

Philosophy 267 Political Philosophy
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Topic: Global Justice.

Course meets on Mondays 4-7 in HSS 7077 (Philosophy Department seminar room)

Course requirements: Attendance and participation at all seminar meetings, some seminar presentations (analyzing a key argument or claim in a reading and leading its discussion), and a term paper (about 15-20 pages in length) on some topic central to course themes. Regular auditors of the class are welcome, and will be asked to contribute seminar presentations.

Readings: Most readings will be made electronically available at a course website. These books have been ordered and are available at the Bookstore: John Rawls, *The Law of Peoples*, Thomas Pogge, *World Poverty and Human Rights*, Richard W. Miller, *Globalizing Justice: The Ethics of Poverty and Power*.

The issue of global justice arises when one asks: what would it be for norms of justice to be fulfilled across the entire Earth. (So stated, the issue sounds parochial. Humans might eventually live on other planets; maybe there are nonhuman persons in outer space. But for now the persons we know mainly inhabit the Earth.) Political philosophers have tended to conceive of norms of social justice as regulating the institutions and affairs of a single nation-state regarded as independent and self-contained and standing in no important relations to other nation-states and peoples. Less is said about moral constraints on relations between states. An exception here is the relation of war. There is a long tradition of theorizing about just war. In a nutshell, the tradition holds that states should respect each other's territorial independence and refrain from threatening or initiating aggression by military attack. If one state aggresses against another, the attacked nation and others acting in solidarity are justified in waging war against the aggressor, engaging in a kind of self-defense that aims to repel the aggression and bring it about that states become disposed to settle their disputes without resorting to use of military force.

Even that simple capsule summary of just war theory suggests an ideal of global justice. This is the ideal of a world order consisting of independent self-governing nation states, each internally just, all respecting each others' sovereignty and refraining from military attack aimed at large-scale robbery or subjugation. The main relations among these independent states are relations of mutually consensual economic trade and cultural interchange. In this picture a self-governing state could be just one that is not governed by other states or external agencies: Spain is self-governing when no outside agency or nation rules Spain. The picture in the eyes of some looks morally more attractive when "self-governing" is interpreted as requiring substantially democratic governance. With that proviso a just world order is a world of independent democratic communities with each one ordering its internal affairs according to its own conception of the common good and of the requirements of social justice. Since cultures and conceptions of just order differ from society to society around the globe, the social orders in the various states are expected to be heterogeneous, but this diversity may not be problematic, rather simply a legitimate reflection of world-wide pluralism of belief. Indeed one can drop the requirement of political democracy and still embrace the ideal of global justice as a world of independent self-determining nation-states. In the language of individual rights, one might insist that among our basic moral rights, one of the most fundamental if not the most fundamental is the moral right of each person to be a member of some self-determining national community.

This ideal of a world community of independent nation states is an ideal, not a description, so it is not straightforwardly falsified by historical facts of empire and conquest, colonialism and

subjugation, wars and world wars, bullying strategic politics among contending dominant world powers. The idealizing story about colonialism is that after a period of tutelage all viable nations would eventually take their place as independent nation-states and sovereign members of the world community.

So far I have been speaking loosely about a “just world order” without saying anything at all about what notion of *justice* is figuring in this discussion. I am using the term to refer to two broad ideas that I hope will not split apart. On the one hand, following the lead of John Rawls, I take justice to be the first virtue of social institutions, or in other words a name for the fundamental moral principles governing social arrangements. The justice norms are the ones that trump. On the other hand, what we owe one another under the rubric of justice is fair treatment, so we start with common-sense ideas of what we expect from one another by way of fair treatment and then try to work these ideas into systematic consistent form. Also, a further constraint on thinking about justice is that justice norms are those that are enforceable, apt for coercion, including heavy-duty coercion involving force and violence and the threat of these. So however morally important one takes the norms of friendship to be, they will not figure in an account of social justice if friendship norms are regarded as being for one reason or another not apt for enforcement.

The idea of global justice as constituted by a world of independent internally just nation states living peaceably and in harmony has come under strain in the past 20 or 30 years. One source of strain has emerged as normative political theorists of various persuasions have worked to articulate norms of just international relations and encountered difficulties. Another source of strain is that changes in the international arena in the past 100, 50, and 20 years have either revealed new problems for which we do not have developed answers or simply made more manifest problems that have always been there even if not catching the attention of political philosophers. There are lots of problems under scrutiny now; I list a few.

