on the grounds that it is a property for which a person is not morally responsible (version 1) – but on the grounds that a person’s nationality does not correspond to any morally relevant characteristics. There are a number of credible criteria that one might claim should inform who is entitled to what. The fact that someone is needy or that they are talented or industrious or that they are performing an important task are all quite reasonable possible grounds for distributing resources to them. (I am not endorsing any of these, just saying that they are at least plausible possible grounds.) But membership of a nation does not track any of these. To claim that I am entitled to more because I have performed an unpleasant task (I have cleaned the sewers, say) or because I have worked very hard or because I am in great need are all reasonable candidates as entitlement-generating properties. To say I am entitled to more because I am Swedish, by contrast, is not. We lack any reason to think either that nationality is an entitlement-generating property or that it tracks some entitlement-generating property. Let us call this Argument C.

Note that this argument is more ecumenical than Argument B. It does not rely on “luck egalitarian” sentiments such that no should be penalized because of properties for which they are not morally responsible. It can allow that people may be rewarded for properties (like talent) for which they are not morally responsible. Thus, unlike Argument A, it is compatible with a desert-based theory of justice (e.g., one that holds that people should be rewarded according to their talents). It just argues that nationality is morally arbitrary on the grounds that it does not map on to any standard or defensible distributive criteria.

In short, then, cosmopolitans can give two separate arbitrariness-inspired arguments for cosmopolitan justice, neither of which rest on the ambiguity that Miller identifies. It might be helpful to close the discussion here by reflecting on class or ethnicity because they illustrate the case for cosmopolitan justice. It is widely held that class and ethnicity are morally arbitrary and therefore should not inform people’s entitlements. My claim is that a person’s nationality should be thought of in an analogous fashion. The reasoning underlying the irrelevance of both class and ethnicity, on the one hand, and nationality, on the other, might be either (i) that these are properties which people are not morally responsible for possessing (à la Argument B) or (ii) that these properties do not track any morally relevant distributive criteria (à la Argument C). Whichever version we adopt, the point is that the examples of ethnicity and class illustrate a case where we all (including Miller) would see them as morally arbitrary and hence as factors which should not affect people’s entitlements. Once we see that nationality is directly analogous to these two other categories we can make further sense of the moral arbitrariness of nationality.

§3.

Miller’s argument is intended to undermine both interdependence-based and humanity-based cosmopolitanism. Let us now turn to a challenge to humanity-centered approach. Many, for example, think that it has highly counterintuitive implications. Moellendorf, for example, challenges this kind of approach on the grounds that it entails the conclusion that we owe obligations of justice to “intelligent beings with whom we have no intercourse but only an awareness of their existence – say, intelligent beings on the second planet orbiting some distant star” (2002: 31).
I do not think, however, that this is a persuasive argument. Consider four points in reply. First, it is worth noting that by referring to some "distant star" and to "intelligent beings" Moellendorf's argument runs together two issues - whether there are obligations of justice to nonhumans (are these intelligent beings aliens?) and whether there are obligations of justice to persons outside of our institutional framework. Reference to those on another planet thus unnecessarily muddies the water. Second, the fact (if it is a fact) that it is counterintuitive to hold that there are duties of distributive justice to persons on other planets can be explained by other considerations. In the first place, (i) we might very naturally think that it is not possible to help people on a "distant star," and if this is the case then (assuming that "ought implies can") we would conclude that we lack duties of distributive justice to those living on this other planet. In the second place, (ii) we might also think that even if it is it is possible to aid those on a distant star it would be unduly onerous. It is natural to think, for example, that to transport food supplies, medicines, or technology to people on a distant star would be very expensive. The thought that we lack obligations of distributive justice to those on a distant planet can thus be explained by (i) and (ii). Put otherwise: the claim that

(A) "we lack duties of distributive justice to persons on a distant planet"

does not then entail that

(B) "we lack duties of distributive justice to all who live outside of our 'scheme'."

There are reasons which explain (A) which do not entail (B).

Given these first two points, a better way to test the intuition that Moellendorf is advancing would be to consider the following example. Imagine a situation with the following four features. First, there are persons who live outside of our scheme and with whom we have no link. They live on an island and neither we nor anyone else in our scheme have any diplomatic or trade links with them. We also have no impact on their environment. It is not the case, for example, that we are emitting greenhouse gases which lead to dangerous climate change or that we are destroying the ozone layer. Imagine too that we are not preventing them coming to us. The waters between us and them are perilous and they are unable to traverse them but this inability on their part stems wholly from natural obstacles. In short we have absolutely no contact with them at all. Second, let us suppose that they are badly off. Third, suppose that we know of their existence (we can see what they do across the channel that divides us by looking through telescopes). Fourth, and finally, suppose that we can in fact help them and at a reasonable cost. We are both extremely wealthy and we have the know-how to eradicate their poverty.

