

CHAPTER TWENTY-ONE

Cosmopolitanism and Justice

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[T]hese Gentleman have formed a plan of Geographical morality, by which the duties of men in public and in private situations are not to be governed by their relations to the Great Governor of the Universe, or by their relations to men, but by climates, degrees of longitude and latitude, parallels not of life but of latitudes. As if, when you have crossed the equinoctial line all the virtues die. . . . This Geographical morality we do protest against. (Edmund Burke, "Speech on Opening of Impeachment" (of Warren Hastings), February 16, 1788, in Burke 1788 [1999]: 221)

I am
a Jew. Hath not a Jew eyes? hath not a Jew
hands, organs, dimensions, senses, affections, passions?
fed with the same food, hurt with the
same weapons, subject to the same diseases,
healed by the same means, warmed and cooled
by the same winter and summer, as a Christian
is? If you prick us, do we not bleed? if you
tickle us, do we not laugh? if you poison us,
do we not die?
(Shylock, *The Merchant of Venice*, Act 3, Scene 1, lines 56–65)

The world is characterized by extensive global poverty and marked inequalities. In addition to this, the Earth's climate is undergoing profound changes and the rising sea-levels – increased temperatures and increase in unpredictable weather events will have dramatic effects on the basic interests of many. These phenomena prompt the question of whether there are global principles of distributive justice. It has traditionally been assumed that principles of distributive justice apply, if they apply at all, within a state. Debates about distributive justice have often taken it for granted that the scope of distributive justice is set by the borders of the state (or the nation)

and the focus has been more on what distributive principle is appropriate as well as on what should be distributed. The concept of international justice, in this context, referred not to any principles of distributive justice but to principles of non-intervention and just war theory (Rawls 1999a: 331–3). In recent years, however, a number of political philosophers have defended a “cosmopolitan” account of distributive justice. They have, that is, argued that there are global principles of distributive justice, which include all individuals within their scope. In this chapter I shall provide an analysis of some leading cosmopolitan perspectives on distributive justice and also provide some support for what I take to be a compelling version of it.

I: Three Conceptions of Cosmopolitanism

§1.

It is necessary to start with a further clarification and elaboration of the concept of cosmopolitanism. Cosmopolitanism affirms that persons are “citizens of the world.” Such ideas have an ancient lineage. It is said of Diogenes the Cynic that when he was “[a]sked where he came from, he said, ‘I am a citizen of the world’” (Diogenes Laërtius 1931: 65). For Diogenes the Cynic, “[t]he only true commonwealth was, he said, that which is as wide as the universe” (ibid.: 75). These ideas were taken further by Stoic thinkers such as Cicero, Seneca, Plutarch, Epictetus, and the Roman emperor Marcus Aurelius. All of the latter affirmed the ideal of being a citizen of the world. Persons, on this view, are not simply citizens of their city-state – rather their country is the whole world (indeed the cosmos).

Cosmopolitan ideals were also commonly invoked during the Enlightenment and political philosophers of very different hues identified themselves as cosmopolitans. Both Jeremy Bentham and Immanuel Kant, for example, adopted a cosmopolitan perspective. Thus Bentham begins his essay on the “Objects of International Law” by asking what a citizen of the world would want: “If a citizen of the world had to prepare an universal international code, what would he propose to himself as his object? It would be the common and equal utility of all nations” (1843 [1786–9]: 537). Furthermore, Immanuel Kant invokes the cosmopolitan ideal and affirms some (minimal) principles of “cosmopolitan right” in his essay on “Perpetual Peace” (1989 [1795]: 105–8).

§2.

My focus is, however, on contemporary cosmopolitan theories which, though they share a commitment to the concept of world citizenship, provide different interpretations of this ideal to that offered by either ancient or Enlightenment cosmopolitan thinkers. Focusing now wholly on contemporary cosmopolitanism, it is important to draw attention to three distinct kinds of cosmopolitanism – what I shall term juridical cosmopolitanism, ethical cosmopolitanism, and political cosmopolitanism.

