

### **Chapter 3: Theories, Types, and Bounds of Justice**

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What do we owe to people in other countries around the globe? What do others owe to us? What does morality require of nation states in their policies toward other nation states and toward people other than co-nationals? (On the latter, see Buchanan 2004 and Rawls 1999). These questions define the subject matter of global justice theory.

Philosophical thought on these issues goes back a long way, but the field is currently in an unsettled state. This may not be bad. New ideas are in the wind, old assumptions are being questioned, and different lines of thought are being explored. This chapter surveys the current state of theoretical discussion, and offers some assessments of arguments and some indication of where the most promising lines of thought are going. In the end the reader will have to decide for herself or himself which ideas are worth further consideration and which should be discarded.

“Justice” can mean many things. For purposes of this chapter, the term will be used to pick out fundamental moral duties or obligations that are, at least in principle, apt for coercive enforcement. There may well be moral duties, such as the duty to be loyal to friends, that are ineligible for enforcement: It would be morally wrong to try to force or compel people to fulfill these duties. Such duties would not qualify as justice requirements. In the absence of a global state or the equivalent, enforcement of global justice obligations is bound to be sporadic and uneven. Not only is actual enforcement hit or miss, but it can be unclear on what parties responsibility for enforcement ought to lie. Nonetheless, global justice duties, if such there be, ought to be enforced, and a theory of such duties should specify what the duties are and who is responsible for enforcing them. (Perhaps if some important global justice duties cannot be enforced in the absence of a global state, and they morally must be enforced, then we morally must establish a global state, contrary to common current views.)

Global justice encompasses many types of issues. Some concern what is morally required in international relations between states. Nation states fight wars, build empires, develop trade relations, and the question arises, in what conditions such policies and acts are morally acceptable. Some global justice issues have to do with what individuals are morally required to do when their actions might have effects on people in other lands. These issues perhaps become more salient as global trade increases: when (for example) Canadians purchase electronics made in China, is a special tie to the producers thereby established? Global problems such as climate change affect people across the globe and appear to call for cooperation among nations and people on an enormous scale, and one supposes a global justice theory should guide us in thinking about what would constitute a fair division of burdens and benefits of global cooperation. Especially in the decades since World War II, international bodies and nongovernmental agencies and lawyers and theorists have proclaimed human rights that are thought to be possessed by all people on Earth. Egregious violations of human rights warrant intervention, even armed intervention, on behalf of the victims, many claim, and how to balance the imperative of humanitarian intervention against traditional doctrines of state sovereignty and autonomy is currently unsettled.

In this chapter the discussion focuses on a single (but widely ramifying) contentious issue. At the level of fundamental moral principle, is it morally acceptable to favor members of one's own nation over outsiders? If so, in what ways? And what might justify this moral tilt? Is partiality to conationals better regarded as allowed by justice principles or as morally mandatory? If justice dictates a set of moral requirements owed to co-nationals and another set owed to people generally, in each case, what are the shape and strength of the requirements?

#### **Varieties of cosmopolitanism.**

In recent years global justice theorists have identified each other as cosmopolitans or noncosmopolitans, but this term is used in many different ways and may be ceasing to be a useful label. Below I present a taxonomy of possible cosmopolitanisms, but the reader should be warned that usage varies.

A cosmopolitan moral theory might be one that posits universal moral norms that are claimed to hold everywhere and at all times and to apply evenhandedly to all persons. Call this *universalism*. Notice that as stated, a moral doctrine that claims that white people are superior and should rule the world could qualify as cosmopolitan, so we might add a further requirement that a universal theory posits (1) that all persons have equal basic worth and (2) that everyone owes equal due concern to all persons. (see Sangiovanni 2007).

“Due concern” admits of very different construals. At one extreme, a universal view might take the form of relativism, the idea that what is morally right in a particular society at a particular time is fixed by the norms accepted in that culture and time. The universal principle is then encapsulated in the slogan, “When in Rome, do as the Romans do.” At the other extreme, a universal moral theory might posit a single invariant set of fundamental principles that determines what anyone should do anywhere and everywhere. Utilitarianism along with other varieties of act consequentialism and Lockean libertarianism are the best-known examples of this type of view.<sup>1</sup> The term “cosmopolitan” sometimes singles out this class of views; call it cosmopolitanism as *invariant universalism* (an example is Singer 2004).

There are further wrinkles. As so far characterized, a moral theory that is cosmopolitan in the sense of invariant and universal could consist in the single injunction to be loyal to your family and friends. But sometimes the label “cosmopolitan” is used in a more restrictive way. In this spirit one might say the cosmopolitan identifies herself as a citizen of the world; the idea is that one has liberated oneself from parochial prejudices and loyalties and takes the appropriate moral perspective to be that of one person among other persons, each of whom must figure appropriately in the determination of what one ought to do. In particular, the cosmopolitan is contrasted with the patriot, who puts loyalty to the nation above extranational ties (Nussbaum, 1996).