This, I think, is a better example to use than the distant planet example. It makes it clear that those involved are human beings. Furthermore, by making clear that those outside the scheme can help and can do so at a reasonable cost, it overcomes the limitations of the distant planet example. It makes us focus on what is at stake here - should someone's membership or not of our scheme settle whether they are included within the scope of distributive justice or not? Once we reflect on this situation and we bear in mind the moral arbitrariness of being on one side of the channel as opposed to the other it does not seem counterintuitive to hold that those in the wealthy scheme have duties of distributive justice to alleviate the poverty
across the channel. None of the orthodox distributive criteria—such as distribution according to need or to desert—could give us reason to exclude them from the scope of justice. The difference between the needy on the mainland and the needy on the island is simply their different physical location and this is hardly a morally significant property.

§4.

Two further points bear noting about the humanity-centered approach. First, although it holds that the scope of principles of distributive justice is not determined by whether a global scheme exists or not it need not deny that the extent to which there is global interdependence does have moral relevance. Indeed it can recognize that facts about global interdependence have moral relevance in three distinct ways. The extent of global integration affects (i) the content of distributive justice and the magnitude of people's entitlements, (ii) the type of duty of justice that people are under, and (iii) the moral weight of the duty of justice that people are under. Let us examine each in turn, starting with (i). Consider needy people who live in a remote section of Indonesia and suppose that while Indonesia is within a global scheme, there are, at time t1, only rather minimal trade and transport links with the rest of the world. Suppose now that the intensity of trade between the rest of the world and Indonesia increases such that at time t2 it is much easier to further the interests of these impoverished Indonesians. Now in virtue of this increased contact one might say that the disadvantaged have an entitlement to more assistance than they could claim under t1. At t1, members of the rest of the world may not, for example, have been able to provide the necessary medication for certain diseases but now at t2 they can do so at a reasonable cost. As a consequence, it seems reasonable to say that the needy people are now entitled to the necessary medication whereas before they were not. The extent of global interdependence can then affect the nature of people's entitlements. Consider now (ii). The point to be made here is that humanity-based cosmopolitans can argue that whether there is global interdependence affects the type of duty that persons are under. They will say that without a global scheme of interdependence there are positive duties of justice to bring about a fair world. They can also add through (drawing on Pogge) that if there is global interdependence then there is a negative duty of justice not to be part of an unjust global order (Pogge 2008). Affirming a humanity-based approach does not preclude one from affirming Pogge's powerful claim about the existence of negative duties not to collaborate with an unjust set of practices and institutions. Let us turn now to (iii). This third point follows on from the last point but it makes the additional, plausible, point that we tend to ascribe greater moral weight, all things considered, to negative duties than to positive duties. So, with this in mind, a humanity-based cosmopolitan can also accept that the degree to which there is global integration affects the moral weight of our responsibilities to others. For if it is the case that we have negative duties of justice to those within our scheme and if it is true that negative duties enjoy priority then it follows that where global interdependence exists then persons are under weightier global responsibilities than they would be without such interdependence. In these three ways, then, a humanity-based cosmopolitanism can accept that the nature of global interdependence is morally relevant.
Second, it is also worth recording that the humanity-centered brand of cosmopolitanism can recognize that the extent or not of interdependence is morally relevant in a further way. For example, it can hold the view that inequalities within states have certain distinctive worrying effects - for example, they lead to lack of trust and poor health all round (Marmot 2004; Wilkinson 2005). To hold that egalitarian principles should apply globally independently of whether there is a global scheme is compatible with holding that there might be some considerations in favor of equality that may apply only within the state.

VI: Three Challenges to Cosmopolitan Justice

Having sought to motivate support for an egalitarian liberal brand of cosmopolitanism, one grounded in particular on the dignity of persons, I shall conclude the analysis by considering three objections often leveled against egalitarian cosmopolitan ideals of distributive justice.15

§1.

