

LEGITIMACY, JUSTICE  
AND PUBLIC  
INTERNATIONAL LAW

Edited by

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## 7

## Global justice: Problems of a cosmopolitan account

HERLINDE PAUER-STUDER

### Introduction

The current debate between cosmopolitans and the defenders of a so-called political conception of justice<sup>1</sup> focuses mainly on two questions: first, what is the site and scope of justice; and second, whether problems such as drastic worldwide economic inequalities and vast differences in life chances between the members of wealthy and poor countries can be tackled only by transcending the traditional nation-state order.

Cosmopolitans argue that issues like world poverty and the severe unfairness of social opportunities amount to problems of justice, moreover global justice, since their moral relevance transcends ethnic as well as state borders. The claim of cosmopolitans concerns the *site* as well as the *scope* of justice. World poverty and severe social and economic inequalities are global problems since they cannot be explained and understood apart from the current system of international economic relations and agreements (regulating access to markets, market subsidies, trade barriers, flow of capital, currency exchange conditions, credit-worthiness). These agreements and regulations, enacted and controlled by powerful global institutions like the International Monetary Fund, the

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<sup>1</sup> For a cosmopolitan position see T. Pogge, *World Poverty and Human Rights*, second edition (Cambridge: Polity Press, 2008) (all further references are to the second edition of Pogge's book); C. R. Beitz, 'Cosmopolitanism and Global Justice', *The Journal of Ethics*, 9 (2005), 11-27. A political conception of justice (following Rawls) is taken by, for example, T. Nagel and M. Risse. See T. Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs*, 33 (2005), 113-47; M. Risse, 'How Does the Global Order Harm the Poor?', *Philosophy and Public Affairs*, 33 (2005), 349-76.

World Bank and the WTO, do have, cosmopolitans point out; substantial effects on the life prospects and economic opportunities of individuals. The strong impact of these international organisations on the social and economic conditions of persons allows us therefore to assume the existence of a global basic structure.

In addition to this empirical thesis about the global site of justice, cosmopolitans adopt a normative premise concerning the scope of justice. Since problems like poverty and inequality are mainly due to the currently unjust global economic order, they create strong moral obligations and duties of justice on the side of those better off who eventually profit from the unfair status quo.

Cosmopolitans are also critical of the nation-state system. Since nation-states display strong partiality towards the interests of their members (for example, by enacting restrictions on immigration, residence, citizenship and entrance to labour markets), they present an obstacle to the achievement of global justice. An additional reason why cosmopolitans think that issues of justice should be addressed independently of the nation-state perspective is this: if nation-states were the parties to a global contract or agreement on principles of justice, then intrastate discrimination against particular individuals or specific ethnic or social groups who live under unjust and unfavourable conditions would not become visible.<sup>2</sup> Therefore individuals, not institutions like the nation-state or political unions like peoples, should be the moral units of theories of global justice. What is relevant is the way individuals' basic rights are respected or violated and their autonomy for leading a decent and worthwhile life is enhanced or thwarted.

Defenders of a political conception of justice claim that justice applies to the basic structure of a particular society (nation-state), and, moreover, that duties of justice in a strict sense hold merely between the members of a particular society (nation-state). We do have obligations to severely poor and marginalised people outside our nation-state; these obligations, however, are of a humanitarian kind and not duties of justice in a strict sense. Duties of justice are associative obligations, obligations owed to those with whom we have political relations within a state order. Defenders of a political conception of justice basically follow Rawls's

position as he outlined it in the *Law of Peoples*: peoples do have a duty to assist 'other peoples living under unfavourable conditions that prevent their having a just or decent political social regime'.<sup>3</sup> However, there are no duties of justice created by an application of a cosmopolitan or global principle of distributive justice. Rawls's arguments for rejecting distributive responsibilities on the global level are as follows: first of all, global inequalities are mainly due to the internal political organisation of a society and its social and cultural traditions; and second, there might be no cut off point in transfers of wealth and income from better off to worse off societies which might create unjust burdens on the side of better off societies.<sup>4</sup> Recently, defenders of a political conception of justice have added a further argument why humanitarian duties of assistance, but not strict duties of justice, hold on the global level: the realisation of actual justice demands coercion by the state; since such a global coercive sovereign power does not exist, the idea of global justice in a strict sense cannot be defended.<sup>5</sup>

In the current literature, political conceptions of justice have been sharply criticised. A main objection is that advocates of political conceptions of justice are stuck in a historically outdated framework of a 'vanished Westphalian World' and have missed recent global developments.<sup>6</sup> Moreover, the distinction they draw between duties of justice and duties of assistance amounts to a scandalous ignorance towards the moral weight of grave inequalities in the social global order: poverty can,

<sup>3</sup> J. Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 37. Rawls uses the term 'peoples' to indicate his distance to the traditional conception of sovereign states (as determined by rational self-interest and having the right to go to war) and to stress that his central aim in the *Law of Peoples* is to construct a political morality for international relations. Buchanan objects that Rawls would have been clearer if he had used the term 'peoples organised in states'. Buchanan, 'Rawls's Law of Peoples', 699.

<sup>4</sup> One might say that Rawls applies the principle of luck egalitarianism (individuals only deserve compensation for brute bad luck, not option luck) to the case of societies. He offers the following example: two societies, A and B, start with an equal level of wealth but choose different policies. The first society opts for investment, industrialisation and a high rate of savings; the second society chooses none of these policies with the result that some decades later the first society would be much wealthier than the second society. A global distribution principle (along the line of a cosmopolitan difference principle) would require that transfers are made from A to B; Rawls thinks this to be unjustified. See Rawls, *The Law of Peoples*, 117.

<sup>5</sup> For such a position see Nagel, 'The Problem of Global Justice'.

<sup>6</sup> See Buchanan, 'Rawls's Law of Peoples'; A. J. Julius, 'Nagel's Atlas', *Philosophy and Public Affairs*, 34 (2006), 176-92.