Again, there are different contrasts marked in this general area (Scheffler, 2001, chapter 7). One contrast is between views that do, and those that do not, deny that facts about nations and states and membership in these entities have any intrinsic moral significance that registers at the level of fundamental moral principles that determine what acts and policies should be chosen. For the cosmopolitan denier, facts about nations and states, like any empirical facts, can have instrumental significance, but that is all. Call the denier an *extreme cosmopolitan*. Another contrast is between those who do, and do not, deny that, in addition to moral principles whose content depends on people's

membership in nations and states, there are fundamental moral principles that generate significant moral obligations that people owe to one another merely as people and independently of their national identities and ties. Call the nondenier on this issue a *moderate cosmopolitan*. Scheffler 2001, Tan 2004, and Moellendorf 2002 all defend moderate cosmopolitanism.

Another contrast in this area is between those who do, and those who do not, deny that different moral principles that play a role in fixing what we fundamentally owe to one another become applicable to people depending on the social relationships they have with others or the interactions in which they engage. Embracing this associationist position is neither necessary nor sufficient for becoming committed to the denial of extreme cosmopolitanism, but associationist doctrines are one source of purported justification for this denial.

#### **Helping and harming those in other lands.**

In 1972 Peter Singer raised the question, when there are disasters around the world, and distant strangers are in grave peril, what are the grounds and limits of the obligation of better-off people to help? He proposed the principle that “if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it” (Singer 1972: 231). “Without sacrificing anything of comparable moral importance” encompasses bringing about something equally bad and doing something intrinsically wrong. He insists that we ought to count everyone’s interests the same in deciding what the principle implies, and not amplify the moral importance of preventing bads and gaining goods for ourselves and those near and dear to us. We are not to give extra weight to helping those to whom we have special ties, when we could instead help needier strangers. He makes the assumption that we can effectively reduce grave evils by contributing to aid agencies such as Oxfam. Even if we gave a lot, we could still give more, and the cost to us would continue to be less than the gain to others our transfers of resources would provide, down to the point where further giving would thrust us into abject, desperate poverty. His proposed principle sounds moderate but has extremely demanding implications. See also Murphy 1993). He urges that it is not merely nice, but morally required, to make huge sacrifices as demanded by this principle.

Singer’s discussion stimulated a large literature of critical response. One line of response insists that it is at least morally permissible, and sometimes morally required, to give extra weight to ourselves and those near and dear to us, and not strive always to minimize the aggregate sum of world-wide bads (so far as we can do so without violating rights or committing other serious wrongs). (R. Miller 1998, 2004, 2010.). Going further, Jean Hampton (1993) asserted that each person has a strong duty to respect herself, which for all practical purposes requires giving a nearly absolute priority to satisfying one’s own needs when helping others would interfere with self-fulfillment.

Many who would balk at accepting the claim that we have moral obligations of beneficence that are as demanding as Singer claims. However, many of those who resist strong positive duties to aid accept strong negative duties not to harm others. On this view, If I made the mess, and especially if I made the mess by faulty conduct, and most especially if I am blameworthy for this faulty conduct, I should clean up the mess. Thomas Pogge (2002) maintains that under current conditions, affluent people in prosperous nations are not bystanders with respect to the disasters of extreme poverty and

widespread misery occasioned by political turmoil. We are involved in wrongfully causing the disasters. If so, we may be under strong obligations to improve the condition of people around the globe even if there is no positive duty of beneficence at all of the sort Singer was seeking to characterize. The duty not to inflict wrongful harm is paired with a duty to repair wrongful harms we perpetrate.

Pogge maintains that by supporting and benefiting from an international institutional order that wrongfully causes harm especially to impoverished people around the globe, ordinary members of developed prosperous societies are wrongfully causing harm. Pogge strikingly claims that if we ceased wrongfully harming the global poor and repaired the damage to them we have recently caused, global poverty would be eliminated. People everywhere would have access to enough resources to live at least a minimally decent life. If this argument succeeds, the claim that we should eliminate global poverty is not hostage to controversial moral claims to the effect that we are all under very strong duties of beneficence of the sort that Singer endorses.

Attention should then turn to the arguments for the claim that by supporting the present international order and benefiting from its ordinary operation people in affluent nations are wrongfully harming the global poor. One claim Pogge makes is that the normal rules of respecting the sovereignty of independent nations play a malign role by encouraging and enabling takeovers of poor countries with rich natural resources by armed thugs. If they succeed in gaining state power they can use it to seize resources and appropriate the profits and also unjustly siphon tax revenues to their private coffers. The international order of states is complicit in the plundering that results, because this order generally calls for states to respect the property rights maintained by independent sovereign nations, even if the distribution of property stems from plunder by those who control state power. Another claim Pogge makes is that the international order via treaties and the work of international agencies imposes a grossly unfair set of rules for international trade, an imposition that bears especially heavily on poor societies with marginal economies.

