

# 1

## Moral cosmopolitanism

**G**arrett W. Brown and David Held (2010) describe cosmopolitanism of Kantian origin as a moral and political project that addresses the question of how to implement cosmopolitan principles, how to reform the existing institutions or possibly to plan new ones. They identify five interrelated issues prevalently addressed by contemporary cosmopolitans: (1) global justice cosmopolitanism; (2) cultural cosmopolitanism; (3) legal cosmopolitanism; (4) political cosmopolitanism; (5) civic cosmopolitanism. Global justice cosmopolitanism deals with issues related to 'what is owed to others as a matter of justice', cultural cosmopolitanism seeks to understand 'how to foster a condition of global justice in a culturally pluralistic world', legal cosmopolitanism is concerned with international law, political cosmopolitanism with global governance and civic cosmopolitanism with the construction of a cosmopolitan citizenship. There is no room in this classification for moral cosmopolitanism, which is equated with global justice cosmopolitanism. The present chapter will include both ethical cosmopolitanism (Singer, O'Neill, Nussbaum) and global justice cosmopolitanism in its two variants – interactional (Beitz)<sup>1</sup> and institutional (Pogge) cosmopolitanism.

In general, moral cosmopolitanism may be defined as the view in which 'all human beings are members of a single moral community and that they have moral obligations to all other human beings regardless of their nationality, language, religion, customs, etc.' (Kleingeld 1999: 507). The various forms of moral cosmopolitanism share the idea that every human being has equal moral worth and that this equal moral worth gives rise to certain moral responsibilities having universal scope. Cosmopolitan moral theories are both evaluative and prescriptive and apply to the behaviour of individuals, of social institutions (rules, practices) or of states. They can evaluate the agents and their behaviour and prescribe the responsibilities that individuals have versus the others, whether fellow nationals or not. Or else they can evaluate the social institutions and states in which case we can speak of moral cosmopolitanism. There are two ways of applying the central idea of cosmopolitanism to the social institutions – a direct way and an indirect one.

The direct way requires that the social institutions be designed in such a way as to include all human beings as equals. A moral conception focused on this request involves the creation of a society that includes, or at least remains open to, all human beings. It consequently calls for the creation of a legal organization or cosmopolis. In this case, we may speak of political-legal cosmopolitanism (see Chapter 2).<sup>2</sup> A moral conception can be applied also indirectly to the social institutions, and instead of demanding a particular institutional design, provides a moral criterion that can be used to evaluate various institutional systems. Moral conceptions of this kind, after John Rawls (1971), can be defined as conceptions of social justice. A conception of social justice is cosmopolitan 'if and only if its assessments and prescriptions are based on taking equal account of the interests of all human beings' (Pogge 2007: 312). The prescriptive component of moral cosmopolitanism applied to the social institutions sets out the responsibilities of the individual and collective agents as far as the social institutions are concerned.

The champions of social justice cosmopolitanism endeavour to specify the nature and scope of distributive obligations and to justify the implementation of Rawls' difference principle at the global level. Moral cosmopolitanism and the political-legal version have one assumption in common – individualism – although they draw different implications from this on the theoretical plane. Within the field of moral cosmopolitanism, normative individualism actually implies the need to explain just how acknowledgement of every human being as an ultimate unit of moral concern should be interpreted: that is, whether this implies that the interests or prospects of each person are to be taken equally into consideration in deciding the action to take or whether each person must benefit equally from the moral justification of any inequalities (Beitz 2004: 17). Conversely, in political-legal cosmopolitanism, individualism reveals the need to appreciate what new form must be adopted by participation and democratic responsibility in a post-national era which is increasingly influenced by globalization processes. Treating every person as an individual means that all human beings are equal and deserving of equal political treatment, a treatment based on equal attention and consideration of their *agency* and of their involvement in public decision making, regardless of the community in which they were born or grew up. This leads to the need to create political institutions of the cosmopolitan type in which a world citizenship defined as *status* can be achieved and not simply as membership of humankind in its symbolic or moral value.

Moral cosmopolitanism is a challenge to theories that view the state or the national communities 'as an enclave of special responsibilities that are distinct and justified separately from general or global responsibilities' (Beitz 1999: 200). As far as the problem of special responsibilities is concerned, a weak and a strong form of cosmopolitanism can be identified (Scheffler 2001). Weak

cosmopolitanism stops short at claiming that several obligations exist towards those who are not fellow nationals, but restricted to the conditions that are universally necessary for human beings to be able to lead decent lives. Strong cosmopolitanism champions a demanding form of equality in the global distribution aimed at eliminating inequality among persons even beyond the attainment of what is sufficient for leading a minimally decent life. A further distinction may then be made between extreme and moderate cosmopolitanism with regard to two principal concerns: the *justificatory basis* of cosmopolitanism and the *content* of cosmopolitan justice. With regard to justification an extreme cosmopolitan would deem that all the other principles of morality (e.g. patriotism) must be justified as a function of the principles, objectives and cosmopolitan values. A moderate cosmopolitan may also acknowledge that non-cosmopolitan principles, objectives and values can have an ultimate moral value. In the latter case the special obligations have an intrinsic value and not just a derived value. With regard to the content of justice, the extreme cosmopolitan denies that there are norms of justice that are valid within a society but not valid also for the world population. A moderate cosmopolitan allows that we may have justice obligations towards members of our society that we do not have towards non-members. Between these two extremes lie several positions that modulate to varying degrees the content and the weight of the relevant obligations towards compatriots and non-compatriots, as well as the value of patriotism, of special bonds and of national borders.