One argument that has been developed by Miller and Rawls starts from a commitment to self-governing political communities. It then holds that if a society is self-determining, it, rather than outsiders, should be treated as accountable for the standard of living of its members. So if one society selects policies that prove to be successful and a second one selects policies that are far less successful then it is wrong to redistribute from the former to the latter (Miller 1995: 108; Miller 2007: 68–75; Rawls 1999b: 117–18). Global egalitarianism is thus untenable. It requires redistribution where none is justified.

Several comments should be made about this often-invoked argument. The first concerns its target. Miller and Rawls employ this argument to reject global egalitarianism. At the same time they also embrace some minimal rights (Miller 2007: Ch. 7; Rawls 1999b: 65) and so presumably hold that when political communities take truly calamitous decisions their members should be spared bearing the consequences of their polity’s actions. So the argument is thought to undermine some distributive ideals (egalitarian ones but not others (minimal ones). The problem here is that while one can see the force of this argument against a strictly egalitarian view many “egalitarian” cosmopolitans call for something else like a global difference principle. And it is unclear here why Miller and Rawls’s argument should give us reason to abandon a global difference principle (as Rawls thinks it would (1999b: 117)). A proponent of a global difference principle can reason as follows: we should design a global set of institutions and rules so that, given the predictable choices of individuals, firms and states that operate within this framework, this global set of institutions and rules will promote the condition of the global least advantaged. Within this fair framework, agents (including states) should take some responsibility for their decisions but the global framework is structured so as to maximize the position of the least advantaged.

A second distinct weakness in Miller and Rawls’s argument is that it is unfair to individuals. Why should a member of a developing country be economically
disadvantaged because of a decision that an elite in that country made and with which they disagreed [Caney 2005a: 130]? Of course, as we have just seen, Miller and Rawls may rightly reply that they both affirm a threshold below which people should not fall. So the extent to which individuals will suffer the consequence of others' evil or incompetence is limited. However, how satisfactory this is depends partly on how low that threshold is. Suppose someone defends a very minimal set of human rights, then this second challenge has considerable force. Why should someone live at just above subsistence level and another live in glorious comfort when the differences in their quality of life stem from the decisions of their respective governments and when neither has had any input into them? On the other hand, if the threshold level is rather high, then allowing differential outcomes is less troubling. Miller and Rawls's argument thus faces a dilemma: either they affirm a very minimal set of rights (in which case their argument is very unfair to minority individuals who suffer because of bad decisions taken by others) or they affirm a maximal set of rights (in which case, their position becomes much less distinguishable from egalitarian cosmopolitanism).

§2.

Consider now a second challenge. It is widely recognized that persons have special obligations to some (e.g., family members). Some build on this, arguing that persons also have special obligations of justice to fellow nationals and/or fellow citizens [Miller 1995: Ch. 3, 2007: 34–43]. They then fault radical cosmopolitanism on the grounds that it fails to recognize this. The complaint then is that radical cosmopolitanism flies in the face of people's intuitions about special duties.

Again a number of options are available to the defender of radical cosmopolitanism. First, some might challenge the nationalist claim that there are special obligations of justice to fellow nationals. Such a critic might (I think should) affirm the claim that persons have special duties to family members and to friends. But she might challenge either the claim that we have special duties to fellow nationals or the claim that any such duties are duties of distributive justice. It is not immediately apparent that an individual has special duties of distributive justice to others just because they happen to share their nationality. A second response would be to adopt a more conciliatory approach and argue that there are duties to fellow nationals but insist that these should operate within the parameters set down by cosmopolitan ideals of justice." This adopts a mild form of cosmopolitanism.

There is, however, a third response which both seeks to accommodate the objection's core claim (unlike the first response) but which also affirms a radical cosmopolitanism (unlike the second response). This third view starts from the observation made earlier that theories of distributive justice comprise both claims about persons' entitlements and claims about persons' obligations. Now if one is persuaded by the arguments adduced in section III-V one will hold that person's entitlements should be specified by a cosmopolitan theory of justice. However, one can affirm this and yet hold that persons' duties of justice should be informed by one's membership of a state. On this view, persons might (as citizens of a state) have a special duty to protect the cosmopolitan rights of their citizens, as well as a general duty not to violate and to protect the cosmopolitan rights of all. Such an approach combines a cosmopolitan
account of persons' entitlements with a (partially) statist account of persons' responsibilities. In this way radical cosmopolitans can accommodate the intuition driving the argument from special duties.

§3.