Juridical cosmopolitanism is a claim about the scope and nature of distributive justice. It maintains that there are global principles of distributive justice that include all persons in their scope. Put slightly differently, what I have termed juridical cosmopolitanism (and what others like Samuel Scheffler call “cosmopolitanism about

justice" (Scheffler 2001: esp. 111)) avers that the scope of some principles of distributive justice should include all persons within their remit. We are all citizens of the world in the sense that we should all be included within a common scheme of distributive justice. This view stands opposed to those who maintain that distributive justice applies only among members of the same nation or state. This kind of cosmopolitanism is affirmed by a variety of different thinkers. In *Political Theory and International Relations* (1999) Charles Beitz draws on Rawls's theory of justice and argues that there should be a global difference principle. Furthermore, Henry Shue argues in *Basic Rights* (1996) that there is a human right to subsistence which entails negative duties on others not to deprive them and positive duties to provide such subsistence if it be necessary. To give a third example, Thomas Pogge's more recent *World Poverty and Human Rights* (2008) provides an argument for the existence of global principles of distributive justice.

Consider now a second kind of cosmopolitanism – what I have termed ethical cosmopolitanism. Whereas juridical cosmopolitanism is a claim (or set of claims) about the right, ethical cosmopolitanism is a claim (or set of claims) about the good. Ethical cosmopolitanism holds that persons are citizens of the world in the sense that to flourish one need not conform to the traditional ways of life of one's community. Flourishing may include (and, on some construals, should include) drawing on aspects of other cultures. A fine example of this is Jeremy Waldron's important essay on "Minority Cultures and The Cosmopolitan Alternative." In this Waldron celebrates the ideal of someone who draws on ideas and beliefs from a variety of different countries (Waldron 1992). Scheffler refers to a similar view and terms it "cosmopolitanism about culture" (Scheffler 2001: esp. 111). Although the kind of cosmopolitanism at stake undoubtedly raises questions about culture I think that this title is rather misleading. It is worth distinguishing between two different aspects of any culture – those aspects which concern what makes life fulfilling (the views about the good life that are embedded in the culture) and those aspects which concern the functioning of the political system (what political scientists term "political culture"). Now Waldron and Scheffler's concerns are about the first kind (they are interested in the tenability of a cosmopolitan ideal of the good life) but, as the concept of "political culture" attests, not all cultural questions are concerned with the good life.

Consider now finally what is often called political cosmopolitanism.² This holds that there should be supra-state political institutions. So this kind of cosmopolitanism maintains that persons are citizens of the world in the sense that there should be political institutions that encompass all. One version of political cosmopolitanism holds, for example, that there should be a system of multilevel governance, in which there are supra-state institutions, state-like institutions, and sub-state political structures (Pogge 2008: Ch. 7; cf. also Caney 2005a: Ch. 5, 2006).

§3.

With these three kinds of cosmopolitanism in hand, we should now note that each of them comes in a mild or a radical form.³ The mild version of juridical cosmopolitanism, for example, holds (i) that there are some universal principles of distributive justice which include all within their scope but it also (ii) allows that there might be some national-level or state-level principles of distributive justice. The radical form of

juridical cosmopolitanism, by contrast holds affirms (i) but denies (ii). The same distinction might be applied to political cosmopolitanism. The mild version (i) holds that there should be some global political institutions and (ii) allows that there might be some national-level or state-level political institutions. Again the radical version – encapsulated in the view that there should be a world state – affirms (i) but denies (ii). Finally, to complete the survey we can apply the same distinction to ethical cosmopolitanism. The mild version holds (i) that the “cosmopolitan” conception of the good is a fulfilling conception of the good and (ii) allows that more “local” conceptions of the good might also be fulfilling conception of the good. The radical version, by contrast, affirms (i) and denies (ii).

Some have argued that mild juridical cosmopolitanism is not a helpful category on the grounds that on this definition pretty much everyone is a cosmopolitan (Miller 2002: 975). I believe that this is mistaken. In the first place, we should note that the cosmopolitan claims not simply that there are global principles of distributive justice (which is compatible with states having duties of distributive justice to other states): it requires that they apply principles of distributive justice to all *individuals*. Given this, applying a mild cosmopolitanism would require a radical transformation in the way that powerful states act in the world and may (depending on what global principles are affirmed) require considerable changes to the power and role of international institutions. It also bears noting that this approach would be denied by very many different schools of thought. It stands opposed to almost all “realist” thinking (perhaps the dominant approach among international relations scholars). It would be rejected by those who adhere to the ideal of a society of states. In addition to this it is incompatible with Michael Walzer’s account of the scope of justice (1983) and John Rawls’s treatment in *The Law of Peoples* (1999b). Mild cosmopolitanism is also denied by Thomas Nagel (2005). So the idea that mild cosmopolitanism is a commonplace is, regrettably, not the case. Perhaps the most important point is this, however. Whether the mild view is banal and overly inclusive depends on (a) its content and (b) its moral weight. If, for example, a mild cosmopolitanism affirms an ultra minimal content then it is more open to the charge that it is saying something that pretty much anyone can accept, whereas one that affirms, say, fairly egalitarian principles would not. Similarly, a mild cosmopolitan who affirms cosmopolitan principles that are very easily overridden is, again, failing to provide a distinctive viewpoint. Mild cosmopolitanism is only an uninteresting view if it is committed to rather weak and anodyne principles that no one disputes. It can take this form but there is no reason why it should.