In the present chapter a distinction will be made between male and female authors with regard to the different theoretical background on which their cosmopolitan obligations are founded: utilitarian (Singer), Kantian (O'Neill), Aristotelian (Nussbaum), contractualistic (Beitz, Pogge). In his article 'Famine, Affluence, and Morality' (1972), Peter Singer maintains that everyone has the duty to help persons in difficulty wherever they may be found on the strength of an argument deriving from consequentialist motives of the utilitarian kind and that does not depend on the assumption that people living in the rich countries are causally responsible for the poverty of those living in the poor countries.

In his book *The Life you can Save* (2009)<sup>3</sup> Peter Singer sets out to challenge the moral convictions of persons vis-à-vis the duties they have with regard to poor persons and to persuade them to give more than a fair share in a clearly utilitarian framework (the only legitimate measure of good and evil is represented by pursuing the greatest possible happiness for the largest number of persons). He starts with the example of the little boy who is drowning: if I am walking beside a pond and I see a child who appears to be drowning, I must wade in and save him; I may get my clothes dirty and be late for work, but these consequences are insignificant if measured against the child's death. If I did not save the child I would be committing something that

was morally wrong. He then puts forward an argument consisting of three premises and a conclusion (15–16):

- 1 Suffering and death from lack of food, shelter, and medical care are very bad.
- 2 If it is in your power to prevent something bad from happening, without sacrificing anything nearly as important, it is wrong not to do so.
- 3 By donating to aid agencies, you can prevent suffering and death from lack of food, shelter, and medical care, without sacrificing anything nearly as important.
- 4 Conclusion: therefore, if you do not donate to aid agencies, you are doing something wrong.

He considers the drowning child story a practical application of this argument, as to muddy one's shoes or be late for work are not 'nearly as important as' a child's life. He generalizes this moral case, drawing an analogy between individual cases, thought experiments and complex real-world situations to take in the behaviour of the inhabitants of the wealthy countries vis-à-vis poor persons. With respect to the many lives we could save, the consequences of making donations would be for us equally 'nearly as important' as muddying one's shoes or being late for work in the case of the drowning child. Singer's attitude is extremely demanding regarding what we wealthy persons can do and sacrifice to help the poor. In the first place because it refutes the idea that shared citizenship and distance in themselves make a difference as far as the nature and the extent of our obligation to help others is concerned. In the second place, it implies that giving help does not represent a supererogatory act, namely one that is good but not morally required but is, provided that we wish to be morally correct, an actual duty. Thirdly, it places an obligation on the rich to help until they themselves attain subsistence level: Singer actually asserts that in order to be good 'we must give until if we gave more, we would be sacrificing something nearly as important as the bad thing our donation can prevent' (Singer 2009: 140). Since it is no easy matter to decide what 'nearly as important' means, and both the objects we desire to purchase and the experiences we would like to live (travel, theatre, cinema, etc.) appear as luxuries of little or no importance compared with saving a human life, it would seem obvious to conclude, as Singer does, that 'whatever money you're spending on luxuries, not necessities, should be given away' (Singer 2000: 123). In other words, it is not enough just to do your share.<sup>4</sup> And it is not possible to justify not doing one's duty by the fact that others do not do theirs. Going back to the drowning child example, he asks himself 'is the fact that other people are not doing their fair share a sufficient reason for allowing a



child to die when you could easily rescue that child?’ (145). For Singer the answer is obviously ‘no’.

Singer’s moral cosmopolitanism focuses the attention on the subjects and attaches importance to moral living, to how one must live in order to be morally correct, rather than to the institutions and political processes that form the basis of social organization. In order to combat world poverty he proposes a charity-focused approach, in which preference is given to the language of ‘selfishness versus sacrifice’. Other authors believe that charity or non-governmental organizations (NGOs) like Oxfam are not sufficient. At most all they can do is redistribute wealth and reduce poverty, but they cannot substantially and lastingly change the life prospects of the needy. In order effectively and justly to satisfy the legitimate claims of the world poor, it is necessary to rewrite the rules and reform the economic, political and legal institutions governing the world order. These authors have set out to demonstrate the existence of obligations towards poor individuals on the basis of the idea of duty (O’Neill), of human dignity (Nussbaum), of the existence of a cooperation scheme among states (Scanlon, Barry, Beitz), or of the causal responsibility of rich countries in the production and maintenance of dire poverty in the world (Pogge). What they have in common is the objective to develop a justification for the obligation to distribute or to redistribute material resources globally in order to reduce poverty and raise the standard of living of marginalized groups (for instance, women and poor people in the global South). Since the majority of citizens accept the legitimacy of redistributive obligations within their own national communities, the cosmopolitan endeavours to extend this feeling of solidarity beyond his own borders in order to apply it to humankind in general.