<sup>2</sup> A. Buchanan objects that Rawls's conception, as Rawls develops it in the *Law of Peoples*, does not allow issues of intrastate conflict and ethnic autonomy aspirations to be dealt with. See A. Buchanan, 'Rawls's Law of Peoples: Rules of a Vanished Westphalian World', *Ethics*, 110 (2000), 697-721, here 716-20.

and does, entail the loss of life. Equally, the connection between justice and coercion has been rejected.<sup>7</sup>

In this chapter I take a closer look at the controversy between cosmopolitans and the advocates of a political conception of justice. I will defend a political conception of justice, although I suggest some revisions. A cosmopolitan approach is often connected with *monism*, i.e. the claim that the same sort of normative principles should apply to institutions and to individual choices. A political conception of justice presupposes *dualism*, namely a separation between the principles of justice guiding the design of institutions and the moral principles applying to individual choices. In the second section of the chapter I discuss Thomas Pogge's cosmopolitan position and try to show that Pogge shifts from a dualistic account of justice to a monistic account when it comes to the problem of world poverty; therefore Pogge's treatment of world poverty is vulnerable to the objections which he himself raises against monism. Moreover, in the third section, I argue that Pogge's exclusive focus on negative duties is implausible and creates excessively heavy burdens on the side of better-off individuals. In the fourth section I argue that there is no need to consider the nation-state as a hindrance to the realisation of a more global justice. I end with some suggestions as to how a political conception of justice can be modified to meet some of the criticisms cosmopolitans have rightly raised.

### Monism, dualism and world poverty

Even if we consider the basic structure as the primary object of justice, it is still controversial whether we should also accept the strict distinction some theorists of justice, for example Rawls, draw between those normative standards which ought to guide the design of institutions and those standards that are meant to regulate individual practices and actions. Some philosophers have argued that a thorough concern with issues of justice requires us to apply the same sort of principles to institutional design and to individual attitudes and choices.<sup>8</sup> A problematic consequence of that strategy is that requirements of justice addressed to institutions are translated into very demanding individual moral obligations.

<sup>7</sup> See A. Abizadeh, 'Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice', *Philosophy and Public Affairs*, 35 (2007), 308–58, esp. 352, 321.

<sup>8</sup> A prominent example is G. A. Cohen. See G. A. Cohen, 'Where the Action Is: On the Site of Distributive Justice', *Philosophy and Public Affairs*, 26 (1997), 3–30.

A paradigm case motivating such a transfer of normative obligations from public or political morality to individual morality is the problem of world poverty.<sup>9</sup> World poverty is considered by many moral philosophers as the most pressing moral issue at present. The dramatic differences in the living standard and levels of wellbeing are striking.<sup>10</sup> The urgency of the problem is certainly intensified by the fact that one small part of the world population is not only well off, but exceptionally better off than a large group of other people. The facts are so grave and depressing that many philosophers consider the policy of delegating the problem to a reform of current institutions or a set-up of new institutions to be morally intolerable. In their view more efficient and immediate relief seems necessary. It often seems to make more sense to care directly for the wellbeing of others than to delegate the problem to the normative construction of institutions, as Liam Murphy points out:

But it could not be right that an individual, rich First Worlder is required to devote her resources to the Quixotic task of promoting just international institutions. Such a person could clearly do so much more to alleviate suffering or inequality by doing what she can on her own – by giving money to humanitarian aid agencies.<sup>11</sup>

Consequently, many have sympathised with an account that puts remarkable weight on the moral duties of individuals. It is quite common among cosmopolitans to hold that requirements of global justice have to be discharged to a remarkable extent by individuals.

Does the urgency of a problem like world poverty suggest that we should give up the separation between the principles guiding our promotion of just institutions and those guiding our personal choices? A closer look at the distinction between monism and dualism helps to clarify the question.

*Monism* holds that those normative principles that guide the sphere of public morality equally ought to guide our personal choices and ways of

<sup>9</sup> By 'individual morality' I mean those principles and norms that apply to our personal actions and attitudes; the terms 'public morality' and 'political morality' refer to the norms and principles of justice that determine the basic structure of society.

<sup>10</sup> Thomas Pogge cites the following numbers: '[I]t is estimated that 830 million human beings are chronically undernourished, 1,100 million lack access to safe water, 2,600 million lack access to basic sanitation, 1,000 million lack adequate shelter, and 1,600 lack electricity.

About 2,000 million lack access to essential drugs, some 774 million adults are illiterate, and there are 218 million child laborers.' See Pogge, *World Poverty and Human Rights*, 2.

<sup>11</sup> L. B. Murphy, 'Institutions and the Demands of Justice', *Philosophy and Public Affairs*, 27 (1998), 251–91, here 281.

acting. In the version put forth by G. A. Cohen, monism amounts to a modification of Rawls's theory of justice: the principles of justice that guide our design of institutions should equally apply to the set of informal practices that determine and structure our personal relations to others. Within the basic structure of society, so the argument goes, there is room for informal discriminatory practices that sum up to severe injustices. A theory of justice must also reflect these patterns of informal discrimination that are expressions of personal attitudes. According to Cohen's account, not only institutions but also the attitudes of persons belong to the realm of justice. Cohen argues that monism allows us, for example, to consider the harmful consequences of sexist or racist attitudes as questions of justice.<sup>12</sup> Social justice, as he emphasises, cannot be gained merely by creating just institutions; it also requires a *social ethos* which is created if individuals apply the principles of justice to their personal conduct and attitudes.<sup>13</sup> So the difference principle should also guide the attitudes and choices of individual persons:

It is generally thought that the difference principle would be used by government to modify the effect of choices which are not themselves influenced by the principle, but, so I claim, in a society of wholehearted commitment to the principle, there cannot be so stark a contrast between public and private choice. Instead, citizens want their own economic behaviour to satisfy the principle and they help to sustain a moral climate in which others want the same.<sup>14</sup>

*Dualism* maintains a strong distinction between the spheres of individual morality and public morality. The paradigmatic example of a dualist account is Rawls's theory of justice. Rawls's principles of justice, i.e. the principle of equal freedom, the principle of fair equality of opportunity, and the difference principle, apply to the normative structure of institutions but

<sup>12</sup> The case of gender injustice in the family despite appropriate family legislation has been one issue that motivated Cohen's defence of monism.

<sup>13</sup> Cohen is aware of the limits of legal regulations in fighting problems of discrimination. Therefore, he emphasises the impact of justice-based ethical conventions and practices that bind us and form our attitudes (*social ethos*). The regulative effect of these conventions and practices should ideally be as powerful as legal regulations. Cohen does not want persons whose social practices do not conform to the principles of justice to be prosecuted; social sanctions, he argues, should be enough. The problem is that this suggestion, if put into practice, might create a terrible social climate of control and reproaches.