Whether the global order harms the global poor, and if so, what responsibility individuals bear in this regard, are complex and controversial issues (Risse 2005). Some would say that there are moral duties, resting on the right of individuals to live in self-determining states, to extend legal recognition to whatever state has power in a given independent nation, and not to interfere in its internal affairs (Walzer 1977). Some would hold that if a rich nation and its members have legitimate title to their wealth, and are not obligated to use it for the benefit of others, they are at liberty not to trade, and to trade on any mutually acceptable terms, even if they drive hard bargains (Nozick 1974; Narveson 2003).

### **Do national borders have moral significance?**

A crucial divide in global justice theorizing separates theorists who hold that being a member of one rather than another country or nation or state is in itself a significant moral factor that contributes to the determination of what we owe one another and theorists who reject this claim. Do national borders have per se moral significance? Those who answer Yes typically maintain that those who are fellow members of a nation state are under special justice obligations toward one another. Moreover, they are under no comparable obligations to outsiders.

A closely related divide separates those who affirm and those who deny that when people interact with others in certain ways, this interaction brings it about that their moral relationship changes in fundamental ways, such that new principles of justice apply to their mutual dealings. A variant version of this idea is that when people are bound together in close social relationships, their interactions are governed by different and more demanding principles of justice than apply to relations among strangers. When an adherent of this viewpoint adds that fellow members of a nation state usually or always interact densely or sustain important social relationships that trigger special justice duties, we get again the result that co-nationals owe more to each other than to outsiders.

In terms of the practical implications of the rival views, the dispute as to the *per se* moral importance of national borders has momentous significance. Suppose there are egalitarian duties of justice to act effectively to bring it about that the well-being of the people who are disadvantaged in their well-being prospects improves. If these duties are amplified by a standing duty to give extra weight to fellow members of one's own society, then an affluent citizen of an affluent society may well have greater, more stringent duties to bring about improvements in the lives of slightly less affluent fellow citizens than to bring about comparable improvements for the wretched of the earth. How much extra weight we should give to insiders over outsiders will vary with details of the various views, but it is immediately obvious that this is a big issue.

In the discussion to come, the idea that "national borders are intrinsically morally important" will be interpreted loosely. If one holds that dense interaction gives rise to special justice duties, and engaging in dense social interaction reliably correlates with being fellow residents of the same state, one falls on the "borders do matter" side of the line.

The idea that we owe more to fellow countrymen than to distant needy strangers will have an immediate appeal for many. However, we might wonder if this idea can be backed up by sound arguments, and fits coherently with other convictions we should hold. Below, some prominent arguments that claim to offer support for the idea that we owe more to fellow co-nationals than others, and that some fundamental justice principles apply only intranationally, are canvassed. In each case, I suggest some criticism.

**A. States coerce.** An obvious feature of states is that they massively coerce those within their territory but not so much those people who are outside their borders. States establish a vast apparatus of laws and public regulations and compel obedience by credible threats of fines, hassles with police, arrest, imprisonment, prison and the gallows in the event of noncompliance. Some see state coercion as the key to the justification of the claim that fundamental justice requirements have intranational scope (Blake, 2001).

Perhaps the strongest version of the claim that justice duties apply primarily to those who are subject to the same state regime is the claim that the concept of justice only applies when conditions for reliable enforcement of claimed justice duties are present, and in the absence of a functioning state, there is no prospect of reliable enforcement. In a slogan: No state, no justice (Nagel, 2005). The idea can be put this way: You only have a right to X if a sufficient number of people actually accept the duties corresponding to your claimed right to X, such that they are disposed to accord you X and you can standardly expect them to behave in ways that assure you X.

So stated, the advocate of the claim that asserted justice requirements apply only to members who are subject to the same state power may disagree only verbally with someone who affirms that justice requirements hold independently of the existence of states. The latter view can acknowledge that actual justice norms require state proclamation and enforcement but insist that there is also aspirational justice: the rights that people ought to accord us. From the standpoint of aspirational justice, injustice can occur when people fail to bring about enforcement of the rights that ought to be secured.

Theorists insist on the significance of state coercion for other reasons. One prominent view is that states massively coerce insiders but not outsiders, and in particular states coercively impose one or another particular set of property, contract, and tort laws, which establish terms of exchange and cooperation among inhabitants. The particular set of such laws that a particular state imposes will channel advantages to some members of society and away from others. Someone disadvantaged by the coercive scheme in place can reasonably ask for justification of the particular scheme given that she would be better off if an alternative scheme were put in its place instead (Blake 2001, Miller 1998). The claim is then made that in response to such a query, only a scheme that either is either (a) egalitarian and provides basically equal benefits for all or (b) conforms to maximin and thus makes the person who is least advantaged under the scheme as well off as possible, can be justified.

A complementary idea is that the massive coercion that states by their nature impose on residents is a prima facie violation of their autonomy. The individual has the right to rule herself and set her own will, but state coercion subordinates the will of the coerced. The presumption that state coercion violates the autonomy of those subject to it is removed if the coercion is justified.