Social justice cosmopolitanism, in its contractualist version, developed within the liberal paradigm in the form described by John Rawls in three fundamental publications in contemporary political philosophy: *A Theory of Justice* (1971), *Political Liberalism* (1993) and *The Law of Peoples* (2002). Several philosophers have attempted to extend Rawls’ theory of justice as fairness at the international level. This has led to a clash between the main premise of self-comprehension of liberalism, that is, the idea of moral equality of all human beings, and the application of the egalitarian guarantees *only* within state borders. If all human beings are entitled to equal moral consideration, any iniquitous treatment will have to be justified without it being possible for this purpose to legitimately invoke what is morally arbitrary, that is, it this does not depend on the merit of the individuals but on luck or chance. Since no one is free to choose their own parents or place of birth, both citizenship and nationality are morally speaking as arbitrary as race and gender. They conclude that if the administration of justice is made to depend on birth, which is a purely chance event, this will undermine egalitarian

liberalism since a kind of feudal privilege of birth is retained within liberal theory (Carens 1992: 26). And given that national borders not only separate one legal administration from another but also the world of the rich from that of the poor, they give rise to a situation in which being born on the right side of the border can literally make a difference between life and death. Once the duty to help the poor not belonging to one's own national community has been accepted, a theory of global economic justice has to address three main problems: the problem of justifying why the distributive principle must be applied inclusively, the so-called problem of scope; the problem of indicating who the resources are intended for, whether for individuals, non-government organizations, or the governments of the poor countries; and lastly the problem of determining the threshold above which the duty to provide aid ceases.

Rawls envisages a purely hypothetical situation, denoted as the original position, in which those involved in social cooperation choose by means of a single collective act the principles informing the basic structure of a society, namely the institutions assigning fundamental rights and duties and determining the sharing out of social benefits. In an initial condition rendered fair by the 'veil of ignorance'<sup>5</sup> behind which the parties are situated, two justice principles will be agreed upon:

- (a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).

RAWLS 2001: 42–43

The difference principle requires the social institutions to be organized in such a way that every inequality of richness and income is to the advantage of those finding themselves in the worst condition. In other words, it demands that economic inequalities are to the advantage of everyone and in particular to the great advantage of the least advantaged. Rawls applies his theory to the basic structure of society and makes the simplified assumption that these societies are self-sufficient national states; the object of his theory is thus social cooperation involving individuals sharing the membership of a territorial state. In his theory of justice, justice principles determine the fair distribution of the advantages and disadvantages of social cooperation; if there were no such cooperation there would be no costs and benefits and there would not even be any problem of distributive justice; that is, there would be no goods

to lay claim to nor common institutions (for instance, a regime of private property) to which these principles are to be applied. Society is viewed by Rawls as a closed system isolated from other societies and conceived of as a *self-contained national community*. If, as Rawls assumes, national borders are viewed as lines separating relatively self-sufficient schemes of social cooperation, the relations among persons living in different nations cannot be regulated by global justice principles. Immediately after the publication of *A Theory of Justice*, several authors criticized Rawls for limiting justice principles and, in particular the difference principle, to the national area and gave of it an interpretation in a cosmopolitan sense, an interpretation that in *The Law of Peoples* he rejects out of hand. At the basis of the law of peoples, Rawls takes an original international position responding to the question: 'What terms of cooperation would free and equal peoples (liberal and decent) agree to under fair conditions?' The peoples' representative (liberal and decent), namely the parties in their original position, viewed as free and equal under a veil of ignorance, who ignore the territory, the population, the size of the population they represent and its economic and political force, and spurred on by the objective of extracting the most for its own people, would choose eight principles of international justice.<sup>6</sup> In a non-ideal condition there are countries that do not respect the ideal principles or are unable to collaborate in accordance with such principles. Among these are the so-called *burdened societies* which, having to cope with serious economic and social problems, struggle to maintain liberal or at least decent institutions. The law of peoples demands that in certain circumstances the burdened peoples must be helped until such time as they manage to govern their affairs and become what he calls 'well ordered' societies. For Rawls, in addition to the duty of assistance, there is no obligation of international distributive justice – the states (or peoples) who are actors in the global normative order are not obliged to attain and maintain a given distribution of global wealth. According to his theory of international law, no duty exists to satisfy the global difference principle, and there does not exist even the duty to satisfy any global distributive requirement which has no target or cut-off point (Rawls 2002: 119). In Rawls' international law, the moral interest in peoples is triggered only by conditions of absolute deprivation and well-ordered societies have a target assistance duty, namely, a duty determined by the attainment by those peoples of a sufficient level of wealth for them to set up well-ordered societies. The duty of assistance may be fulfilled by offering economic aid and promoting the enforcement of human rights; however, this is humanitarian assistance and not something that poor societies or their citizens can demand. Inequality among nations, that is, relative deprivation, is a question of moral indifference, since in the law of peoples it does not matter how great this inequality is and furthermore well-ordered societies have no moral motive to combat it. The duty of assistance imposes