<sup>14</sup> G. A. Cohen, 'Incentives, Inequality, and Community', in S. Darwall (ed.), *Equal Freedom: Selected Tanner Lectures on Human Value* (Ann Arbor: The University of Michigan Press, 1995), 331–97, here 380.

are not relevant for the guidance of individual actions.<sup>15</sup> The principles and standards of personal morality are different from the principles of justice.<sup>16</sup> Rawls's main argument for this separation is that otherwise implausible consequences and normative ambiguities would result. The obvious objection against monism is that the principles of justice apply, as in Rawls's theory, merely to the basic structure of society, i.e. the political constitution, the system of property rules, and the family. The reply of Cohen is that if patterns of discrimination are persistent despite existing legal restrictions and regulations, the basic structure argument seems to lose its plausibility.

A similar frustration with a basic structure account of justice in the case of global inequality and world poverty motivates cosmopolitans to come close to monism, by putting more weight on individual duties and applying the principles of justice to individual choices. Interestingly enough, when it comes to the problem of world poverty, we find such a tendency towards monism in the work of authors who otherwise are critical of monism, such as Thomas Pogge.

In the general debate between dualists and monists Pogge sides with dualism. Pogge rejects the view that the moral assessment of social institutions should depend on a comprehensive moral conception that also governs personal conduct. Principles of personal conduct should be distinguished from the principles of justice guiding the design of institutions.<sup>17</sup> According to Cohen, a social ethos would develop if the difference principle guided the choices of individuals as well. As an example of a specific moral climate created by a commitment to the difference principle, Cohen cites the relatively moderate differences between managers' and workers' salaries in post-war Germany compared with the striking differences in incomes between managers and workers in the post-war US; Cohen attributes the lower income differentials between

<sup>15</sup> See J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993): '[T]he principles of justice, in particular the difference principle, apply to the main public principles and policies that regulate social and economic inequalities' (282).

<sup>16</sup> In *A Theory of Justice* Rawls states: 'There is no reason to suppose that the principles which should regulate an association of men is simply an extension of the principle of choice for one man ... [T]he correct regulative principle for anything depends on the nature of that thing'. See J. Rawls, *A Theory of Justice* (Cambridge, MA: The Belknap Press, 1999), 25. Rawls uses this passage to argue against utilitarianism; however, his remarks can be taken as a general warning to confound principles for the normative design of institutions with principles guiding personal choices. Compare also Rawls, *A Theory of Justice*, § 19, 98ff. and § 51, 293ff.

<sup>17</sup> T. Pogge, 'On the Site of Distributive Justice: Reflections on Cohen and Murphy', *Philosophy and Public Affairs*, 29 (2000), 137–69, esp. 139.

managers and workers in post-war Germany to the stronger social ethos in the German *Wiederaufbau* area.

Pogge considers Cohen's hope that a social ethos might have inequality-reducing effects as unrealistic. He objects that the lower income differentials in post-war Germany were simply a consequence of different tax laws: US tax laws allow higher salaries for managers.<sup>18</sup> In opposition to Cohen's social ethos conception Pogge affirms the basic-structure argument and the regulative power of laws and institutional decrees.

Pogge, moreover, rejects the idea of applying the difference principle to individual choices altogether. His critical argument is that an application of the difference principle to individual choices would require highly talented and efficient people, who might contribute substantially to the improvement of the situation of the worst off, to adopt jobs that they do not want to accept.<sup>19</sup> Pogge's objection amounts to saying that monism entails a violation of a basic principle of political liberalism, namely the right to choose one's form of life. However, in Pogge's work on world poverty the principle of liberal autonomy seems restricted in a way which is open to his own objections against monism.

An interpretation of Rawls's theory along monistic lines clearly results, I think, in a nightmare of responsibilities and demands, if applied to the problem of global inequalities. The difference principle, in particular, would make demands on persons that are highly implausible: persons in one country who are better off, maybe only slightly better off, than persons in another country would have to devote their moral strength to improving the situation of others. Therefore, persons slightly better off in China would have to do all they can to improve the situation of poor people in India who are worse off. But what if the people in India whom they helped were to experience an economic boom shortly afterwards and become much better off than the Chinese? The problematic consequence is not only an excess of responsibilities, but also an absurd game of giving and demanding on a piecemeal basis which does not reflect our common understanding of justice.

The adoption of the difference principle as a guideline for individual behaviour would severely restrict the autonomy of individuals to develop and pursue their own plan of life. They would have to pursue life plans that contribute to an increase of social goods so that the situation of the worst off members of society can be improved. However, the right to

choose one's form of life is a basic principle of a society which guarantees basic liberties. Autonomy in the sense of having the (economic) means to pursue a plan of life is also considered by many cosmopolitans as the benchmark of a global conception of justice.<sup>20</sup>

To conclude: monism seems an implausible position facing several objections:

- a) The way monism blurs the distinction between public and individual morality leads to implausible consequences.
- b) The adoption of the difference principle as a principle of personal choice results in unclear, but probably also excessively demanding, requirements and burdens. Exactly what contributes to the advantage of the worst off person? What do we have to do in order to promote the advantage of the worst off?
- c) Strengthening the moral requirements on the side of individuals might not have the desired effect – not because moral motivations are too weak or contingent as such, but because they might have no impact on underlying structures.<sup>21</sup>

The strategy of putting more weight on personal duties also proves unhelpful in the case of global inequalities. Nevertheless, there is a strong tendency among cosmopolitans to pursue that line. Given the pressure of a severe problem like world poverty, many are tempted to discharge the moral burden in terms of strong individual moral obligations. Pogge's work on world poverty is an example.

#### Global justice and individual moral duties

In his book *World Poverty and Human Rights* Pogge combines cosmopolitanism with an institutional account: the primary moral units are individuals; institutional reforms, however, are the prior means of fighting global inequalities and world poverty. Severe poverty is a violation of basic human rights. Human rights, including social and economic rights, are the basic normative parameter for developing a just world order. The main goal is not redistribution on a global level, but an economic order

<sup>20</sup> See, for example, Martha Nussbaum's position in M. C. Nussbaum, *Frontiers of Justice. Disability, Nationality, Species Membership* (Cambridge MA: Harvard University Press, 2006), ch. 5.