In response, the claims made above appear to exaggerate the presumptive moral badness of coercion, which we may suppose to involve issuing credible commands or threats that successfully induce those addressed to change their behavior to compliance with the behavior the coercer seeks. Coercing someone to refrain from doing what she has a right to do or to engage in conduct that she is morally at liberty to refrain from doing is normally morally odious. In these cases, the coercion should not take place. But there are other cases. Acts of coercion need a justification, but so does any act or omission. If you are coerced to prevent you from wrongfully harming another in a way that would count as a serious violation of that person's moral rights, that very characterization of what is going on provided a justification. So it is hard to see why the fact that the state massively coerces people might be thought to trigger the application of special higher requirements of social justice holding among coercers and coerced. The coercion is either justified on independent grounds, so no special justice principles come to apply, or the coercion is unjustified, and should not be done at all.

There may be intermediate cases, when coercing someone is not necessarily wrong, but is impermissible unless one supplies a special justification to that person or compensates the person for the burdens coercion impose on her. But it would beg the question at issue simply to assume that the coercion that the state imposes on those within its territory counts as such an intermediate case. The coercion that the state imposes must be justifiable, but it is a further step to suppose the justification must be specially addressed to those coerced, and must take the form of showing that the coercion works specially in their interests. For all that has been said, the state might justify the basic

property rights and redistributive scheme it imposes on the ground that it is fulfilling a duty we all have to improve the lives of people generally, not just the people in our society, and this duty is particularly a duty to help those around the globe who are especially disadvantaged. The state then does not violate its citizens' rights to individual autonomy if it coerces them to fulfill their global justice duties.

**B. The state claims to act in the name of all who are subject to its laws.** At any rate, the state has a duty to make this claim, to maintain that those subject to the coercive power of the state can sensibly regard themselves as authorizing these state actions. For this claim to be met, the state must be justifiable in a special way to each person subject to its coercion.

The problem with this rationale for special distributive justice obligations that apply country by country is that the idea that the state must act in the name of its members on its most plausible interpretation applies more broadly and in fact is latently in play whenever anyone acts or refrains from action. When I act, I should have a justification for what I do, that all those who are affected or might be affected by what I do can endorse as rational and moral agents. In fact, whenever I act, I implicitly commit myself to having a justification that any rational and moral person can endorse. In this sense claiming to act in the name of other people is not a unique feature of state action but belongs to the action of any person whatsoever. Hence the fact that the state must claim to act in the name of those it coerces does not impose any special moral requirement on state action that does not hold of any action. Acting commits us to being able to satisfy a demand that might be posed by any agent, to the effect that our action should be supported by a sound moral justification.

One might claim that it is the combination of the facts that the state coerces its members and must claim to act in the name of the coerced that produces a special requirement of justification uniquely to the coerced, a requirement that only conformity to egalitarian principle can satisfy (Nagel 2005, Dworkin 1986). However, no one has advanced an argument that the combination has special normative properties, and in the absence of argument one may doubt there is any normative power in this combination.

**C. As density of interaction and social relationships increase, more demanding justice requirements apply.** Nozick (1974) once posed the question: If people lived on isolated lands, and did not interact with each other or cause harm or benefit to each other, and if one held that in these circumstances no one is under an enforceable obligation to extend benefits to those on other islands, why would stringent egalitarian principle of justice become applicable if some people engage in mutually beneficial trade with others? This is intended to be a rhetorical question; the intended answer is supposed to be that no new principles of justice kick in when interaction occurs. One might respond that Nozick is looking for a big discontinuity that is not to be found. Instead one finds a gradual shift. A bit of interaction triggers a bit of extra duties to give consideration to one's interaction partners, and as interaction and association become more frequent and various and dense, these extra duties gradually ramify and increase. According to this model, our justice duties to others around the world vary along several dimensions according to the degree and scale of interaction and association with them. A classic expression of this view is (Beitz 1979). In that work Beitz maintains that global trade and other relations among nations constitute a global scheme of cooperation, so Rawlsian principles of justice apply on a global scale. Julius (2006;

also Cohen and Sabel 2006)) sees cooperative relationships and with them, justice ties, varying by degree across different nation states.

In response, both the extreme cosmopolitan who accepts a strong beneficence component in what we owe to one another and the Lockean libertarian such as Nozick who altogether rejects general beneficence duties regarded as part of justice will remain puzzled as to how, if trading once with strangers does not trigger any obligations to them beyond what is specified in the particular deal we make, trading more than once somehow does give birth to new enforceable duties.