no direct constraint regarding the domestic distribution of wealth in the society benefiting from the assistance as it is unaware of the extent of admissible inequality within a society. The duty of assistance does not coincide with a demand for international distributive justice. As it has a cut-off point, after which the duty of assistance may be deemed to have been fulfilled, it does not impose the creation of international institutions like those present inside the domestic society and established in order to regulate unfairness. Rawls offers no arguments in favour of this duty like those he uses to defend distributive justice inside a society; he does not suggest, for example, that the international distribution of natural resources is unfair or that the circumstances surrounding an individual's birth (being born in a rich or a poor society) are morally arbitrary, and thus maintains a wide gap between the domestic and the international spheres. The political morality embodied in the law of peoples does not consider individuals in their relations with each other, like members of a single global society, but rather as members of distinct peoples with relations with other peoples and who lay claim to their own self-determination. And so the law of peoples, in addition to the duty of assistance, which represents the conditions for self-determination, does not call for any special attention to be focused on the inequalities among individuals or among peoples.

Several authors have attempted to demonstrate that economic relations like those involved in the economic integration brought about by globalization represent significant relations for the application of Rawls' justice principles. In order to be consistent, a liberalism embracing Rawls' arguments would have to apply its justice principles at the global level and, consequently, determine as the starting point for the justification of unfairness the condition of the most disadvantaged in the global society rather than in the domestic society. While Brian Barry sees no reason why the representatives of the various countries situated in an original position at a second level (that among different societies) should not come to an agreement on 'some sort of international maximin' (Barry 1973: 131),<sup>7</sup> Thomas Scanlon asserts that the existence of systematic trade relations is sufficient reason for applying the difference principle:

Are our relations with the people of South Asia, for example (or the people in isolated rural areas of our own country), governed by considerations of justice or only by the duties which hold between any one human being and another? The only satisfactory solution to this problem seems to me to be to hold that considerations of justice apply at least wherever there is systematic economic interaction; for whenever there is regularized commerce there is an institution in Rawls' sense, i.e. a public system of rules defining rights and duties, etc. Thus the Difference Principle would

apply to the world economic system taken as a whole as well as to particular societies within it.

1973: 1066–1067

The reasoning to which these authors subscribe is the following: if economic (and political) interdependence is indicative of a global social cooperation scheme, we ought not to consider national boundaries as morally significant. Since boundaries are not co-extensive with the scope of social cooperation, they do not mark the confines of social obligation (Beitz 1999: 151). According to these theoreticians, the economic interdependence among states actually represents a form of social cooperation and must consequently be subjected to the demands of distributive justice. If Rawls' justice principles are valid, there is no reason to assume that their content will change once the scope of the original position is extended and they are applied to the world in its entirety. In particular, if good reasons exist for the parties to choose the difference principle in the original domestic position, some will also exist to choose it in the original global position. In Chapter 3 of *Political Theory and International Relations* where he addresses the problem of global distributive justice,<sup>8</sup> Beitz classifies the principal views of global justice under the three general headings of political realism, morality of states and cosmopolitanism. The absence of a principle of international distributive justice is dependent on the analogy – defended by the champions of the traditional theories of international relations – between the individual's right to pursue his own happiness and well-being and the law of a state to pursue well-being in its own territory without any binding rules governing the structure and conduct of the economic relations among states and without any regard for the distributive consequences of their economic interactions. Beitz thus argues in favour of a global distributive justice in a decidedly cosmopolitan direction. He makes a distinction between the principle of resources redistribution and a global distribution principle. The former would be applied also in the case of an international society being composed of countries having autarkic production and services. This principle would ensure that each society had a fair opportunity to develop fair political institutions and an economy in a position to satisfy the basic needs of its members. In any case, according to Beitz, international society is not made up of autarkic states since exchange flows of goods and services exist and form a system of interdependence; and this system may be considered as a global cooperation system. This system produces advantages for the rich countries that would not exist without this cooperation and which imposes burdens on the poor and economically weaker countries that cannot avoid participating in the global economy. And so Beitz proposes applying a global difference principle as a distributive justice principle among societies. After the changes occurring in the economic

system and as a result of the globalization processes, the national borders can no longer be viewed as the outer limits of social cooperation and Rawls' justice principles in domestic justice, appropriately reinterpreted, should be applied to international society.