Consider now a third challenge. Recently some have argued that some or all principles of distributive justice apply only within coercive frameworks and they infer from this that these principles apply only within the state. Thomas Nagel, for example, has claimed that no principles of distributive justice apply outside of coercive frameworks and he affirms only humanitarian duties to aid the global needy (2005). More moderately, Michael Blake has argued that some principles of distributive justice (those securing the conditions of autonomy for all) apply outside of coercive frameworks but that other principles of distributive justice (in particular, egalitarian ones) apply only within the kind of coercive system characterized by the modern state (2001).

Why should coercion matter so much? The fullest answer to this is given by Blake and so I shall concentrate on his analysis. Indeed Nagel, rather engagingly, concedes that

[]the cosmopolitan conception has considerable moral appeal, because it seems highly arbitrary that the average individual born into a poor society should have radically lower life prospects than the average individual born into a rich one, just as arbitrary as the corresponding difference between rich and poor in a rich but unjust society. (2005: 126).

Consider then Blake's argument. He maintains that autonomy is valuable and, as such, coercion can be permissible only if it is justified to those subject to it. He further maintains that a commitment to justification leads to a commitment to equality. This, however, justifies equality within the state but it does not justify global egalitarianism because the international system, he contends, is not coercive (Blake 2001).

One obvious line of criticism protests that the international order is in fact coercive. Border restrictions are, for example, an obvious instance of this (Arneson 2005: 150; Tan 2004: 176-7; cf. 173; Abizadeh 2007: 348ff.). Blake, however, has anticipated this line of criticism (2001: 265, 280). His reply is that the kind of coercion practiced by the state is different in kind to other types of coercion, including the coercion involved in preventing people from migrating. His considered view is that there are various different forms of coercion and "each distinct form of coercion requires a distinct form of justification" (2001: 280, fn. 30). But then this second position is also problematic. In the first place it is not clear what form of justification would follow from other kinds of coercion such as "international" coercion. In the second place, we have been given no reason to think that these other kinds of justification would not equalize. Why should we assume that the kind of justification that is required by state-like coercion leads to equality? In short, then, either Blake claims that states coerce only their own citizens (version 1), or he allows that other kinds of coercion exist (such as states coercing foreigners or the international system coercing all within its reach) but insists that they do not lead to the forms of justification that require equality (version 2). Neither version is palatable. The first is false but the second is mysterious and unsubstantiated.
A second problem with Blake's claim concerns his assertion that there is a link between the necessity of justification, on the one hand, and equality, on the other. Two points can be made here. First, if coercive policies are enacted for a good reason then it is not clear why there is need for any kind of egalitarian remuneration. If autonomy is justifiably restricted (say to prevent harm or force) then that rationale alone gives us reason enough to justify coercion. No further financial payment is due to those who have been coerced (Arneson 2005: 137–8, 145–6). Second, Blake's argument is arguably culpable of a category mistake. Consider coercion again. The exercise of coercion, one can agree, does have normative significance. It requires that coercive actors justify their actions. But - and this is the crucial point - this can be done without leading to any commitment to equality. One might, for example, hold that the exercise of coercion is justified if (i) it respects people's human rights, (ii) the decision-making process is procedurally fair and gives everyone subject to the laws a fair opportunity to participate in the process, and (iii) the decision-makers give the reasons for their policies. This seems - to me at least - a legitimate and fair way to treat those subject to coercion. And if this is correct, it shows that there is no necessary link between the claim that "those who are coerced by the state are owed a justification," on the one hand, and the claim that "those who are coerced by the state should receive equal entitlements," on the other. Put bluntly: the fact of coercion calls for a legitimate decision-making process not egalitarian distributive justice.  

VII: Concluding Remarks

Cosmopolitanism's commitment to the equal moral standing of all persons (Pogge 2008: 175) and it's emphasis on the arbitrariness of national and state borders make it an appealing view. Given the extent of globalization it is natural to focus on interdependence-based versions of cosmopolitanism. In this chapter, I hope, though, to have brought out the appeal of a humanity-based cosmopolitanism. The latter gives expression to a political morality that is based on respecting persons - not qua members of one's nation nor qua members of one's economic scheme - but as fellow human beings.