1. The idea of an independent national community living on a compact territory and controlling the state that rules that territory gives rise to the question, what counts as a nation, a group that legitimately controls a state. We find several groups of people living under a single state, some of them in a subjugated or subordinate position. What counts as fair governance in such settings? If nations have rights to political self-determination, what social groups qualify as such entities and under what conditions must they be granted autonomy or secession? If both Greens and Reds now live under a common state and the Greens want to exit and form their own state, under what conditions is this demand for exit an inexorable claim of justice? Similar issues are joined if the Greens demand political autonomy within the existing state.

2. With the rise of industrialization and developed market economies in some regions of the Earth, the world has become more prosperous, and more prosperous to enormously unequal degree. Responses differ. On some views, wealthy nations have caused harm to poor nations and that wrongdoing is a significant factor in explaining current wealth and poverty, so compensatory justice is owed. On some views, well off people should help better off people, end of story. Some who defend various egalitarian accounts of distributive justice in answer to questions about what members of a single society owe to one another suggest that the same egalitarian distributive justice principle apply on a global scale. Others demur. The rises in global trade and economic interdependence in recent years pose the question, do increases in economic relations generate new duties among the newly related individuals, and if so, of what kinds.

3. The picture of self-contained independent nation states living in harmony ignores moral questions raised by the movement of people from country to country. Refugees flee war and civil war and turmoil and oppression and seek refuge elsewhere. Many move from poor countries to more prosperous countries seeking better economic opportunity through temporary jobs or

permanent change of home, and many more would do so if governments did not strictly police their borders and restrict entry. Do people have a right to exit their homeland if they choose? Do other nations have some responsibility to ensure that they can find access to a new homeland somewhere? When immigrants enter a new land, they bring new lifestyles, values, and culture, and their incorporation into the host society induces changes that some like and some find disturbing. Do people sometimes have rights to maintain continuity in their culture by excluding would-be immigrants? Do would-be immigrants to a land sometimes have rights to enter?

4. Since World War II various trends including the breakup of European colonial regimes and declarations of rights promulgated by the United Nations and ratified by international treaties have given increased currency to the idea that all human individuals just in virtue of their humanity have basic moral rights, negative rights not to be harmed in certain ways and also positive rights to decent conditions. The duties specified by these rights include duties requiring everyone not to harm in the certain ways and duties that governments safeguard the basic rights of their peoples and more generally that we humans do something to bring about conditions in which everyone's basic rights are secured. What these rights come to is controversial even in broad terms, but any substantial doctrine of basic human rights inevitably puts pressure on the idea that each state has the right to conduct its internal affairs as it chooses. Basic human rights constrain rights of political sovereignty. Doctrines of basic human moral rights get paired with doctrines of humanitarian intervention. If a government mistreats its people, or some of its people, beyond a certain point (what point?), the international community, in morality if not in law, has a duty to intervene with military force. Since licenses to intervene easily become tools used by big powers in big power politics, there are clearly issues here regarding the relationships between abstract principles of moral right and practical norms and laws governing relations between political communities. (The search for global justice norms according to some encompasses both the attempted discovery of fundamental moral principles and the construction of practical and feasible norms laws, and policies intended as decision making guides in particular circumstances.) Doctrines of basic human rights set a threshold beyond which toleration of the practices of other peoples, even if objectionable and morally wrong, becomes morally mandatory.

5. The image of a world of independent armed states with duties not to harm and rights not to be harmed looks a lot like the state of nature described in John Locke's *Second Treatise of Government*, with individuals living in proximity to each other but with no state possessing the power to enforce general compliance with rules. In the world of states, we rely on bilateral agreements and self-help enforcement to sustain order. This hasn't worked out well, but maybe no feasible arrangements would work out well. Immanuel Kant argued that starting from anarchy individuals would be morally required to form and sustain a state on each compact territory, but that starting from the international anarchy of a world of independent states, we would be wrong to move toward a world state, which would inevitably be world tyranny. Is that a reasonable position? Should we accept a variety of functional partial substitutes for world government including great power domination?