Instead of demonstrating the existence of forms of social cooperation at the international level to which to apply domestic justice principles or to maintain, as egalitarians do, that justice principles must not be influenced by such arbitrary factors as national membership, Pogge follows another strategy. Firstly, he identifies the self-contained and self-sufficient society of Rawls' theory with the overall society of humankind. Secondly, he insists on the negative moral responsibility of the international institutions in determining conditions of serious poverty. He stresses the need for putting a stop to the harm done to the poor countries by the rich and developed states that are leaders of the world's economic dynamics. In Pogge's view it is not a matter of redistributing a given amount of resources on the strength of an egalitarian idea. Because, if it is true as he claims that the present global economic system produces and coercively imposes a wide-ranging model of malnutrition and mortality among the poor, it would mean that we are up against an evident breach of several of the most elementary human rights. And despite the absence of a global institution, the minimal Hobbesian condition required by Thomas Nagel (2005) capable of imposing and enforcing the international requirements of justice over the entire planet, the serious collective responsibilities of the more powerful governments and the international bodies under their control (such as the EU, NATO, ONU, WTO, OECD, World Bank and the IMF) in imposing the current world order, as in their failure to reform it in view of a greater satisfaction of human rights, are more than enough to impose on them direct obligations versus all those countries that unjustly suffer the consequences. The rich countries are responsible for the poverty of the poor countries as they set up and impose 'transnational institutional arrangements that foreseeably produce and perpetuate avoidable human rights deficits on a massive scale' (Pogge 2007: 319). The rich countries have the negative duty not to impose and not to support unfair institutional schemes, that is, schemes which avoidably produce a massive deficit of human rights. It therefore follows that:

the global basic structure should, as far as possible, be designed so that each human being has a fully adequate scheme of equal basic liberties, so that fair equality of opportunity obtains worldwide, and so that the difference principle is satisfied globally (socio-economic inequalities among human beings are generated exactly insofar as this optimizes the globally worst socio-economic position.)

POGGE 2007: 317

The points where the theoreticians of social justice cosmopolitanism and Rawls disagree are clearly revealed by Beitz himself who, in an article entitled 'Rawls's Law of Peoples', defines Rawls' theory as a form of social liberalism that should be countered by cosmopolitan liberalism, described as follows:

Although it is consistent with a conception of a world as a society of domestic societies, the cosmopolitan view, in contrast to social liberalism, accords no moral privilege to domestic societies. At the deepest level, cosmopolitan liberalism regards the social world as composed of persons, not collectivities like societies of peoples, and insists that principles for the relations of societies should be based on a consideration of the fundamental interest of persons.

BEITZ 2000: 677

The normative differences between the two views are substantial, in particular as far as the content of the doctrine of human rights and the demands for an international distributive justice are concerned. In the first place, cosmopolitan liberalism does not conceive of international society as a society of peoples in which the latter wield a social and ethic supremacy (instead, in the law of peoples it is the peoples and not the persons who are representative of the original international position). Moreover, it is not the interests of the peoples considered as collective entities but those of individuals which determine the choice of the principles with which the international behaviour of the states must comply. Cosmopolitan liberalism refutes the idea that the distributive requirements of international law can be less demanding than the justice principles valid within domestic societies. Beitz appeals also to the need to understand the motivational capacity of the persons. He draws attention to the fact that the circle of affinities is historically variable and that in favourable institutional and cultural conditions the range of empathic interest can be extended beyond that of persons with whom one shared particular ascriptive characteristics; otherwise modern multicultural states would not even be conceivable. If motivational capacities vary and are subject to change as institutions and cultures develop, it is not clear why a political theory should accept the limit set by these capacities, as happens in the original position assumed in the *Law of Peoples*. In the area of rights, Beitz acknowledges that Rawls did not make a conventional use of human rights proposing a conception that is related on the one hand to the critique of the concept of sovereignty – human rights set limits on the legitimacy of the authority of domestic governments over their own people – and, on the other, to the defence of pluralism in the field of international affairs, as the respect of human rights by a society, even in the absence of liberal democratic institutions, is considered sufficient to shelter it from external interference

aimed at promoting domestic reforms. Beitz, like Pogge, points out how Rawls' list omits many of the human rights present in the 1948 Universal Declaration of Human Rights and subsequent treaties, criticizes the fact that no provision is made for the claiming of human rights as a basis for political actions of individuals versus their government, nor for those of the non NGOs comprising international civil society; and that Rawls justifies intervention against states that do not respect human rights solely for reasons of international stability, and not for reasons linked to the defence of human dignity of individuals. Against a conception of human rights as a minimum standard of international recognition, Beitz sets up a theory of rights as 'common standards of achievement' for each individual and each organ of society. In his proposal, human rights must function as universal standards of behaviour for governments and for the policies of the various international institutions and development agencies, and must be viewed as shared objectives of the political reforms promoted by international NGOs.

