'. The British Crown used this tool to stifle opposition. In the USA, the Sedition Act of 1798 made it a crime to 'write, print, utter or publish . . . any false, scandalous and malicious' words against the government, the president, or Congress; this was used by the Federalist Party to prosecute opposition newspapers.¹⁴ Such legal actions provide the powerful with ready means to silence their critics. Public order prosecutions in China and elsewhere are used by governing elites to silence human rights advocates, such as the winner of the 2010 Nobel

Prize. In Turkey, section 301 of the penal code criminalizes a wide variety of vaguely defined critical expressions that can be deemed to denigrate Turkishness, the Turkish Republic, the government, or state institutions, including the military.¹⁵ This provision has been used as a legal weapon for barring free inquiry and open discussion of state policy toward Armenians and other national minorities.

Public criticism of a government must be robust if governments are to serve the interests of their people and be worthy of loyalty and support.

As mentioned above, governments frequently regard educational institutions as means for bolstering loyalty to the reigning political order. Civic education should, rather, interrogate the history of political struggles and controversies that have shaped – and corrupted or improved – our shared political project. Ideally, contending principles and points of view would be interrogated deeply, paying attention to the relevant historical context, but also recognizing that past conflicts often have enduring significance that transcends the immediate struggles. This is easier said than done, of course, when school budgets are limited and controlled politically.

One thing that is deservedly criticized is the politicization of school curricula via the politics of textbook writing and adoption, and curricula design. The elected Texas Board of Education voted along party lines in March 2010 ‘to revise the social studies curriculum to portray conservative ideas and movements in a more positive light and emphasize the role of Christianity in the nation’s founding’.¹⁶ Republicans on the board, none of whom was a professional educator or scholar, approved more than 100 amendments to the 120-page curriculum standards proposed by a panel of teachers to guide the writing of texts for use in history, sociology and economics courses from elementary to high school.¹⁷ These changes included replacing the word ‘capitalism’, deemed to have a negative connotation, with ‘free-enterprise system’; downplaying Thomas Jefferson’s historical influence and emphasizing that of Friedrich Hayek and Milton Friedman; challenging the idea of a constitutional separation of church and state; and defeating proposals to give greater attention to Hispanics.

Meanwhile, the French Ministry of Education, under President Sarkozy, has also proposed new curricular guidelines for social sciences, history and geography for high school students. Topics such as unemployment, Marxism, the labor movement, and 19th-century class conflict are demoted or eliminated altogether. The study of Islamic civilization is replaced by the study of the ‘medieval Christian West’.¹⁸

On both sides of the Atlantic, these proposals have met with protests by teachers and other education professionals who argue that the changes are both politically and pedagogically conservative. With respect to political conservatism, observers note: ‘They prefer a pseudo-patriotic history that denies the fundamental conflicts that have shaped our past’;¹⁹ teachers and their unions charge that the history curriculum is even more ‘Euro-centered’ than it was before.²⁰ With respect to pedagogy: ‘Rather than acknowledge that genuine disagreements over interpretation and emphasis are the lifeblood of history, they reduce it all to a cartoonish process of balancing “bias.” This sort of right-wing political correctness impoverishes our students and teachers.’²¹ ‘The purpose of education is not to indoctrinate but to inform. The citizenry needs to learn how to understand, think critically and make judgments.’²² Meanwhile, many politicians defend their role in shaping curricular standards.

It is a well-known paradox that democracies, in order to flourish, need depoliticized institutions capable of drawing on expertise and impartial, non-partisan judgment: courts, auditors, inspectors general, ombudsman officials, research services, etc. In formulating educational standards, professional educators should play a central role, as Amy Gutmann has argued.²³ Educators should do their best to combat civic education as regime-supporting propaganda and political leaders should seek to insulate such decisions from partisan political pressure. Truth-seeking should be at the core of the curriculum, and the vehicle must be the careful interrogation of controversy.

I have argued that citizens have special reason to care about the justice of their own political communities because they are especially implicated in them: not only as subjects of the law, but also (in democratic regimes at least) as citizens who share in collective sovereignty. I have also conceded that patriotism's critics are right to warn of the inherently self-serving tendencies of states, and the murderous forms that partiality to one's own can take in times of conflict. One central condition that patriotism must satisfy in order to be morally defensible is due regard for the rights and interests of outsiders. The tendency to elevate a concern for one's own above all others must be fought. Institutionally, as well as intellectually and morally, we must seek safeguards against the tendency of states and their citizens to magnify their own interests and prerogatives at the expense of others.

This points toward another avenue by which the abuses must be addressed: through involvement with international institutions. Because all states are prone to an excessive partiality that leads to cognitive and moral failings, the firmer institutionalization of forms of cross-national cooperation and criticism is crucial. Even current flawed international (or better, multilateral) institutions can help to correct cognitive distortions that plague national decision-making, especially when fear of insecurity breeds fear of violence.