<sup>21</sup> See D. Jamieson, 'Duties to the Distant: Aid, Assistance, and Interventions in the Developing World', *The Journal of Ethics*, 9 (2005), 151–70, for striking examples of problematic consequences of direct transfers of aid and assistance.

<sup>18</sup> *Ibid.*, 149–51.

<sup>19</sup> *Ibid.*

under which each participant would be able to meet her basic social and economic needs'.<sup>22</sup> The normative aim of Pogge's position is to guarantee all humans a life beyond marginalisation, poverty, hunger and death due to malnutrition. The focus is on a threshold of a minimally decent life, not on redistribution as such.<sup>23</sup>

Pogge develops an 'institutionalist interpretation' of human rights according to which human rights are claims against those social orders that have the power of enforcing their regulations. Yet human rights also place demands in regard to personal choices and duties of citizens. If a social order does not meet its obligation to guarantee human rights, then individuals who profit from this system have a duty to engage in activities to reform it. As Pogge writes:

The normative force of others' human rights for me is that I must not help uphold and impose upon them coercive social institutions under which they do not have secure access to the objects of their human rights. I would be violating this duty if, through my participation, I helped sustain a social order in which such access is not secure, in which blacks are enslaved, women disenfranchised, or servants mistreated, for example. Even if I owned no slaves or employed no servants myself, I would still share responsibility: by contributing my labour to the society's economy, my taxes to its governments, and so forth.<sup>24</sup>

Pogge considers two negative duties as crucial, namely, the duty not to violate and undermine just institutions, and the duty not to participate in the upholding of unjust institutions or to profit from them. Individuals do have a collective responsibility to ensure that the institutions they help sustain are just. If other persons die because of poverty, then this help amounts to a violation of a negative duty, namely to respect the basic right to life and bodily integrity. To help poor people therefore cannot be a positive duty in the classical sense of a duty of beneficence or of assistance.

The reason why Pogge postulates the duty towards poor people as a negative one is clearly to emphasise the moral urgency at stake. His

argument seems to be: if we consider the duties towards poor people as positive duties, then the injustice suffered by the global poor would not receive the moral attention it deserves.

Is Pogge's move to impose on individuals living in developed countries a negative duty towards people in poor countries convincing? Usually the distinction between negative and positive duties is drawn in the following way: negative duties are duties to refrain from doing something; positive duties are duties to do something: they involve positive action. On Pogge's account of negative duties, however, the distinction between active and passive collapses, since his negative duties do involve positive actions. The negative duty of individuals not to violate the human rights of people in poor countries by profiting from an unjust economic world order has to be discharged by certain positive actions, for example, by protesting against the unfair regime of international organisations, possibly also by moving to other places and leaving one's country. As Pogge writes:

I might honor my negative duty, perhaps, through becoming a hermit or an emigrant, but I could honor it more plausibly by working with others toward shielding the victims of injustice from the harms I help produce or, if this is possible, toward establishing secure access through institutional reform.<sup>25</sup>

Two objections come to mind. First, one might be tempted to object that Pogge's position amounts to a confusion of negative and positive duties since negative duties are duties to refrain from doing something and not duties to take positive action. This criticism depends on the stringency of the active/passive distinction. However, this distinction is a notoriously fragile one. In specific circumstances, the negative duty not to endanger the life of others can be discharged only by a positive action: if someone is drowning, and we are in a position to help, we violate the negative duty towards the drowning person by not taking positive action. So the possible argument that Pogge mixes up negative and positive duties in an illegitimate way is not convincing.

A second objection is more to the point. In his analysis of the moral claims posed by world poverty Pogge tries, as already pointed out, to avoid the consequences of reading positive duties as being weaker than negative duties.<sup>26</sup> The way in which he spells out the claims of poor

<sup>22</sup> Pogge, *World Poverty and Human Rights*, 182.

<sup>23</sup> The basic parameters of global justice are human rights, more so: economic rights. On the global level it is important for Pogge 'to choose or design the economic ground rules that regulate property, cooperation, and exchange and thereby condition production and cooperation' (Pogge, *World Poverty and Human Rights*, 182). Pogge holds that this offers 'a standard for the moral assessment of alternative feasible schemes of economic institutions' which is independent of 'the idea of already owned resources to be re-distributed' (*ibid.*).

<sup>24</sup> Pogge, *World Poverty and Human Rights*, 70.

<sup>25</sup> Pogge, *World Poverty and Human Rights*, 72.

<sup>26</sup> This quite common interpretation is often (erroneously) justified by referring to Kant's distinction between perfect and imperfect duties.

people apparently appeals only to negative duties. Pogge sees in the lack of help for poor people a much stronger violation of a duty than occurs when a person has not fulfilled her positive duty of assistance or beneficence. In order to escape the classical problem that positive duties allegedly do not have the moral weight of negative duties, he tries to avoid the appeal to positive duties altogether.

Pogge is certainly right to complain that the moral weight of the problem of world poverty is not recognised adequately. Yet the urgency of the issue of world poverty can also be emphasised if the classical distinction between negative and positive duties remains. In Kant's framework, for example, the moral strength of positive duties and negative duties is equal; positive duties are not weaker. Moreover, there is an important reason why Kant separated negative from positive duties, which we should take seriously. By ignoring this Kantian point, Pogge comes close to violating some fundamental liberal premises in regard to the scope of moral obligation.

Kantian duties of justice are different from duties of virtue in the following respect: duties of virtue are directed towards ends, i.e. ends which the individual recognises as right and appropriate according to practical reason. The ends are not set arbitrarily; they are normatively prescribed: one's own perfection and the happiness of others.<sup>27</sup> Duties of virtue are wide duties; duties of justice are strict or narrow duties. Duties of justice are of strict obligation because they demand or forbid a *specific action*. They are negative duties, so-called duties of omission (*Unterlassungspflichten*). A duty of omission can only be discharged by not doing a specific action.

Duties of virtue, however, demand the realisation of ends, whereby it is left to the judgment of the individual person in which way to fulfil these requirements. The reason why duties of virtue are classified as wide duties is that they express a broad moral obligation which need not be discharged by a specific action. The leeway in fulfilling positive duties of virtue is due to moral epistemology: individuals are, given their

knowledge of the particular situation and circumstances they are in, better judges about how best to fulfil their moral obligation than a universal law procedure that generalises over cases could tell them.<sup>28</sup>

The moral law establishes the obligation as such, while determining the details of how to live up to it must be left to individual judgment.