## **Charles Beitz: state autonomy, international relations and cosmopolitanism**

### ***Towards a new concept of state autonomy***

An intellectual context dominated by the crisis of the realist paradigm in the field of international relations and by John Rawls' thought in political philosophy witnesses the birth of *Political Theory and International Relations* (1999). In this book Charles Beitz asserts the possibility of a political theory to regulate international relations, makes a critical assessment of the two theories that have traditionally dominated this field – the realist theory and the one he defines as the morality of states – and proposes 'the plausibility of a more cosmopolitan and less state-centered perspective' (Beitz 1999: 6). Every attempt to found a normative political theory of international relations has to come to terms with a corpus of doctrines, which go by the name of political realism and which deny any such possibility. The most sophisticated argument used to back up this view characterizes the relations among states as a Hobbesian state of nature, namely, as state of war among independent agents each following its own interest without any common power capable of ensuring the respect of the rules of cooperation. According to Beitz, this analogy would be valid only if at least four propositions were true: (1) states are the only actors in international relations; (2) states have relatively equal powers; (3) states are independent of each other; (4) there can be no reliable expectations of mutual respect by the actors of the



rules of cooperation in the absence of a higher power capable of enforcing such rules. He asserts that these conditions are not being satisfied. To begin with, states cannot be considered the sole actors on the international stage. A significant role has now been taken on also by associations and economic institutions, as well as by transnational associations of subjects that have the same problems or common interests. Moreover, there is no doubt that there are differences in the relative powers of the various states which are anything but independent as they now form part of an increasingly interconnected and globalized world order. Lastly, the international community has access to instruments that can be used to promote respect for rules that have been established by common accord, even in the absence of a global enforcing authority.

The view that is conventionally considered an alternative to this is the one Beitz calls the 'morality of states', in which the international stage is conceived of as a community of largely self-sufficient states which interact only to a relatively minor degree. This view also has its limitations due, in his opinion, to a persistent misunderstanding over what represents state autonomy. Like international scepticism, the morality of states draws upon the analogy between states and persons but comes to the normative conclusion that the states comprising international society should be treated – just like individuals in domestic society – as autonomous sources of goals, morally immune to external interference and morally free to manage their internal affairs in the way their governments consider most appropriate. States, like persons, are endowed with a kind of right to autonomy that shields them from external moral criticism and political interference. This is the basic idea behind the principles embodied in the international practice of non-intervention and self-determination. According to Beitz, states are not sources of goals like persons. They represent systems of shared practices and institutions within which persons set and pursue their goals. Therefore the analogy of individual autonomy when applied to states is the compliance of the state with appropriate principles of domestic justice. The novelty of Beitz's approach lies in the assertion that only those states whose institutions satisfy appropriate principles of justice can legitimately claim to be respected as sources of goals: 'The autonomy of states is the outer face of their legitimacy' (Beitz 1999: 81). Precisely because all persons must be respected as sources of goals, all states must be prevented from indiscriminately laying claim to the right of autonomy. Consequently, unjust institutions cannot be allowed to enjoy the same protection against interference as just institutions; the moral concerns underpinning the principle of non-intervention in certain circumstances can justify intervention in others and when there is a strong possibility of promoting justice, interference with unfair institutions may be justified.

### ***Cosmopolitan distributive justice***

A further significant consequence of this reappraisal of the analogy is the weakening of the separation and distinction between international relations and domestic society. Beitz asserts that international society and state society are sufficiently similar to allow the arguments underpinning distributive justice within states to be valid also at the international level. Adopting as paradigm John Rawls' theory of justice, he points out that the differences between the domestic scene and the international scene, although significant in certain respects (so much so that the principle of autonomy cannot be justified on this basis), offer no reason why a device of the theory of domestic politics as the Rawlsian idea of the original contract can not be extended to international relations. Traditional international political theory says nothing about the topic of international distributive justice. In the 'morality of states' the inhabitants of the comparatively wealthy states have no obligations founded on justice to promote economic development elsewhere. It is assumed that each state has the right to the wealth of its own territory. Nor do any ethical rules exist to shape the structure and the conduct of economic relations among states. The morality of states corresponds to the analogy at the international level of nineteenth-century liberalism which combines the principle of the liberty of individual agents with the indifference to the distributive outcomes of their economic interaction. The citizens of the comparatively wealthy societies have obligations based solely on mutual aid for those who, if not helped, are doomed to succumb. In this view, therefore, the obligation to contribute to the welfare of persons wherever they live is an obligation based on charity. The obligations of justice are more demanding: they require the wealthy states to make a substantial increase in their contributions to the less developed countries and to restructure the world economic system radically. But does such an obligation exist? For Beitz it is not self-evident that redistributive obligations among persons situated in different national societies are supported by contractualistic principles, because contractualistic principles are based on relations among persons living in national communities united by the common acceptance of a conception of justice. He is nevertheless persuaded that the contractualistic principles of Rawls' social justice should also have global application since the arena of international relations increasingly resembles domestic societies from several different points of view that have an important bearing on the justification of the principles of (domestic) social justice. Rawls considers justice to be the primary virtue of social institutions. Its 'primary subject' is 'the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation' (Rawls 1971: 7). Using the idea of a hypothetical social

contract, Rawls asserts that rational persons, placed under a 'veil of ignorance', would choose a special conception of justice based on two principles of justice:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both:
  - (a) to the greatest benefit of the least advantaged, consistent with the just savings principle [the 'difference principle'], and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