**D. Reciprocity and fairness.** Members of a functioning state cooperate together to provide basic goods of public order and security that fall on all inhabitants of the territory and are necessary for having a decent chance of being able to form and pursue a plan of life. This being so, all inhabitants of a state owe special obligations of reciprocity to one another, according to the terms of the Hart-Rawls principle of fairness, which holds that “when a number of persons engage in a just, mutually advantageous, cooperative venture according to rules and thus restrain their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to similar acquiescence on the part of those who have benefited from their submission” (cited from Nozick 1974: 90.) These obligations are owed to insiders and not to those who live in other lands. The best interpretation of these obligations of reciprocity is that they involve a justice obligation to bring it about that the overall system of cooperation that is built on this foundation of public order brings about equal benefits for all or perhaps works to make the least advantaged members as well off as they can be made sustainably over the long run. In other words, egalitarian justice requirements, having to do with how well off one person is compared to others, arise only within schemes of cooperation that in the modern world take the form of independent nation states. These egalitarian justice requirements then hold country by country and not across national borders (Sangiovanni 2007).

The extreme cosmopolitan can raise several objections to this national cooperation account of the significance of nation states and the borders of nation states for global justice. The simplest objection is that conceding for the sake of argument all the rest of the premises of this argument, the cooperation that is necessary for basic order and security involves overlapping networks of mutual dependence that do not match up with national borders. Living in San Diego, California, I am very dependent for my security on the law abiding good will of those who live near me, especially my rich neighbors in my affluent neighborhood. I depend also on a wider circle of those who live near by, which includes millions of residents of Mexico living in the border region near San Diego. In contrast, the law abidingness of millions of U.S. citizens who live at a distance makes little difference to my security, and my law abidingness is similarly a “don’t care” from their standpoint. With other U.S. citizens I pay taxes to support national defense, but my physical security depends as much or more on the forbearance and toleration that inhibit armed groups and states around the world from attacking San Diego. The duties of reciprocity that cooperation to provide public order generates do not coincide at all with national borders.

Other objections loom. The principle of fairness plausibly generates a duty not to be a free rider and to pay one’s fair share for goods that cooperation provides. The duty is not unlike the duty to pay a fair price for vegetables one buys, although due to the

special nature of public goods, transaction by mutual voluntary consent is not in play. So it seems a huge stretch to claim that reciprocity in response to receipt of security and good order triggers a general requirement to establish an egalitarian social order or one that satisfies the difference principle. Moreover, the principle of fairness itself, regarded as a generator of enforceable duties, has been subject to widespread attack (see Nozick 1974, Simmons 1979 and 2000; Wellman 1996). The attacks tend to challenge the idea that one can acquire enforceable obligations of reciprocity in the absence of either voluntary consent to the arrangements that are claimed to trigger these obligations or voluntary acceptance of the benefits that flow from these schemes. These attacks may be answerable, but they need to be answered if the national cooperation approach to justifying requirements of justice to favor co-nationals over others is to be vindicated.

A stiff-arm response to the reciprocity argument is that at the level of fundamental moral principles that determine what we should do, reciprocity is a purely formal notion. No substantive duties are implied by it. On this view, if I behave toward you in a certain way, your duty to reciprocate is to behave toward me in the ways that are specified in correct moral principles of conduct. If I do you wrong, reciprocity in this sense requires not necessarily that you do me wrong in return, but that you behave as morality dictates. If I am rich and you are poor and I help you, reciprocity may not involve pay-back, but again, is constituted by behaving as one morally ought to behave.

**E. Being involved in a mutually advantageous cooperative scheme, the terms of which are nonvoluntary, triggers special justice requirements.** The arguments surveyed so far might be regarded as purporting to support the claim, central to the thinking of John Rawls (Rawls, 1998, 1999) that the principles of social justice are principles that regulate the basic structure of each single society regarded independently. Justice is in this sense a national not an international virtue. When free and equal people cooperate together in a democratic society, principles of justice regulate their interaction. This is the point of justice, what justice is for. When people cooperate together in small voluntary associations and clubs within a state, principles of justice do not regulate how they carry out their enterprise. When people simply inhabit a common globe and have at most thin ties of interaction to one another, different principles, less demanding, regulate their interaction.

There is a special feature that marks the cooperative scheme that makes a nation state and is part of the background from which distributive justice requirements emerge. The cooperation is not voluntary in a strong sense: No one has any real choice but to accept the going terms of social cooperation (or exit the country, but even if legally permitted, migration out might be too onerous and costly for the choice to remain where one is to count as voluntary.)

So far this is just assertion. One can regard all of the A through D arguments as supports for the view, so the position collects the objections to those arguments. Another possible support is the idea that each person has a fundamental moral right to belong to a national community that is self-determining and not subject to outside interference. Strong global justice duties will diminish this right, since with the duties in place, nation A's economic policies that will be bad for nation A will also cause harm to other nations that will be required to come to A's assistance when these policies turn sour. But the extreme cosmopolitan who affirms strong beneficence duties will doubt that there is such a right of national belonging as just characterized. This takes us to consideration F.