II: Two Kinds of Juridical Cosmopolitanism

Let us turn now to juridical cosmopolitanism. A number of different kinds of cosmopolitanism have been proposed. It is worth distinguishing, in particular, between two approaches to cosmopolitan distributive justice.

First, some argue that principles of distributive justice apply to persons who belong to a common “scheme”, where I use the word “scheme” as a catch-all phrase to refer to some kind of systematic interaction and interdependence. Proponents of this approach then argue that there is a global scheme and hence, there are global principles of

distributive justice that include all persons in their jurisdiction. On this approach, one may have humanitarian duties to non-members but one does not have duties of distributive justice to them. Put otherwise: this view maintains that the scope of principles of distributive justice is defined in terms of who belong to which schemes. Let us term this the “interdependence-based” conception. Sophisticated versions of this kind of argument have been advanced by Charles Beitz (1999) and Thomas Pogge (1989, 2008) and we shall turn to their arguments shortly.

Prior to doing so we should introduce a second kind of approach. This second kind holds that principles of distributive justice should apply globally irrespective of whether a global scheme exists. It simply holds that all persons, qua human beings, should be included within the scope of justice. It is motivated by a commitment to the dignity of persons and the sentiments eloquently expressed by Shylock in the quotation at the start of this chapter. Let us term this the “humanity-based” conception.⁴ On this account, one might have a natural duty of justice to aid others, regardless of whether they are in one’s scheme or not (Buchanan 1990, 2004: cf. also Caney 2005a, 2007). One has obligations of justice to others because they are fellow human beings – with human needs and failings, and human capacities for, and interests, in autonomy and well-being – and facts about interdependence do not, in themselves, determine the scope of distributive justice. One early statement of this view comes from David Richards. He reasoned that all persons, in virtue of their humanity, should be included in a global original position (Richards 1982).⁵ Of course, consequentialist theories also fit into this mold. Since they maintain that utility should be maximized they attribute no fundamental moral importance to national or state boundaries (Singer 2002).⁶

The two kinds of cosmopolitanism differ, then, in the concepts of “moral personality” that they employ.⁷ Whereas the second maintains that persons have entitlements simply qua human persons and in virtue of their humanity, the first maintains that persons have entitlements qua members of a socioeconomic scheme. Since they differ in their account of moral personality they will sometimes differ in their account of the scope of distributive justice. If there is a truly global “scheme” (however that term is defined) then they will converge, but if there is not then their conclusions about the scope of distributive justice will diverge.

III: Beitz on Cosmopolitan Justice

With these two accounts in mind, let us consider two eminent versions of the first approach. The first major attempt to argue in this way was developed by Charles Beitz in *Political Theory and International Relations* (1999) – originally published in 1979. Beitz sought to argue that Rawls’s theory of justice should lead us to embrace a global difference principle. Beitz thus accepts, like Rawls, that principles of distributive justice apply to what Rawls terms the “basic structure” (Rawls 1999a: 6–10). He then argues, however, that such is the extent of global interaction and interdependence that there is in fact a global basic structure. Drawing on a large empirical literature, Beitz claims that Rawls’s assumption that societies were self-contained is false. The extent of trade and communication and the growth of transnational regimes and institutions is such that we can now say that we are living in a global basic

structure. In the light of this, Rawls's approach should commit us to adopting a global original position, and, given Rawls's argument, it would follow that there should be a global difference principle (1999: 143–53).