Notes

1 This paper was completed while I held a Leverhulme Research Fellowship. I am very grateful to the Leverhulme Trust for its support.
2 Others use other terms. Beitz calls it "institutional cosmopolitanism" (Beitz 1994: 124–5) and Pogge terms it "legal cosmopolitanism" (Pogge 2008: 175).
3 The distinction between "mild" and "radical" cosmopolitanism follows a similar distinction made by Samuel Scheffler between "moderate" and "extreme" cosmopolitanism (Scheffler 2001: 115ff).
4 For the distinction between these two types of cosmopolitanism see Caney (2003: 295–8, 2005a: 111–15, 2007: 278ff). The distinction is similar to, but distinct from, Andrea Sangiovanni's distinction between "relational" and "nonrelational" approaches (2007: 5–8). Sangiovanni defines a relational approach as follows: "Those who hold that principles of distributive justice have a relational basis hold that the practice-mediated relations in which..."
individuals stand condition the content, scope, and justification of those principles” (2007: 5). Nonrational approaches deny this and see facts about the existence of practices as merely issues of how antecedently defined principles should be “applied” (2007: 6). As we shall see, what I term the humanity-centered approach allows that the “content” of principles (and the “justification” of that content to those principles) may be informed by the existence or otherwise of practices. Facts about social practices are thus not simply a matter of how antecedently “principles are applied” (2007: 6).

5 See also Beitz (1983: esp. 595).
6 I have also sought to defend such an approach: Caney (2001, 2005a, 2007).
7 The concept of “moral personality” comes from Rawls (1999a: 442-6).
8 There are (at least) two kinds of issue that this question raises. First, there is the question of whether principles of distributive justice include in their scope people who do not belong to their basic structure. Its focus is on which people are included within the scope of distributive justice. Second, there is the question of whether principles of distributive justice apply to people’s personal conduct or whether they apply only to the basic institutions that comprise the basic structure. Its focus is on who is included within the scope of distributive justice but on whether it should inform people’s personal life (their choice of career, salary level, how they spend their money). For a seminal contribution to the latter, see Cohen (2000). My focus here is on the first question. Note that to say that the two issues are distinct is not to say that there is no connection between the two. See note 9 below.
9 The argument that I give in this paragraph is similar in spirit to Cohen’s (2000: 136-40). In both cases, the critique claims that the reasons given for focusing on the basic structure (its effects on people’s lives) does not yield the intended conclusion. For further discussion of this point see Caney (2007: 283 fn. 14).
10 These six features of harm come from Pogge (2008: 25).
11 The notion of “tracking” comes from Robert Nozick’s Philosophical Explanations (1981: 317-25) though I employ it in a different way.
12 This point is made by Friedrich Hayek in an interesting discussion in The Constitution of Liberty (1960). Hayek repudiates “the contention that membership in a particular community or nation entitles the individual to a particular material standard that is determined by the general wealth of the group to which he belongs” (1960: 100). As he writes, “[t]here is clearly no merit in being born into a particular community, and no argument of justice can be based on the accident of a particular individual’s being born in one place rather than another” (1960: 100).
13 For the opposite view see Robert Nozick’s example with ten Robinson Crusoes on ten islands in Anarchy, State and Utopia (1974: 185). Nozick does, though, have an excellent sustained interrogation of the assumption that distributive justice arises only where there is social cooperation (1974: 185-9). For a response in line with the view defended in the text see Fabre (2007: 152).
14 The relationship between global integration and these three issues is rarely discussed. For an exception see the interesting discussion by Jon Mandle of the links between the extent of global integration, on the one hand, and the “content” of distributive justice and the “strength” of the duties of distributive justice, on the other (2006: esp. 618-21).
15 What follows, obviously, cannot claim to be exhaustive. Other arguments are examined in Caney (2005a: Ch. 5).
16 See Pogge (2008: Ch. 5) and Tan (2004: Part III). On the more general question of the compatibility of global egalitarianism with special duties, see Abizadeh and Glibert (2008).
17 For the distinction between special and general rights and duties, see H. L. A. Hart (1985).
18 Note that the original proponent of this kind of reconciliation was David Miller in On Nationality. He argued there that membership of a nation generates obligations to uphold
the human rights of one’s fellow nationals (1995: 75–7). I am sympathetic to this reconciliatory strategy, but, unlike Miller, do not think that the special responsibilities arise from membership of a nation. Rather they arise from membership of a state or other political organizations.

19 For criticism of Nagel’s account, see Cohen and Sabel (2006) and Julius (2006).
20 For further analysis, see (2008) and also Abizadeh (2007: 349–51).
21 Another way of making the same point is to say that the exercise of coercion raises the kind of questions concerning the nature of liberal legitimacy that Rawls examines in Political Liberalism (1993) and it is quite separate from the questions concerning the nature of distributive justice that Rawls examines in A Theory of Justice (1999a).

References