RAWLS 1971: 302–303

The principles of justice refer to the configuration of the political institutions and the socioeconomic structure of distributive justice. The second principle is split into two parts, the first of which asserts a criterion of 'fair equality of opportunity' and the second is defined as the 'principle of difference'. The principle of difference states that 'All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored' (303). Rawls points out that the two principles of justice are applied to a basic structure, the boundaries of which essentially coincide with those of the nation-state and thus do not characterize 'the justice of the law of nations and of relations between states' (7–8). Since he conceives of society as a 'cooperative venture for mutual advantage' and the principles of justice as principles that must shape the fair distribution of the benefits and duties produced by 'social cooperation', Rawls can claim that without this cooperation 'there would be no occasion for justice, since there would be no joint product with respect to which conflicting claims might be pressed, nor would there be any common institutions (e.g., enforceable property rights) to which principles could apply' (131). States are a 'self-contained national community', relatively self-sufficient systems of social cooperation; consequently, relations with persons situated in different nation-states cannot be based on the principles of social justice, and the external behaviour of each society will be governed by its principles of justice and law, as well as by the principles that the parties, as representatives of the various nations, would choose to settle disputes among states:

Following out the conception of the initial situation, I assume that these representatives are deprived of various kinds of information. While they know that they represent different nations each living under the normal circumstances of human life, they know nothing about the particular

circumstances of their own society . . . Once again the contracting parties, in this case representatives of states, are allowed only enough knowledge to make a rational choice to protect their interests but not so much that the more fortunate among them can take advantage of their special situation. This original position is fair between nations; it nullifies the contingencies and biases of historical fate.

RAWLS 1971: 378

The selected principles include those of self-determination, non-intervention, the rule that *pacta sunt servanda*, the principle of self-defence and the principles regulating *jus in bello*. Beitz deems that Rawls' treatment of international justice is incomplete, above all because the list of principles agreed upon by the parties disregards the moral conflict that could emerge between states – also in the absence of substantial social cooperation – as far as natural resources are concerned. In his view, the several parties in an original international position would have to ignore also the natural resources unevenly scattered over the Earth's surface and to consider the distribution of the resources as similar to the distribution of natural talent in the original domestic position. Indeed, Rawls asserts that natural endowments are 'neither just nor unjust; nor is it unjust that men are born into society at any particular position. These are simply natural facts. What is just or unjust is the way that institutions deal with these facts' (1971: 87). One cannot ask those who are less disadvantaged for reasons beyond their control to suffer the consequences of an undeserved inequality. According to Beitz, the parties in an original international position should by analogy consider the natural distribution of resources as morally arbitrary to the same degree:

The fact that someone happens to be located advantageously with respect to natural resources does not provide a reason why he or she should be entitled to exclude others from the benefits that might be derived from them. Therefore, the parties would think that resources (or the benefits derived from them) should be subject to redistribution under a resource redistribution principle.

BEITZ 1999: 138

Like natural resources, talents are arbitrary in the sense that they have not been earned. Not knowing the natural endowments of their societies, the parties would choose a resource redistribution principle that gave each society an equal opportunity to develop just political institutions and an economy capable of satisfying the fundamental needs of its members. Even if the global system was like the one imagined by Rawls, that is, made up of states conceived of as unrelated and self-sufficient cooperative systems, it would in

any case be necessary to apply a resource redistribution principle at the global level; this is because, to be consistent, the possession of resources must be treated in the same way as the possession of natural talents, and because, according to Beitz, resources represent the necessary conditions for the development of just institutions within a society. It follows that, even in the case that Rawls' assumption that all states are self-sufficient cooperation systems is true, the request for an international resource redistribution principle would be justified.<sup>9</sup> However, Beitz points out, the world is not composed of self-sufficient states; states enter into economic, political and cultural international relations such as to suggest the existence of a global social cooperation system. If, as Rawls claims, the existence of social cooperation legitimizes the demand for distributive justice, international economic interdependence can serve as a support for a principle of global distributive justice similar to that applied within a domestic society. It is easy to demonstrate the existence of a structure of global interdependence that produces substantial aggregate benefits, and that has led to the development of a global regulatory structure. There are international accords that regulate trade, as well as political and legal institutions that influence the global distribution of income and wealth: these institutions and practices may be considered as 'the constitutional structure of the world economy' (Beitz 1999: 148–149). National borders can no longer be considered as limiting social cooperation since a strong interdependence exists between states; and this interdependence, Beitz says, 'involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic'. In an interdependent world, restricting the principles of social justice to domestic societies has the effect of 'taxing poor nations so that others may benefit from living in "just" regimes' (149). If participation in economic relations with poor countries has contributed to enriching a 'nearly just' regime, the principles of domestic justice can be genuine principles of justice 'only if they are consistent with principles of justice for the entire global scheme of social cooperation' (150). But what are these global principles? In a similar fashion to the principle of difference in domestic society, Beitz suggests applying an international difference principle. This principle would apply not to states but to persons in the sense that 'it is the globally least advantaged representative person (or group of persons) whose position is to be maximized' (152). Adopting the position of the least advantaged group as a measure of distributive justice, there is consequently no a priori reason to imagine that membership of this group is coextensive with an existing state. An international difference principle calls for the reduction of distributive inequalities between states as these inequalities are the consequence of inadmissible interpersonal inequalities in order to maximize the position of the (globally) less advantaged.<sup>10</sup>