Beitz's argument raises several questions. The first concerns the extent of interdependence at the global level. As Beitz points out, it would be implausible to think that a tiny bit of trade is sufficient to make the difference principle applicable. As he notes, it would be implausible to think that one country selling some apples to another country in exchange for some pears suffices to establish that there should be a transnational difference principle (Beitz 1999: 165). Beitz infers from this that a global difference principle is applicable only if the volume and intensity of interdependence reaches a certain level. He suggests that there is "a threshold of interdependence above which distributive requirements like a global difference principle are valid, but below which significantly weaker principles hold" (1999: 165, 165–7). This raises two further questions. First, what degree of global integration must exist for a global difference principle to come into play? This is not simply a practical problem but a philosophical one. We lack any criteria as to where to draw the line and it is not clear how we would go about deriving such criteria. But we need such a criterion if Beitz's derivation of a global difference principle is to succeed. Second, what principle applies at the sub-threshold level of integration? How would we ascertain such a principle? Again we appear to lack any method for deriving that principle or principles. Beitz's account of the relationship between the level of economic integration and the content of global distributive justice is inherently problematic for it cannot tell us when a global difference principle or any other principle is appropriate.

Second, and even more fundamentally, one might ask why principles of distributive justice should apply to the members of a basic structure.⁸ Why does the scope of distributive justice depend in this way on whether there is a global or non-global basic structure? Beitz's answer is an orthodox Rawlsian one. The basic structure matters because of its impact on people's lives. It affects the extent to which people can realize their interests (Rawls 1999a: 7; Beitz 1999: 166, 201). However, to say this is to ascribe importance as to whether people can enjoy their interests. It is to be concerned with realizing certain outcomes. Now if this is the case then we have a moral reason to assist in the furtherance of these interests *whether or not we are in the same scheme as them*. If we ascribe importance to whether persons can engage in the activities in which they have an interest then this should surely bear not simply on how the basic structure is organized but also on the behavior of those who are external to it but who may be able to have a considerable effect on those interests (Caney 2007: 283).⁹

IV: Pogge on Cosmopolitan Justice

Given these problems let us turn to a second interdependence-based account of cosmopolitanism – that advanced by Thomas Pogge. Pogge has developed his arguments in many articles and in the last part of *Realizing Rawls* (1989: Part III). His most systematic exposition of his arguments is, however, in his book justly influential book *World Poverty and Human Rights* (first published in 2002 and then published in an

expanded version in 2008). In the latter Pogge makes the following three claims. *First*, he maintains (very plausibly) that agents have a negative duty of justice not to participate in unjust social practices or institutions. Pogge sometimes presents this as a negative duty not to harm others. This requires an analysis of “harm”. This leads us to the second component of Pogge’s argument. *Second*, Pogge argues that we should think of harm as follows. Harm is defined in terms of (i) those impacts on human rights that (ii) are produced by social institutions. Furthermore, Pogge’s focus is on (iii) the duty of those who create and uphold these social institutions. Finally, Pogge maintains that an institution is harmful only if its malign effects on human rights are (iv) “foreseeable”, (v) “reasonably avoidable” and (vi) the creators/upholders of the institutions know that these institutions can be designed to avoid these malign effects.¹⁰ Now, if we put Pogge’s claim that there is a negative duty not to harm with this account of harm we reach the conclusion that agents are under a negative duty of justice not to create or uphold institutions which foreseeably and avoidably result in a “human rights deficit” (2008: 26).

Pogge’s *third* step is an empirical one. He argues that we are living in a “global institutional order” (2008: 15). Global practices and rules have an enormous effect on people’s lives and the security of their rights. Many, of course, resist such a claim, arguing that human rights abuses stem from “local” variables – such as corrupt elites and despotic rulers. However, Pogge makes a good case for thinking that global rules often encourage such unjust forms of governance. He persuasively argues, for example, that the assumption that the government of a country is entitled to take out loans (“the international borrowing privilege”) and that it is entitled to sell the resources within its jurisdiction (“the international resource privilege”) fuel unjust regimes (2008: 118–21).

Now if we combine these three tenets, then we reach the conclusion that agents have a negative duty of justice not to uphold a global order which foreseeably and avoidably fails to secure human rights. Agents have a duty to eradicate global poverty – not because they have a positive duty of justice to aid the needy – but because there is a negative duty of justice not to impose such unjust rules on the rest of the world.

Pogge’s work is rich and rewarding and merits more analysis than I can give it here. The negative duty of justice that he postulates is a compelling one. In addition to this his analysis of the ways in which international practices contribute to poverty is persuasive. Furthermore, since we often ascribe greater moral importance to honoring negative duties than to positive duties, Pogge’s use of negative duties of justice gives it an important motivational advantage over other arguments.