Consider the run-up to the invasion of Iraq in 2003. The United States, in its zeal to prevent another '9-11' attack and deny safe havens to terrorists and their supporters, was convinced that Saddam Hussein's regime had the capacity soon to produce weapons of mass destruction and to use them to attack the USA and other western nations. The USA also wanted to build a broad international coalition for the invasion, and so sought the support of the United Nations Security Council. But UN weapons inspectors were less wrapped up in US domestic pressures and considerably more skeptical of Saddam's capacities, and they provided more accurate assessments than US intelligence agencies. Foreign governments on the Security Council likewise took a more detached and clear-eyed perspective on Saddam's threat. In the United States government no one involved in writing Secretary of State Colin Powell's speech at the United Nations in February 2003 appears to have challenged the basic assumption that Saddam Hussein possessed weapons of mass destruction.²⁴ Nor did the American public or press sufficiently heed, as they should have, criticisms from abroad. Although multilateral institutions provided essential tools for improving the accuracy of American domestic perceptions, they were not seized by those who could have used them. The failure to take advantage of the UN debate was consistent with a general lack of contestation within the Bush White House.

Long before transgovernmental networks developed on the scale of the 21st century, the American Founders understood the value of paying attention to informed opinion abroad:

An attention to the judgment of other nations is important to every government. . . . [I]n doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?²⁵

As I have argued elsewhere, involvement with multilateral organizations has the potential to systematically improve the workings of democracy: to help in correcting information biases that exist domestically.²⁶ They can also help to correct our moral biases by making us aware of the perspectives and views of others, and by requiring us to take others' interests seriously as a condition of securing their cooperation.

Conclusion

I have argued that decent political communities – and especially liberal democratic republics – are justifiable objects of special concern for their citizens if they reasonably approximate to justified principles of political morality. Politics is not simply a necessary evil: political institutions are the only effective means we have for approximate justice in practice. Feeling special attachment to one's own political community and institutions, and taking special pride in its just accomplishments, is perfectly acceptable. These attitudes might even help motivate concern for justice and human rights insofar as one cares about the reputation of one's political community on the global stage and in the annals of history. With particular attachments comes the possibility of warranted pride in particular accomplishments, but also, as the critics insist, the perils of partiality. While there is a case to be made for harnessing the particularities of politics and directing them to good ends, rather than trying to deny them, there is no doubt that we must do all we can to guard against patriotism's manifest dangers.

Notes

1. I leave aside the education of very young children.
2. Paul Gomberg, 'Patriotism is like Racism', *Ethics* 101(1) (1990): 144–50.
3. I develop the argument of the next three paragraphs in 'What Self-Governing Peoples owe to One Another: Universalism, Diversity, and *The Law of Peoples*', *Fordham Law Review* (special symposium issue on Rawls and the Law) 72 (2004): 1721–38; and in 'The Moral Dilemma of US Immigration Policy: Open Borders vs. Social Justice?', in *Debating Immigration*, ed. Carol Swain (Cambridge: Cambridge University Press, 2007).
4. As my colleague Anna Stilz argues in her excellent book, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton, NJ: Princeton University Press, 2009).
5. See the useful discussion in David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2008).
6. George Kateb, *Patriotism and Other Mistakes* (New Haven, CT: Yale University Press, 2006), p. 7.
7. *ibid.*, p. 13.
8. *ibid.*

9. Eamonn Callan, 'The Better Angels of Our Nature: Patriotism and Dirty Hands', *Journal of Political Philosophy* 18(3) (2010): 249–70.
10. Ronald Dworkin, *Freedom's Law* (Cambridge, MA: Harvard University Press, 1996), ch. 1, 'The Moral Reading and the Majoritarian Premise'.
11. Sotirios A. Barber, *On What the Constitution Means* (Baltimore, MD: Johns Hopkins University Press, 1984).
12. John Rawls, *Political Liberalism*, rev. edn (New York: Columbia University Press, 1996), p. 231.
13. *ibid.*, ch. 2.
14. See Leonard W. Levy, *Legacy of Suppression: Freedom of Speech and Press in Early American History* (Cambridge, MA: Harvard University Press, 1960).
15. See Amnesty International, Public Statement: Turkey: 'Article 301 is a threat to freedom of expression and must be repealed now!'; AI Index: EUR 44/035/2005 (Public) News Service No: 324 1 December 2005; accessed 14 December 2010 online at: <http://www.amnestyusa.org/document.php?lang=e&id=ENGEUR440352005>
16. Rewriting History in Texas', *The New York Times* (Tuesday 16 March 2010): A 22; these standards concern what will be taught over the next decade.
17. James C. McKinley, Jr, 'Texas Conservatives Win Curriculum Change', *The New York Times* (12 March 2010), accessed 15 December 2010 online at: http://www.nytimes.com/2010/03/13/education/13texas.html?_r=1&hpw
18. Emmanuelle Bonneau, 'Le Monde musulman pourrait sortir des cours de seconde' ['The Muslim World could be left out of the High School Curriculum'], *Rue89* (online) (18 February 2010), accessed 18 January 2011 at: <http://www.rue89.com/comment/permalink/1323422>
19. Daniel Czitrom, letter, *The New York Times* (Tuesday 16 March 2010): A 22.
20. Alice Cardoso, head of history and geography in the National Union of Teachers of second degree (SNES), quoted in Bonneau, 'Le Monde musulman'.
21. Czitrom, letter, *The New York Times*.
22. Joan L. Staples, letter, *The New York Times* (Tuesday 16 March 2010): A 22.
23. Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987).
24. Karen DeYoung, *Soldier: The Life of Colin Powell* (New York: Random House, 2006), pp. 421–52.
25. James Madison, *The Federalist* 63; accessed online at: <http://thomas.loc.gov/home/histdox/fedpapers.html>
26. Robert Keohane, Stephen Macedo and Andrew Moravcsik, 'Democracy-Enhancing Multilateralism', *International Organizations* 63(1) (Winter 2009): 1–31.