Positive duties differ from negative duties because the idea of universal moral legislation does not tell one in which way the normative obligation can and should be fulfilled in a specific context and situation. So the inevitable particularity of living up to such demands is the reason why duties of beneficence are a positive duty, i.e. an imperfect duty in Kant's terminology. The moral judgment of the person is necessary to determine in which form he or she can fulfil this obligation.

The Kantian specification of negative and positive duties is highly relevant for assessing which duties the problem of global justice implies. To defend an account of global justice that allows for positive duties does not amount to a weakening of normative force. It merely means that the obligation to take measures against global poverty creates on the side of individuals an obligation to do something, though in which way individual persons fulfil this requirement is a matter of their personal moral judgment. This is the case because individuals do have the competence to decide in which form they can best discharge the general moral obligation, given the particular context they are situated in. A universal prescription of justice as it is given in the case of negative duties would restrict the individuals' autonomy in pursuing their moral ends. The political conception of justice, which distinguishes clearly between principles of justice and individual moral duties (including positive duties), grants that autonomy; but a version of cosmopolitanism like the one Pogge defends – which recognises merely negative duties – limits this autonomy in a problematic way.

Negative duties are duties of justice. They drastically limit the freedom of individuals to set their own ends. This is justified if basic rights of others, for example their right to life and bodily integrity, would be violated directly by specific actions of individuals. Pogge claims that persons who profit from an unjust social and economic order do have a negative duty to protect the victims of this unjust order and to work towards a reform of it. The question is: what kind of duty is the negative duty appealed to here? It is certainly not a duty of justice in a juridical sense. We do not imprison people in rich countries if they neglect their

<sup>27</sup> See I. Kant, 'Introduction to the Doctrine of Virtue', in Kant, *The Metaphysics of Morals. Part II: Metaphysical First Principles of the Doctrine of Virtue*, edited by M. Gregor (Cambridge University Press, 1996), 150f. (Academy edition: 6:387, 6:388). For a highly insightful discussion of Kant's account of virtues see C. M. Korsgaard, 'An Introduction to the Ethical, Political, and Religious Thought of Kant', in C. M. Korsgaard, *Creating the Kingdom of Ends* (Cambridge University Press, 1996), 18–22; cf. also Korsgaard, 'Kant's Formula of Universal Law', in Korsgaard, *Creating the Kingdom of Ends*, 82–4.

<sup>28</sup> Korsgaard, 'An Introduction to the Ethical, Political, and Religious Thought of Kant', 21f.

duty to work towards a reform of social institutions. Pogge concedes this point when he emphasises that he promotes a version of a moral, not a legal, cosmopolitanism.

In the sphere of morality – and global justice is a question of morality on Pogge's account – there is no recourse to the use of force. It is, however, a characteristic of negative rights and duties that there is strong reason to enforce them by state power. Positive duties cannot be enforced this way, at least not within a fairly liberal framework.

If people's individual choices in developed countries were normatively determined by the Rawlsian principles of justice, at least by the difference principle, then their way of living would have to be organised around the aim and end of reducing serious economic inequality. This might result, as pointed out, in excessively high demands and requirements on the side of individual persons. Why should persons have the duty to give up their form of life and accept a rather arduous way of living? Do they really have a conclusive reason to regard their form of life as wrong, especially if they do not have a luxurious lifestyle and could not afford it anyway? This sceptical question becomes even more urgent because many individual efforts to eliminate global inequalities are undermined by structural factors and disastrous political developments.

So two aspects of Pogge's account seem to me problematic. First, there is a conceptual difficulty in the way he defines and uses the notion of a negative duty. The duties he postulates as negative ones amount structurally to positive duties. Second, Pogge's inadequate use and application of the notion of a negative duty has the consequence that his account entails excessive requirements on the side of individuals.

People in economically well-off countries violate a negative duty, according to Pogge, by profiting from a social order that has unjust and harmful consequences for persons in other areas of the world. So they have a negative duty to protest against such an unjust economic order. However, individuals cannot be under an obligation to forego an action which they have not undertaken – namely to harm other persons directly by one of their actions. Though individuals are not directly responsible for global inequality, Pogge's account subjects them to heavy burdens which, I think, are unjustified.

Pogge's argument, for example, requires each person who profits from the currently unjust global economic order to take action against the unjust practices of global institutions. Pogge emphasises that there are several possibilities to fulfil the negative duty of not doing harm to poor people in poor countries. However, the possibilities he offers – organising political

action, protesting, and even emigrating to another country – are in their daily consequences harsh alternatives. Not everyone is in a situation that allows her to fight constantly against the WTO, the World Bank and the IMF. Many people could not live their lives in such a context of permanent protest. Those who have to care for children or for elderly or sick people cannot fulfil this programme. And the demand that one morally ought to emigrate to another country because one's own country is involved in possibly harmful practices seems absurd.

One might argue that Pogge allows leeway for individuals in judging how they best live up to the obligation. This is correct: Pogge mentions that there are several ways to fulfil the negative duty of not doing harm. However, to argue this way just amounts to saying that the duties at stake are positive duties. The characteristic element of positive duties is, as I have pointed out, that they admit of a contextual interpretation whereas negative duties require refraining from a specific action.

Pogge's construction of negative duties on the side of individuals profiting from an unjust economic order is implausible. A theory of global justice cannot require a negative duty on the side of individuals to engage in permanent resistance or civil disobedience against unjust international organisations. The right of having autonomy in choosing one's plan of life is not compatible with a position that demands permanent political struggle against social and political orders, especially when their responsibility seems to be not always clearly given.<sup>29</sup>

The result of my discussion of Pogge's position is that we should be careful in giving up the conceptual separation between principles of justice addressed to institutions and the moral duties of individuals. A moralist account is, as I pointed out, not a satisfactory alternative. Therefore, a combination of the normative design of institutions with an account of the moral duties arising on the side of individuals is more promising. Such a normative conception would need to prescribe both the institutional measures to fight poverty and the individual moral duties that would further the effect of such institutional measures.