One potential problem with Pogge’s account concerns how much global poverty it can address. Though Pogge has made a good case for thinking that affluent states and international rules play a major role in causing global poverty, there are other relevant causal variables – including (a) the nature and policies of states in developing countries and (b) geographical factors. To start with (a): as Pogge would recognize, some global poverty stems, in part, from corrupt or misconceived policies adopted by states in developing countries and their corruption or incompetence is not wholly explicable by global variables. So local actors must bear some responsibility. Turning now to (b), Jeffrey Sachs and Paul Collier have both argued that geographical factors play a causal role in the production of global poverty (Collier 2007: Ch. 4; Sachs 2005: 57–9; Sachs 2008: 212–17; Gallup et al. 1999). Two causal

factors, in particular, are emphasized. First, both argue that whether a country is landlocked or not makes a significant contribution to whether it is impoverished or not (Collier 2007, Chapter 4; Gallup et al. 1999, esp. p. 184). Second, Sachs has argued that malaria contributes to economic underdevelopment and so those who live in malaria-prone areas are disadvantaged by that fact (Sachs 2005: 196–9; Sachs 2008: 216–17; Gallup and Sachs 2001: 85–96).

This has the upshot that even if affluent states honor their negative duty of justice there are like to be some, perhaps many, living in grinding and degrading poverty (Caney 2007: 291ff.) – people impoverished because of government corruption or incompetence or because of an inhospitable climate or their geographical location. Pogge’s theory cannot, therefore, eradicate global poverty. To do that it needs to be supplemented by positive duties. Furthermore, it is not clear why Pogge eschews positive duties of justice and whether he can consistently do so. To see whether he can we need to know what rationale he has for adhering to his negative duty of justice not to impose an order on others. If, for example, the argument is that persons have vital needs which would be unmet if people imposed an unjust order on them the obvious response is that if we attribute fundamental significance to people having their needs met then we should also accept some positive duties of justice (Buchanan 2004: 89–92).

V: Cosmopolitanism and Humanity

§1.

Let us turn now to a second kind of juridical cosmopolitanism – what I termed earlier a “humanity-centered” conception. Why adopt this approach? The best argument in favor of this humanity-centered conception of cosmopolitan justice starts from the observation that there is a strong conviction that persons should not fare worse in life because of morally arbitrary characteristics such as their ethnicity or their religion or their regional identity. Distributive justice, we hold, should be blind to such features of persons. This is evident in our understanding of equality of opportunity. Here we hold that certain factors – someone’s class or ethnicity – should not bear on their opportunities. Now humanity-centered cosmopolitanism adopts the same intuition and concludes that persons should not also face worse opportunities because of their nationality or their citizenship. To do so would also be to penalize people for morally arbitrary reasons.

Thus far this argument is in agreement with those cosmopolitans who hold that principles of distributive justice only apply within economic schemes. Pogge, for example, has famously argued that national boundaries are morally arbitrary. In an oft-quoted passage he writes that “[n]ationality is just one further deep contingency (like genetic endowment, race, gender, and social class)” (1989: 247). In a similar spirit Darrel Moellendorf writes that “[s]ince one’s place of birth is morally arbitrary, it should not affect one’s life prospects or one’s access to opportunities” (2002: 55). On this humanity-based cosmopolitans and interdependence-based cosmopolitans are agreed.

However, humanity-centered cosmopolitanism then argues that the reasoning that both types of cosmopolitanism employ to criticize the moral relevance of national

boundaries also shows that the boundaries of economic schemes are also morally arbitrary. If one's "place of birth is morally arbitrary" (Moellendorf) then surely one's birth into one institutional scheme rather than another is also arbitrary and thus should also not "affect one's life prospects" (Moellendorf). To ascribe differential entitlements to people because of their membership of different schemes is to penalize some for morally arbitrary reasons. Isn't one's membership of a scheme "just one further deep contingency" (Pogge)?

This argument might be presented in a different way. Theories of justice comprise, at least, two components – an entitlement-bearer component (that specifies who is entitled to what) and a duty-bearer component (that specifies who is duty-bound to do what). Let us focus first on the entitlement-bearer component. Judged from an entitlement-bearer perspective, it is hard to see why membership of a "scheme" has any fundamental moral relevance. Compare two people – one in scheme A and one in scheme B. Suppose then that they are equally talented, equally needy, equally industrious, and so on. Judged from the entitlement-bearer perspective there is no reason why one should receive more or less than their counterpart. "Membership of a scheme" is a morally irrelevant factor (Barry 1989: 239). No one is entitled to more because of it for it does not correlate with any normal distributive criterion.

§2.