6. In recent times threats and problems that call for large-scale cooperation among states have become salient. In a world in which national economies are globally roped together, large-scale economic maladies demand large-scale remedies. Some problems are such that if some individuals coordinate on a pattern of behavior, each party coordinating is better off doing her part to sustain the pattern rather than defecting from it, and others affected are each better off joining the coordination pattern rather than not doing so. Other problems are such that a pattern of cooperation if sustained by most or all would provide gains for all but each individual is better off defecting from cooperation whatever others do. There are other types of problems and decision problems, but in many of these, the difficulties of sustaining mutually beneficial cooperation are formidable. Consider the world-wide problem of climate change induced by increases in greenhouse gas emissions. Emissions are a byproduct of activity that benefits the emitter but

imposes long-term negative effects, hard to calculate, on people all over the Earth, future generations including distant future generations as well as people alive now. The harms brought about by climate change are expected to fall very unevenly, more severely on countries in warm climates, countries with large populations living close to sea level, and countries that are impoverished. People in developed societies emit a lot of greenhouse gas, people in developing societies (for the most part) less, but they aspire to grow economically and emit more, and with some justice. What would be a fair world-wide response to climate change issues, a fair sharing of the burdens of reducing greenhouse gas emissions among all of us over the long haul? This is a respectable intellectual question to pose even if there is no chance that anything close to this fair response will be implemented. There are also nested sets of questions increasing in realism that take some context of circumstances as given and ask what would be the morally best course of action given that context. But what should qualify as “realism” here? It is far from clear what a sensible moral framework for thinking through these issues would be.

Climate change is just one among several problems facing the international community of states whose solution requires tricky cooperation. Others include the regulation of global trade, facilitation of the economic development of less developed nations, preventing proliferation of nuclear arms and other dangerous weapons, controlling misbehavior by hegemonic powers, etc.

7. Recent debates about global justice have been marked by disagreement about the ideal of cosmopolitanism. The disagreement concerns how to conceive of this ideal as well as whether we should embrace it. Is there even an issue? Mathias Risse suggests it is misleading to think of cosmopolitanism “as a distinctive position on global justice,” because “all plausible theories of global justice ascribe significance to moral equality.” In a somewhat similar spirit, Samuel Scheffler notes that if cosmopolitanism about justice instructs us to view ourselves as citizens of the world, this is an ambiguous claim. It could mean that we have significant duties to fellow humans based just on shared humanity independently of special ties, or it could mean that we have only duties based on shared humanity and no duties based on special ties. Scheffler proposes that the latter claim is a nonstarter and the former is a truism.

Another issue that sometimes pits professed cosmopolitans against noncosmopolitans concerns whether principles of distributive justice apply across the entire Earth or rather in each separate country regarded as freestanding. This is an issue of scope: global or not? An intertwined issue concerns the ground of distributive justice obligations. A relationalist holds that distributive justice duties arise only among those bound together in social practices; a nonrelationalist denies that distributive justice duties arise only in social practices. A mixed view proposes two tiers of distributive justice: a weaker tier that applies to all of humanity and a more demanding tier. At this second level forms of egalitarianism get affirmed along with concerns for relative shares and relative position. Notice that the more extreme cosmopolitanism, while controversial, admits of both left wing and right wing versions: Lockean libertarians are extreme cosmopolitans. So are utilitarians, prioritarians, and egalitarians of various persuasions. The most extreme cosmopolitan position denies we have special ties of any sort with more than instrumental significance, even friendship. A slightly less extreme cosmopolitanism allows special ties of friendship and the like but denies that special ties have any intrinsic significance for justice relations.

The question becomes whether the opposition between cosmopolitans and noncosmopolitans points to a sensible live controversy, and if so, what is at stake.

John Rawls’s book *The Law of Peoples* takes clear stands on almost all of the issues mentioned above. It restates the ideal of global justice as a world of independent nation states peaceably coexisting, each affirming and maybe fulfilling opposed moral standards, but all meriting

toleration. The positions affirmed are clear, but there seem to be gaps in the arguments supporting these positions. So an agenda is set: either fill in the argument gaps and defend a broadly Rawlsian view or use the gaps as leverage for supporting an opposed rival doctrine.

The list of topics below is provisional. I am open to suggestions from you. Notice also that there is a substantial reading for the first week's seminar meeting.