Pogge, in a way, keeps to the separation between principles of justice guiding institutions and principles guiding individual choices, but in his

<sup>29</sup> In which way can an unemployed factory worker whose previous employer transferred the production of the company to a country with cheap labour, be made responsible for the condition of the inhabitants of a developing country? Moreover, how can she be made collectively responsible for violating a negative duty, namely not to harm or kill other people?

account of negative duties he undermines it. In this respect the political conception of justice is more plausible as it distinguishes clearly between those normative principles which are guidelines for institutions and those principles which guide individual choices.

To conclude: a main feature of Pogge's account is his rejection of the classical understanding of duties to help other people as so-called positive duties.<sup>30</sup> The idea is that an interpretation of our duties to poor people as positive duties amounts to a status quo justification rather than a remedy to the problem of world poverty. However, understanding positive duties as being weaker than negative duties – an assumption Pogge shares – depends, as I tried to show, on a mistaken reading of Kant's account of positive duties. A political conception of justice need not be committed to the thesis that negative duties have more normative strength than positive duties. Once we concede that negative duties and positive duties have equal weight, one of the main objections Pogge raises against a political conception of justice loses force.

But in another respect the political conception (at least some versions of it) is not convincing: its tendency to limit justice and accountability to state borders is indeed highly problematic. In the next section I will argue that this deficiency can be corrected without giving up the basic framework of a political conception of justice.

### Global justice and national boundaries

Recent political theory has questioned the legitimacy of the nation-state system. According to cosmopolitans, the nation-state is in many ways a hindrance to a just global normative order. National borders, so the criticism goes, are not compatible with a global moral outlook and the

inclusion of all the members of the world society.<sup>31</sup> Political and social rights – for example, citizenship, residency and the right to work – are not granted universally; they are granted to certain people, and the nation-state is the institution that has the authority to confer or withhold these privileges. The partiality nation-states show towards the wellbeing of their citizens does not sit well with the demand that all people have an equal moral standing and an equal right to moral consideration. These quite familiar cosmopolitan arguments raise the question as to whether the nation-state is a precarious institution from the point of view of justice.

A political conception of justice, as we find it in Rawls's work, does not question the nation-state order. Its main focus, namely to formulate the principles and conditions of the just basic structure, presupposes implicitly that societies are organised in state units. Rawls's extension of his political conception to the international sphere in *The Law of Peoples* does not challenge the nation-state system as such, either.

Some defenders of a political conception of justice, however, have made a stronger claim, namely, that a state order is a necessary framework for social justice. One philosopher who has recently defended a political conception of justice along this line against a cosmopolitan reading of global justice is Thomas Nagel. He proposes a coercion-based version of political justice: justice has to be backed by state authority and requires 'government as an enabling condition'.<sup>32</sup> Nagel justifies this assumption with the connection between sovereignty and justice:

What creates the link between justice and sovereignty is something common to a wide range of conceptions of justice: they all depend on the coordinated conduct of large numbers of people, which cannot be achieved without law backed by a monopoly of force.<sup>33</sup>

Nagel links justice to the state structure because he assumes that justice can be realised only by state coercion. Accordingly he limits the scope of justice:

The full standards of justice, though they can be known by moral reasoning, apply only within the boundaries of a sovereign state, however

<sup>30</sup> Pogge criticises, for example, Rawls's classification of the natural duty of justice, i.e. the duty of assistance, as a positive duty. Rawls, he argues, thereby gives our duty to help others in need insufficient normative weight. See T. Pogge, *World Poverty and Human Rights*, 140, 292 (n. 211, 212). This criticism of Rawls (which depends on Rawls's interpretation of positive duties in *A Theory of Justice*) is justified as far as Rawls's reading of individual positive duties is concerned. (Rawls assumes in *A Theory of Justice* that individual positive duties are weaker than negative duties.) But Pogge's objection does not touch on Rawls's position as he outlines it in *The Law of Peoples*. In *The Law of Peoples* Rawls claims that peoples do have a duty of assistance towards burdened societies. However, that duty of assistance is not a natural or 'weak' positive duty; it is simply a normative guideline for the way societies ought to shape their international relations. Pogge confounds what Rawls says in regard to institutions and institutional policies with what Rawls says in regard to individual morality.

<sup>31</sup> Pogge argues that from the standpoint of cosmopolitan morality national sovereignty in its classical form is no longer defensible. Pogge, *World Poverty and Human Rights*, 126–51. Seyla Benhabib equally takes a critical stance towards the nation-state; she diagnoses a 'disaggregation of citizenship' as a consequence of migration and a dissociation of citizenship and cultural identity. See S. Benhabib, 'Democratic Iterations: The Local, the National, and the Global', in Benhabib, *Another Cosmopolitanism* (Oxford University Press, 2006), 45–80.

<sup>32</sup> Nagel, 'The Problem of Global Justice', 114. <sup>33</sup> *Ibid.*, 115.

arbitrary those boundaries may be. Internationally, there may well be standards, but they do not merit the full name of justice.<sup>34</sup>

Nagel holds that justice refers to the basic institutions of society; justice cannot apply to individuals outside the realm of the nation-state. Justice is, therefore, an 'associative obligation', only owed to those with whom we have strong political relations. We do not have a full obligation to those with whom we have not yet established political relations within a sovereign nation-state which subdues us to its coercive power. We can speak of egalitarian justice regarding the internal structure of the nation-state, but absent a global coercive power (which for Nagel clearly is not in place) there can be no global justice – neither in the sense of individual relations between persons nor between global institutions.

Nagel acknowledges, of course, the existence of institutions and organisations on a supranational level. He denies, however, that these new developments of global interaction do away with the significance and priority of the nation-state. International organisations are, as he points out, simply tools for establishing ways for nation-states to 'cooperate to better advance their separate aims' and he adds that 'they rely on the enforcement of the power of the separate sovereign states, and not on a supranational force that is responsible to all'.<sup>35</sup>

Nagel's argument goes against the line of much of current theorising, especially the global horizon and global governance rhetoric we often encounter in this field.<sup>36</sup> His standpoint looks stunningly conservative. The criticism of Nagel's coercion-based account has been sharp.<sup>37</sup>

<sup>34</sup> *Ibid.*, 122. <sup>35</sup> *Ibid.*, 140.

<sup>36</sup> For a good criticism of that rhetoric cf. Jean Cohen, 'Whose Sovereignty?: Empire versus International Law', in C. Barry and T. Pogge (eds.), *Global Institutions and Responsibilities: Achieving Global Justice* (Oxford: Blackwell, 2005), 159–89, here 164–70.