We gain a better understanding of this argument if we consider a recent criticism of it developed by David Miller. Miller argues that arguments to the effect that nationality is "moral arbitrary" rely on an ambiguity between two distinct notions of moral arbitrariness (Miller 2007: 32–3). On the one hand, moral arbitrariness is used as a premiss. Under this reading a feature is said to be morally arbitrary if it is one "for which people cannot be held morally responsible" (ibid.: 32). Let us call this version 1. Miller then says that sometimes referring to a property as morally arbitrary is to "signal the conclusion of the argument as opposed to its premise" (ibid.: 32). Calling a property morally arbitrary is to say that persons should not treat people differently on the basis of this property (ibid.: 32). Let us call this version 2. Miller's claim is that one cannot simply affirm version 2: we need an argument for it. But he also claims that version 1 does not support version 2.

He adds that it would if one introduced a new premiss (premiss 2 below) and reasoned as follows:

Argument A:

premiss 1: a person's nationality is a property for which she cannot be held morally responsible (version 1 arbitrariness)

premiss 2: if a property is one for which a person is not morally responsible then it is wrong to treat them differently because of this property (new premiss)
Therefore:

Conclusion: it is wrong to treat persons differently because of their nationality (version 2 arbitrariness). (Miller 2007: 33)

However, as Miller points out, premiss 2 in this argument is obviously false. Consider someone who is in need. This is a property for which (let us stipulate) someone cannot be held morally responsible but at the same time it is not true that it is wrong

to treat them differently to an able-bodied person because of this property (2007: 33). We ought to treat people differentially here. Premiss 2 is therefore incorrect. And the claim that that people are not morally responsible for their nationality does not show that it is a morally arbitrary fact about them.

I believe that this argument is unsuccessful for three reasons. First, and crucially, the cosmopolitans Miller has in mind do not, contra Miller, affirm Miller's second conception of moral arbitrariness. They do not hold that it is wrong to treat people differently because of morally irrelevant differences. What they hold is that it is wrong that people face worse opportunities because of morally irrelevant differences (what we might call version 3). So the (radical) cosmopolitan claim is that it is wrong that people face worse opportunities because of their nationality. That X is a member of one nation should not inform what entitlements they receive. Cosmopolitans are thus not seeking to establish the Conclusion as it is described in Argument A above.

This is crucial and if we bear this in mind we can see that the arbitrariness-inspired reasoning for cosmopolitanism sidesteps Miller's objection. For rather than offering Argument A, they will offer Argument B below, which reformulates the Conclusion and premiss 2 of Argument A in light of the point I have just made above. This argument reads as follows:

Argument B:

premiss 1: a person's nationality is a property for which she cannot be held morally responsible (version 1 arbitrariness)

premiss 2*: if a property is one for which a person is not morally responsible then it is wrong that they possess different entitlements because of this property (new premiss)

Therefore:

Conclusion*: it is wrong that persons possess different entitlements because of their nationality (version 3 arbitrariness)

Now if a humanity-centered cosmopolitan makes this argument, they can easily accommodate Miller's point about need. They can agree that neediness is (with the possible exception of some self-imposed harms) a property for which persons cannot be held responsible. However, and this is the crucial point, they can also agree with Miller's claim that the state should treat people differently because of this morally arbitrary property. Premiss 2* does not deny this. In fact premiss 2* emphatically affirms this point, calling for differential treatment so that no one is worse off because of morally arbitrary factors. Thus Argument B provides a valid argument that moves from the fact that people are not responsible for their nationality to the conclusion that nationality should not affect what opportunities they face in life.

This is sufficient to undermine Miller's argument. However, a second point is also worth noting. Miller's critique of cosmopolitan invocations of the morally arbitrary nature of nationality assumes that cosmopolitans must affirm his version 1 conception of moral arbitrariness. It is therefore worth noting that this is not the case. A cosmopolitan might eschew version 1 and affirm instead a fourth notion of moral arbitrariness where this fourth conception holds that a property is morally arbitrary if it does not track any morally relevant properties.¹¹ Employing this conception of "moral arbitrariness", someone may hold that nationality is morally arbitrary – not

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 some 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.¹² 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 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.¹³ 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.¹⁴ 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 though (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.¹⁶ 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.¹⁷ Such an approach combines a cosmopolitan

account of persons' entitlements with a (partially) statist account of persons' responsibilities.¹⁸ 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

[t]he 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).¹⁹

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.²⁰ 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 justify equality. 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*.²¹

VII: Concluding Remarks

Cosmopolitanism's commitment to the equal moral standing of all persons (Pogge 2008: 175) and its 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