### **F. Nations are communities, bound together, like friends, by special ties.**

The A-D purported justifications of special justice requirements owed to compatriots do not rely on claims about special shared values or affective bonds uniting members of a functioning nation state. The proposed justification to be discussed now takes the justification to rely on just such claims. The idea is that if there is a genuine well-functioning nation, there will be a national community, whose members share a culture, an identity, a sense of a common history, a language, and more. Members of a nation take pride in the nation's accomplishments, and tend to be disposed specially to favor fellow co-nationals even if they altogether lack personal acquaintance with most of them. This national community gives rise to special justice obligations, owed by Canadians to fellow Canadians, Nigerians to fellow Nigerians, and so on.

Consider the claim that that if a relationship in which one is involved is valuable for its own sake, not just as a means to something else, then one ought to acknowledge special obligations to those people who are participants in that relationship. The type of obligation generated in this way varies depending on the type of relationship in question (Scheffler 2001, chapter 5, also 2010). Given the nature of family ties, family members have certain obligations to each other, and given the nature of friendship, friends have certain obligations to each other. Invoking this view, David Miller adds that being a member of a national community is participating in a noninstrumentally valuable relationship, so special obligations arise between fellow countrymen. He rounds out the account by interpreting some of these obligations as basic high-priority moral requirements, requirements of justice and so legitimately enforceable (D. Miller 2007).

An initial concern about this account is that it may appear to romanticize the nation state. National states in the modern world tend to corral together disparate groups under common borders. The unity the account prizes may be absent. The defender of the position can respond that it is a good thing, good per se and usually also instrumentally, for the members of states to constitute a national community, and where national community exists, special justice requirements hold among members. Whether a nation does constitute a nation state can vary by degree.

The claim that being a member of a national community is engaging in a valuable relationship likens fellow citizens to friends. How close is this likeness? Thomas Hurka notes that unlike friends and close family members, co-nationals do not share personal relations; one has no acquaintance at all with the vast bulk of fellow co-nationals. But just as a valuable friendship is founded on a shared history of doing good or suffering hardship together, a national community can also involve a similar shared history, and on a grander scale (Hurka, 1997).

That a shared history of doing good or suffering hardship together is necessary for genuine friendship is open to doubt. But the idea that shared history can constitute a valuable relationship that gives rise to special duties of favoring is also doubtful. As a man, I can reasonably take pride in the special contribution that men through the ages have made to reproduction (namely, providing semen). The claim under review is that a shared history of doing good, to qualify as a basis for a relationship that generates special ties, need not be a specially wonderful shared history. So one need not deny the obvious truth that women also share a history of even greater contribution to reproduction, in order to acknowledge the special shared history of men. But it seems wildly implausible

to maintain that on this basis men have a special relationship that gives rise to special justice duties among men to favor men over women.

Perhaps national community is *sui generis*, so its failure to resemble friendship may not indicate any problem for the claim that sharing nationality is a basis for special tie obligations. After all, family ties are very different from friendship ties, yet family relations are widely deemed to generate special obligations. But the claim that shared nationality generates unique special ties will be the target of cosmopolitan skepticism. The sheer fact that people share values and tastes is not a plausible basis of agent-relative duties. Nor is the fact that you and I share a history automatically a duty-establishing bond between us. Shared commitment to a valuable project might be thought to establish a bond, but whether shared commitment to a nation-sustaining project is commitment to anything specially valuable is what is here at issue. No doubt patriots have sentiments of affection and loyalty to fellow countrymen and the fatherland, but racists have similar sentiments of affection and loyalty to those who share the common lineage, and the mere existence of such sentiments does not establish agent-relative moral duties of partiality.

Perhaps the best line for the defender of nationalism to advance would be to adapt a suggestion by Niko Kolodny (2010). He proposes that the fact that one has a personal tie to an independently valuable form of association amplifies the value of the relationship from one's personal perspective. If sharing skin color is not a valuable relationship, then there is nothing for personal involvement to amplify. But given that friendship is impersonally valuable, the fact that Alessandra is your friend gives you special agent-relative reasons to be a good friend to her. One might defend the idea that one has agent-relative duties to one's own nation and to co-nationals along this same line.

But once again this line of thought offers no bulwark against cosmopolitan skepticism. The skeptic might deny either that impersonally valuable relationships ever give rise to special tie moral duties or that national community per se constitutes an intrinsically valuable relationship. A skeptic of the latter type might even allow that participating with others in a valuable project generates special ties and allow that building a just society is a valuable project but insist that building a just society is a project of global scope not a parochial local undertaking.