SCHEDULE OF TOPICS AND READINGS

(The "further readings" in small print are recommended not required—recommended especially for anyone who might be thinking of exploring the topic as a possible essay topic.)

Week 1. Monday, April 12.

Reading: John Rawls, *The Law of Peoples*.

Week 2. Monday, April 9.

Reading: John Rawls, *The Law of Peoples*, continuation of discussion.

Reading: Charles Beitz, "Rawls's Law of Peoples" and Allen Buchanan, "Rawls's Law of Peoples: Rules for a Vanished Westphalian World," both essays in *Ethics* 110 (2000); Simon Caney, "Cosmopolitanism and the Law of Peoples," *The Journal of Political Philosophy* 10 (2002).

Further reading: Andrew Altman and Christopher Wellman, chapter 6 in their *A Liberal Theory of International Justice* (Oxford University Press, 2009).

Further reading: Kok-Chor Tan, "Liberal Toleration in Rawls's Law of Peoples," *Ethics* 108 (1998).

Further reading: Exchange between Simon Caney and Jon Mandle, as cited in week 4 readings.

Week 3. Monday, April 16.

Reading: Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30 (2002).

Reading: Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 (2005).

Further reading: Joshua Cohen and Charles Sabel, "Extra Rempublicam Nulla Justitia?", and A. J. Julius, "Nagel's Atlas," both essays in *Philosophy and Public Affairs* 34 (2007).

Further reading: Richard W. Miller, "Cosmopolitan Respect and Patriotic Concern," *Philosophy and Public Affairs* 27 (1998); also Miller, *Globalizing Justice: The Ethics of Poverty and Power* (Oxford University Press, 2010), chapters 1 & 2.

Week 4. Monday, April 23.

Reading: Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy and Public Affairs* 35 (2007).

Reading: Samuel Scheffler, "Conceptions of Cosmopolitanism," *Utilitas* 11 (1999), reprinted in Scheffler, *Boundaries and Allegiances* (Oxford University Press, 2001).

Further Reading: Martha Nussbaum, "Capabilities across Boundaries," chapter 5 in her *Frontiers of Justice: Disability, Nationality, Species Membership* (Harvard University Press, 2006).

Further reading: Mathias Risse, "Global Justice," forthcoming in David Estlund, ed., *Oxford Handbook on Justice*. Further reading: Jon Mandle and Simon Caney, exchange on cosmopolitanism in Thomas Christiano and John Christman, eds., *Contemporary Debates in Political Philosophy* (Wiley-Blackwell, 2009). Further reading: Arash Abizadeh, "Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice," *Philosophy and Public Affairs* 35 (Fall, 2007).

Week 5. Monday, April 30.

Thomas Hurka, "The Justification of National Partiality," in Robert McKim and Jeff McMahan, eds., *The Morality of Nationalism* (Oxford University Press, 1997).

Reading: David Miller, *Citizenship and National Identity* (Polity Press), chapters 2 & 3.

Week 6. Monday, May 7.

Thomas Pogge, "Assisting' the Global Poor," in Deen Chatterjee, ed., *The Ethics of Assistance: Morality and the Distant Needy* (Cambridge University Press, 2004). Also Pogge, *World Poverty and Human Rights*, chapters 4 & 5 (Polity Press, 2008).

Reading: Mathias Risse, "How Does the Global Order Harm the Poor?", *Philosophy and Public Affairs* 33 (2005).

Further reading: David Miller, "Responsibilities to the World's Poor," chapter 9 in his *National Responsibility and Global Justice* (Oxford University Press, 2005).

Further reading: Andrew Altman and Christopher Wellman, chapter 6 in their *A Liberal Theory of International Justice* (Oxford University Press, 2009).

Further reading: Allison Jaggar, ed., *Pogge and His Critics* (Polity, 2010), essays by Joshua Cohen, Kpk-Chor Tan, and Leif Wenar.

Week 7. Monday, May 7. NO CLASS.**Week 8. Monday, May 21.**

Climate Change.

Reading: Luc Bovens, "A Lockean Defense of Grandfathering Emissions Rights," in Denis G. Arnold, ed., *The Ethics of Global Climate Change* (Cambridge: Cambridge University Press, 2001).

Reading: Peter Railton, "Locke, Stock, and Peril: Natural Property Rights, Pollution, and Risk," Reprinted in Railton, collection of his essays. First published in Mary Gibson, ed., in *To Breathe Freely* (1985).