<sup>37</sup> One critic has argued that Nagel's coercion-based political theory of justice 'rests on a perverse normative principle'. See Abizadeh, 'Cooperation, Pervasive Impact, and Coercion', 351. The perverse normative premise is, according to Abizadeh, Nagel's claim that demands of justice arise only if a person is subjected to state coercion 'regulated by a system of law carried out in her name, i.e. actively engaging her will' (*ibid.*, 351). This assumption entails, Abizadeh criticises, that a state can avoid accountability in terms of justice 'by denying to those whom it coerces any standing as putative authors of the system of coercion'; a consequence which seems 'perverse' in regard to the force states enact against foreigners and possible immigrants (*ibid.*, 351). This criticism seems only justified if Nagel would hold that states can enact immigration regulations arbitrarily, without any need to account for them. Yet Nagel merely claims that states have the duty to enact those laws with an eye to the will and consent of the members of that state. One might criticise that such a conception inevitably leads to rather restrictive immigration laws, but the assumption as such certainly does not seem perverse.

However, I think Nagel's account offers, aside from the limited way Nagel himself understands it, a normative standard for the assessment of international organisations and relations.

A main objection against Nagel's coercion-based political conception of justice has been that Nagel completely ignores the existence of coercion on the global level: force is not exclusively an element of the nation-state structure. International organisations – for example, the IMF, the WTO – are coercive as well; agreement to their terms is not always voluntary.<sup>38</sup> For example, states often have no choice but to comply with the regulations and policies of those organisations, and they often have no exit option. Moreover, international organisations are, as critics point out, rule-generating bodies enacting norms and guidelines, and non-compliance with imposed trade and finance agreements entails often substantial sanctions. Transnational institutions have intergovernmental power since they have an impact on national decision-making and national normative standards. So Nagel's idea that states join these organisations only to pursue their individual self-interests, and that they remain completely sovereign actors controlling the enforcement of regulations by their national enforcement power, underestimates completely the inevitable transformations on the national level. As Joshua Cohen and Charles Sabel note:

In joining the WTO in order to participate as fully as possible in the global economy, member states are not agreeing to substitute the domestic rules that they have settled on with the universal laws of efficient commerce. Rather, they are agreeing to remake their rules, in domain after domain, in light of the efforts, recorded in international standards regimes, of all the others to reconcile distinctive domestic regulations with general standards that are also attentive to the interests of others elsewhere.<sup>39</sup>

Some critics take this line of objection, pointing out the existence of coercion on the global level, to be sufficient to reject Nagel's coercion-based account.<sup>40</sup> But such a complete dismissal of Nagel's coercion-based account seems too quick. Nagel's argument, though he himself does not

<sup>38</sup> For a discussion of the no-choice situation of poor countries against IMF policies see J. E. Slightz, *Globalization and its Discontents* (New York, London: Norton & Company, 2002), chs. 2 and 3.

<sup>39</sup> Joshua Cohen and C. Sabel, 'Extra Republicam. Nulla Justitia?', *Philosophy and Public Affairs*, 34 (2006), 147–75, here 172.

<sup>40</sup> One example is A. Sangiovanni, 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs*, 35 (2007), 3–39. Sangiovanni defends a relation-based version of a

pursue that line, can be extended to the international sphere and can be interpreted as providing a quite useful normative guideline for interactions on the global level.

Nagel's thesis about the connection between sovereignty and coercion entails that the state has a specific responsibility towards those persons who are subject to its coercive power: the state owes its subjects a justification for the way they are treated. As Nagel writes:

A sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association. I submit that it is this complex fact – that we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e. expected to accept their authority even when the collective decision diverges from our personal preferences that creates the special presumption against arbitrary inequalities in our treatment by the system.<sup>41</sup>

Nagel emphasises that most people have no choice in that respect. But their being members of a political society is connected with 'a special involvement of agency or the will': they have the dual role of being subject to authority but also – ideally – giving their consent to the exercise of authority qua 'participants in the general will'.<sup>42</sup>

What Nagel formulates here is not merely an empirical premise about the connection between justice and coercion, but a normative standard of when coercion is legitimate. Coercion is justified if those who are subject to it could give their consent. Understood in this way, Nagel's coercion-based account has the potential for a normative standard in the international sphere: Are the terms on which states enter international organisations and treaties fair enough for them to give their consent? Are the agreements fair? Is their accountability and justification

political conception of justice: states provide basic collective goods; for example, protection from physical attack and maintenance of a system of property rights; therefore we have special obligations of egalitarian justice to fellow citizens and residents who support the system providing these goods. Sangiovanni's relation-based account seems to me not so different from a coercion-based version of the political conception: the distinction he draws up between the two positions seems artificial. The decisive point in Sangiovanni's defence of a relation-based political conception of justice can only be that the state provides *secure access* to certain goods that others living in this community contribute to create. The production of collective goods within a state-community, however, does not work exclusively on the basis of voluntary commitment, but includes enforcement. So a coercion-based account is at the basis of a relation-based version of the political conception.

<sup>41</sup> Nagel, 'The Problem of Global Justice', 128f.

<sup>42</sup> *Ibid.*, 128.

given towards those who are subject to sanctions if they do not comply with the agreements and rules?

The problem with Nagel's account is that he restricts coercion and therefore justice to the sovereign state. Cohen and Sabel rightly criticise Nagel for making no room for 'normatively motivated worries about whether global institutions are fair, or accountable and relatively transparent, or democratic, or about how to structure greater participation or representation in their decision making'.<sup>43</sup> That ignorance is not a necessary presupposition of a coercion-based account; it is rather due to Nagel's specifically limited reading of such a position. There seems to be no need to understand the connection between justice and coercion in such a narrow sense. Nagel's version of a political conception of justice associates 'justice' mainly with its realisation in the policies, institutional regulations, and the legislation of a nation-state. Justice is connected with state coercion and is bound to the law backed by a state order. However, a political conception of justice allows us to understand the concept of justice in a wider sense. Standards of justice like reciprocity and fair equality of opportunity are principles of public morality: they are guidelines not only for the design of nation-state institutions but also for the normative and moral assessment of institutions that we create on the global level.<sup>44</sup>

Nagel, we can conclude, is wrong about the site as well as the scope of justice. Issues of justice are not confined to the basic structure of nation-states but arise also in regard to the evolving global basic structure, i.e. those international organisations which do have substantial impact on the social and economic conditions in various countries. International institutions are powerful norm-generating bodies that equally must meet standards of justice, fairness and accountability.<sup>45</sup>

<sup>43</sup> Cohen and Sabel, 'Extra Republicam. Nulla Justitia?', 156.