Kolodny's amplification account resembles a suggestion by Samuel Scheffler already mentioned in this discussion seven paragraphs back. The suggestion was that to recognize a social relationship one has with another person as noninstrumentally valuable all things considered commits one to accepting this relationship as a source of agent-relative duties to favor the relationship partner. Consider friendship. One would misunderstand what it is to be a friend if one did not accept that being a friend, one has special duties to favor one's friend over others on appropriate occasions. Up to this point, we have noted that it is far from obvious that national community is noninstrumentally valuable. Also, the consequentialist cosmopolitan (who holds that we should always do what would produce the best outcome and that upholding national favoritism is not in itself bringing about any good outcome) can recognize that friendship is noninstrumentally valuable and that friendship includes a norm of agent-relative partiality. She can treat this norm as housed within the realm of good, and deny that it has a place within norms of right, where the duty to bring about best consequences rules the roost. The idea that noninstrumentally valuable social relationships are conceptually linked to agent-relative duties is ambiguous, and one can accept the link

while denying the duties in question show up at the level of fundamental duties of moral right. One might also deny the link: Why think it is true in general that noninstrumentally valuable social relationships generate special tie duties? The general point here is that the cosmopolitan who rejects special-tie moral duties of nationalist partiality has several options for objecting at her disposal, and if any succeeds, the nationalist special-tie advocate is defeated.

**The moral minimum.**

For those theorists of global justice who hold that stringent egalitarian principles hold only among people who are related to each other in some special way, the question arises, what do we owe to people to whom we stand in no such special relationship? Suppose you and I are bound together by no social ties except our common humanity or (more plausibly perhaps) our common possession of qualities that qualify us for personhood status. What then do we owe one another? Call this set of moral requirements “the moral minimum.”

The moral minimum so understood may include duties to nonpersons as well as duties to persons. It may include duties not to torture animals just for fun, to treat with a certain respect and consideration beings that possess some rational agency capacities but do not cross the threshold of personhood, and so on. The discussion to come focuses on what persons owe to persons as such.

Again, the overall character of a global justice account along this line will depend to a significant extent on its view of the moral minimum. If the requirements of the moral minimum owed to all are set high, the issue as to whether fellow countrymen have special justice obligations to one another becomes less pressing. At least, this is so if the moral minimum requirements are thought to have priority over any special obligations there might be, in determining what one ought to do, all things considered.

The idea of a moral minimum might be interpreted variously. One might think of minimal justice requirements not as elements of fundamental theory, but as practical guidelines and aids to furthering other, fundamental goals. For example, one might endorse the use of a poverty line, a formula that determines an income level deemed sufficient, used to guide antipoverty policy, without believing the formula reflects any deep fundamental moral requirements.

The idea being reviewed in this section is more ambitious. The aim is to identify, on fundamental grounds, minimal obligations that each person owes to every other person. Just for being a person, you are owed this much. We seek a nonarbitrary basis, grounded in first principles, for drawing the line that marks the moral minimum in one particular way. For different ways of grappling with this issue, see, for example, Rawls 1999, Blake 2001, and Brock 2009.

There are reasons to be skeptical about this quest for a theoretically warranted specification of a moral minimum. However we define the minimum, the values and goods that the minimum so understood assures to people will vary by degree, and singling out any particular point or even range seems inevitably arbitrary. Why set the line here rather than somewhere else? If the minimum is specified in terms of resources or opportunities for resources, what determines the “good enough” line? The same point holds if the minimum is specified in terms of well-being or opportunities for well-being or happiness or desire satisfaction or whatever. The same point holds if the minimum singles out a set of basic human rights. If these rights include a right to education, how

much is enough? A right to free speech can vary by degree along several dimensions of assessment. And so on.

From any maximizing consequentialist standpoint, the search for a theoretically warranted “moral minimum” must be an exercise in futility. For the welfarist, it is better if one’s life goes better rather than worse, and it can always go better. Moreover, wherever one (inevitably arbitrarily) sets the good enough line, if one makes it a moral priority to get as many people as possible across this line, one’s morality will then recommend bad decisions if in fact there is no special moral importance that attaches to this line. One will discount excessively gains that could be obtained for people who are just over the line, and are not at risk of falling below it, and excessively discount excessively significant welfare gains that could be obtained for people who are unavoidably not going to reach the good enough threshold no matter what one does. Moved by the imperative of getting people to the good enough line, one will not pay appropriate heed to the numbers of people above the line who might instead be helped, how well off they would be absent help, the costs and efficacy of helping those just below the good enough line compare to the costs and efficacy of helping others.

Theorists concerned to propose a moral minimum account have worked to locate a nonarbitrary line with clear moral significance that marks the threshold of sufficiency. One proposal is that each person ought to be provided what she needs to be able to lead an autonomous life, a life in which she exercises agency and is self-governing. If some people fall below that standard, then all the rest of us are together responsible for bringing it about that this situation is remedied, and all are able to live autonomously (Blake). This proposal appears to set a very low bar for sufficiency. I can be living in dire poverty under conditions of squalor, heading toward an early death, but still possess and exercise capacities of agency. I can use my ingenuity to seek to hide from omnipresent local oppressors, or seek to find food that will stave off starvation. An autonomous life need not contain even minimal fulfillment.