Reading: Robert Nozick, "Locke's Theory of Acquisition" and "The Proviso" sections of chapter 7 of his *Anarchy, State, and Utopia* (Basic Books, 1974).

Week 9. Monday, May 28. NO CLASS. Memorial Day holiday.**Week 10. Monday, June 4.**

Humanitarian Intervention.

Reading: Michael Walzer, chapter on intervention in *Just & Unjust Wars* (Basic Books).

Reading: Andrew Altman and Christopher Wellman, chapter on intervention in their *A Liberal Theory of International Justice* (Oxford University Press, 2009).

Reading: Jeff McMahan, "Humanitarian Intervention, Consent, and Proportionality," in Festschrift volume for Jonathan Glover (Oxford University Press).

Further reading: David Luban, "Just War and Human Rights," *Philosophy and Public Affairs* 9 (1980); Gerald Doppelt, "Walzer's Theory of Morality in International Relations," *Philosophy and Public Affairs* 8 (1978); Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9 (1980); Responses to Walzer by Luban and Walzer, *Philosophy and Public Affairs* (1980?). These discussions are all responses to Walzer on just war.

Further reading: McMahan, "Just Cause for War," *Ethics and International Affairs* (2005). Another view: Thomas Hurka, "Proportionality in the Morality of War," *Philosophy and Public Affairs* 33 (2005); Hurka, "Proportionality and Necessity" (available from Hurka's University of Toronto Philosophy Department web page; Hurka, "Liability and Just Cause," *Ethics and International Affairs* (2007).

Further reading: Allen Buchanan, "Institutionalizing the Just War," *Philosophy and Public Affairs* 34 (2006).

Week 11. THURSDAY, JUNE 14.

Meet at The Loft at the UCSD campus for a late lunch at 3. I'll pay. The seminar will begin at 4 in our regular meeting room.

Climate Change.

Reading: Simon Caney, "Cosmopolitan Justice, Responsibility, and Global Climate Change," *Leiden Journal of International Law* 18 (2005); also Caney, "Climate Change, Energy Rights, and Equality," in Denis G. Arnold, ed., *The Ethics of Global Climate Change*

Week 11 continued.

Reading: Eric Posner and David Weisbach, *Climate Change Justice* (Princeton University Press, 2010).

Reading: Walter Sinnott-Armstrong, "It's Not My fault: Global Warming and Individual Moral Obligations," in Stephen M. Gardiner, Simon Caney, Dale Jamieson, and Henry Shue (eds.), *Climate Ethics: Essential Readings* (Oxford University Press, 2010).

Further reading: Richard W. Miller, "Global Harm and Global Equity: The Case of Greenhouse Justice," in Miller, *Globalizing Justice: The Ethics of Poverty and Power*.

Further reading: David Miller, chapters 3-5 of his *National Responsibility and Global Justice* (Oxford University Press, 2007).

Orphans: Possible topics, not covered. (I am leaving the writing suggestions in place in case any one wants to write a term essay on one of these topics.)

Alternate Topic: Immigration and Borders.

Reading: Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49 (1987).

Reading: Christopher Wellman, "Immigration and Freedom of Association," *Ethics* 119 (2008)

Reading: Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, 1983) chapter 2, "Membership."

Further reading: Sarah Fine, "Freedom of Association Is Not the Answer," *Ethics* 120 (2010). This is a reply to Wellman.

Further reading: Christopher Wellman and Philip Cole, *Debating the Ethics of Immigration: Is There a Right to Exclude?* (Oxford University Press, 2011).

Alternate Topic: Secession.

Reading: Christopher Wellman, *Secession: The Case for Political Self-Determination* (Cambridge University Press, 2005).

Reading: Allen Buchanan, "Theories of Secession," *Philosophy and Public Affairs* 26 (1997).

See also Buchanan, "Self-Determination and Secession," chapter 8 in his *Justice, Legitimacy, and Self-Determination: Moral Foundations of International Law*.

Further reading: Buchanan, "Intrastate Autonomy," chapter 9 in *ibid*.

Further reading: Andrew Altman and Christopher Wellman, chapter 3, "Secession," in their *A Liberal Theory of International Justice* (Oxford University Press, 2009)..