<sup>44</sup> Nagel's worry seems to be that including problems of global inequality among problems of justice would make it possible to legally coerce individuals who are better off to help those worse off. And that might be objectionable. However, such a consequence might be objectionable also from the point of view of a political conception of justice that recognises problems of global justice and the existence of a global basic structure.

<sup>45</sup> One might argue that the concept of legitimacy which is weaker than the standard of justice might be more apt to assess the policies of international organisations. For such a proposal see F. Peter, 'Global Justice and Legitimacy', paper presented at the 'Absolute Poverty and Global Justice' conference, Erfurt, 18–20 July 2008.

An additional problem of Nagel's account seems to be that he presupposes also a quite restricted conception of legitimacy. See Nagel, 'The Problem of Global Justice', 140, 145. Nagel sees human rights as a part of a minimal humanitarian morality outside the realm of justice. This does not sit well with the standing that human rights as a convention of

Yet extending the limits of Nagel's account in that way does not mean that we have reason to do away with the institution of the nation-state as such. There are several arguments why there is no need to reject the nation-state system in order to reach more justice on the global level. A first argument appeals to the structural advantages of the nation-state. Nation-states are established orders. They are sometimes the result of a long history and difficult struggles. They have a stabilising function and their eruption or dissolution might come at a high cost. Nation-states are not necessarily bad actors and, especially if they incorporate a democratic order and system, they are a basis for culture and identity.<sup>46</sup> To break up such orders might be politically risky and might create less protection in terms of security, guarantees and rights.

A second argument is that there is simply no moral duty for an enlargement of state borders or an elimination of such borders. The requirement for global justice cannot entail the dissolution of the nation-state to be obligatory, since this dissolution does not necessarily lead to more justice. Extensions of state borders often create new injustices.<sup>47</sup> Greater economic equality, as Rawls's important axiom of lexical priority reminds us, might not be a justifying reason to upset existing normative orders, especially if these orders grant basic political rights on the basis of an 'equal freedom' standard.

international law actually possess. Human rights are the standard by which legal orders but also institutional structures and the work of international organisations are assessed. Human rights are connected with the idea of legitimacy in an important way. Human rights are, as Habermas puts it, a necessary component of the concept of legitimacy, because human rights 'ground an inherently legitimate rule of law' (J. Habermas, 'Remarks on Legitimation through Human Rights', in J. Habermas, *The Postnational Constellation. Political Essays* (Cambridge: Polity Press, 2001), 113–29). For an illuminating discussion of the relationship between legitimacy and human rights see also A. Buchanan, *Justice, Legitimacy, and Self-Determination. Moral Foundations for International Law* (Oxford University Press, 2004), chs. 3, 5, 6.

<sup>46</sup> There is a justification of the nation-state on the grounds of culture and identity. That is not the approach I put forward here. One can provide a neutral justification of the nation-state that does not rely on cultural arguments, which somehow create problems of exclusion. For a justification of the nation-state on the basis of cultural and national identity see D. Miller, *On Nationality* (Oxford: Clarendon Press, 1995) and D. Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000).

<sup>47</sup> There has been, for example, serious criticism in the Maghreb countries (based on appeals to 'equal consideration') that the EU integration of Eastern European countries will diminish the EU support for structural reforms in North Africa. See R. Chennouf, 'Kulturelle Differenz, Toleranz und Demokratie', in P. Koller (ed.), *Die Globale Frage. Empirische Befunde und ethische Herausforderungen* (Vienna: Passagen Verlag, 2006), 401–17.

A third argument is that the idea of nation-states as autonomous political entities freely consenting to the policies of international organisations – organisations set up as tools for international cooperation, coordination and a better global order – is a powerful normative criterion to assess the legitimacy of these global institutions. Certain nation-states, as has often been pointed out, are in such a weak political and economic position that they cannot display their sovereignty and autonomy in international negotiations and agreements. Therefore the way to go, it seems, is to confirm and secure their equal status and not take an additional step to undermine their autonomy by demanding their disaggregation and dissolution. The idea of equal sovereignty, as Jean Cohen argues, is a criterion for a rule of law regime on the global level:

The concept of sovereignty is a reminder not only of the political context of law but also of the ultimate dependence of political power and political regimes on a valid, public, normative legal order for their authority.<sup>48</sup>

Should we really be so impressed by the idea of global governance that we would think its emerging possibility gives us a decisive reason to prefer it to the traditional form of state government? Would it bring more justice? The fancy and flattering way with which global governance is sometimes advocated should not deceive us about the possible lack of control, transparency or legitimacy in the decision-making processes of transnational institutions. Certainly, I do not want to raise objections against the existence of these international organisations per se. I also do not want to claim that nation-states as such are always legitimate. However, what I would like to argue is that a strong condition for the political legitimacy of transnational institutions is the free and voluntary agreement of the nation-states that created these institutions by consent. International organisations are accountable to states and their citizens.<sup>49</sup>

Institutions to promote justice are, as Hume tells us, artificial virtues, they are tools we invent and construct to help secure our wellbeing. And Hume adds that concern with the wellbeing of those affected, 'a sympathy with public interest', as he phrases it, 'is the source of the moral approbation, which attends that virtue' of justice.<sup>50</sup> Considered that way, some of the controversies between cosmopolitans and philosophers

<sup>48</sup> Jean Cohen, 'Whose Sovereignty?', 173.

<sup>49</sup> For an explanation of accountability from the perspective of a global governance account see A.-M. Slaughter, *A New World Order* (Princeton University Press, 2004), 231–5.

<sup>50</sup> D. Hume, in L. A. Selby-Bigge and P. H. Niddich (eds.), *A Treatise of Human Nature*. Second edition, edited by L. A. Selby-Bigge and P. H. Niddich (Oxford: Clarendon Press, 1978), 499f.

defending a political theory of justice – for example, the question whether individuals or institutions should be the relevant moral units of global justice – seen not as dividing as sometimes proposed.

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