One might identify the moral minimum with the conditions for a minimally decent life, this being understood as including some minimal level of fulfillment and achievement. Another possibility is to identify a list of basic moral rights, such as the right to free speech, freedom of movement, opportunity to participate in the economy of the society one inhabits, and so on. Against the complaint of arbitrary line-drawing, one might respond that it is frequently the case in moral reasoning that what one should do depends on how to weigh several conflicting considerations against each other, but there is no balance scale that allows precise weighing and measurement, we use reflective equilibrium methods and seek a considered judgment after reflection. It is no objection against the assertion of a moral minimum that locating it requires considered moral judgment. So claims the defender of this approach.

Doubts remain. Suppose someone claims to have undergone reflective scrutiny and arrive at the intuitive judgment that what we owe to everyone, the moral minimum to be guaranteed to all, is X. This is supposed to represent an absolute threshold, above which, the claim for help is optional, not a strict requirement,. Now suppose lots of oil is discovered in Canada--really a lot. Or suppose there is a technological breakthrough, such that we can turn dirt into a kind of manna. We now could provide everyone on earth with 2X, at no more necessary cost to anyone than would have been required to provide everyone with X, prior to the discovery. Is it still obvious that what we owe to all, the

absolute moral minimum, is X and not 2X or something else entirely? The question is supposed to prompt the thought that our thinking about what is “good enough” reflects vague background assumptions about how much cost better off people would have to sustain in order to provide worse off people with this or that level of basic minimum. On reflection, this line of thought concludes, we see there is no absolute sufficiency line waiting to be discovered.

Another response to the various problems that beset the effort to identify the “good enough” line that constitutes the moral minimum is to set the line high. This is the approach of Martha Nussbaum (2006), who affirms that justice requires at least that each and every person be continuously enabled to achieve each and every one of an extensive list of basic human capabilities, at a good enough level, which Nussbaum seems to envisage will be rather high. (It should be noted that Nussbaum herself does not commit to the idea that we owe more to fellow countrymen than to those beyond the borders of our national state.) One might immediately wonder why my subpar endowment for one capability cannot be compensated by my above-par endowment for some other basic capability or for that matter for some nonbasic capability that greatly enhances my well-being. Leaving that issue aside, one still faces the problem that the justice duty asserted is entirely insensitive to the costs and benefits that would issue from efforts to fulfill it. Such a duty is too unyieldingly stringent. Further problems arise when we specify more precisely the asserted duty to provide capabilities for all. If the idea is that we ought to get as many people as possible to the sufficiency line, and the line is set very high, this will have the drawback that the sufficiency doctrine will insist that we ought to channel resources to getting a person who is just below the line to just past it, even at large cost, when the resources could alternatively be used to provide great improvements in the lives of many people who are unavoidably below the threshold and cannot be brought to it.

#### **Rival principles of global justice.**

Suppose there are significant cosmopolitan justice requirements on institutions and individual actions that apply with global scope. What might be their content? Issues familiar from the study of social justice in a single society now reappear in a wider setting (for surveys see Kymlicka 2002 and Roemer 1996). One class of views holds that justice requires equality or equality of opportunity in people’s condition. What this comes to depends on what is the morally appropriate measure of people’s condition for determining what we owe them; the range of contending views includes welfare or well-being, resources or general-purpose means to ends one might have, and capabilities or real freedoms to do or be what one has reason to value. Some deny that it is morally desirable in any respect that all people have the same or achieve the same. Instead one might propose that justice requires that we make the condition of the worst-off people as well off as possible, or maximize a function of benefits for people that gives greater moral weight to gaining a benefit for a person, the worse off in absolute terms she would otherwise be, or ensure that everyone is sustained at a good enough condition (this last view is described and queried in the previous section). Of course, some deny that we have any positive duties to improve the condition of others and assert that we owe others only negative duties not to harm.

#### **Conclusion.**

This survey reveals two broad divides along with many lesser fissures and divisions in current global justice thinking. One divide is between extreme

cosmopolitanism and its opponents. Extreme cosmopolitanism appears to many to be counterintuitive, but the main arguments so far offered against it are weak. A second divide is between those who accept, and those who deny, a strong general beneficence component in fundamental moral principles. The stronger this requirement, the stronger the gravitational pull of the claims of distant needy strangers on the overall constellation of forces that determines what we owe to one another all things considered.

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<sup>1</sup> . Utilitarianism holds that one morally ought always to do that act, among those available for choice, that would bring about the greatest aggregate amount of utility (human good). Lockean libertarianism holds that (1) each person has amoral right to do whatever she chooses with whatever she legitimately owns provided she does not there by wrongfully harm others in certain ways (force, violence, fraud, theft of property, causing physical damage to the person or property of another, or threatening to so any of these things) that qualify as violations of their rights, (2) each person legitimately owns herself, and (3) each person has a moral right not to be harmed wrongfully in any of the certain ways just noted. Act consequentialism holds that one morally ought always to do that act, among those available for choice, that would bring about an outcome no worse than the outcome that would have been brought about by anything else she might have done. Utilitarianism is one possible version of act consequentialism; there are many others.