In conclusion: Beitz believes that in deriving the principles of justice for the law of peoples, Rawls erroneously neglected the redistribution of resources, an issue that would certainly have been on the minds of the parties in the original international position. The assumption of self-sufficiency, on which the consideration of Rawls' law of peoples is based entirely, would not be justified by the current situation regarding international relations. The state-centric worldview has been deprived of its normative significance as a result of increased global world economic interdependence. For this reason 'principles of distributive justice must apply in the first instance to the world as a whole, and derivatively to nation-states' (170). For Beitz, the appropriate global principle is Rawls' difference principle. Once the existence of justice-based global redistributive obligations has been acknowledged, help can no longer be considered a discretionary voluntary act of charity, but becomes a 'transfer of wealth required to redress distributive injustice' (173). It is necessary to increase aid from the wealthy countries to foreign countries and to undertake reforms of the institutional structure of the world economy in order to produce a long-term improvement in the absolute position of the world's worst-off groups. In view of the fact that the global difference principle is ultimately applied to persons, it cannot be fully satisfied by means of inter-country transfers. In setting up aid programmes, donor countries and agencies need to take special care to improve the condition of the world's worst-off groups and to channel aid mainly towards satisfying minimum human needs. In addition, in countries in which extreme poverty is partly the result of inequality of local income, pressure should be brought to bear to implement structural reforms aimed at reducing domestic inequalities. In both cases it could be objected that the attempt to implement the global difference principle would entrain the violation of state autonomy. However, this has been seen to be perfectly compatible with the reformulation of the principle of state autonomy offered by Beitz.

In setting out the elements for a cosmopolitan theory of international distributive justice, Beitz puts forward both a strong thesis and a weak one. The weak thesis states that international relations, in view of the similarity of their basic structure to that of domestic society, are subject to the demand for distributive justice. The strong thesis is that a globalized form of the distributive justice principle put forward by John Rawls in *A Theory of Justice* needs to be applied to international relations. Both theses are based on arguing using an analogy in which the international environment resembles the domestic one in those areas that are significant with regard to the justification of the principles of distributive justice. If the normative content of Rawls' theory is accepted, the strong thesis makes available a specific principle – the global difference principle – to characterize international justice. Beitz considers the weak thesis to be the more fundamental and that it may be deemed a form of cosmopolitanism. It is agnostic as regards the contents of distributive international justice, merely

asserting that international distributive justice should be considered an extension of the corresponding doctrine of distributive justice referring to a domestic society. This is not a form of *cosmopolitanism about institutions*, a view pertaining to what is the best institutional structure for international politics; nor a form of *cosmopolitanism about loyalties*, a view pertaining to how persons should perceive their identity and loyalties. In contrast to both these forms, the weak thesis is a view 'about the basis on which institutions and practices should be justified or criticized' (199) which Beitz defines as *moral cosmopolitanism*. Borrowing the words of Thomas Pogge, he asserts that it represents the idea 'that every human being has a global stature as the ultimate unit of moral concern' (Pogge 2008: 175), an idea that applies to the world as a whole the norm that the choices as to which policies are preferable or which institutions should be set up ought to be based on an unbiased consideration of the claims of any person that might be affected by them.

## **Thomas Pogge: cosmopolitan responsibilities and reforms**

In *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2008), Thomas Pogge proposes the elements needed for a global institutional reform that would be justifiable at the intercultural level in terms of a cosmopolitan standard based on human rights.

In his introduction the author begins by describing a dramatic picture of the world situation: according to the statistics 46 per cent of humankind lives on 1.2 per cent of global income while 15 per cent possesses 80 per cent of it; every day 50,000 persons die – including 34,000 children – from poverty-related causes that could easily be avoided by means of better food, available drinking water and suitable medical care. In his opinion, the insensitivity of the inhabitants of the wealthy countries in the face of these data is the outcome of two prejudices. The first consists in the belief that foreign poverty cannot be judged on the same scale as that observed in one's own society. This difference is then rationalized by applying a double standard, namely by subjecting the global economic system to moral constraints that are weaker than the national ones. This is what John Rawls himself is believed to have done when, inside the national boundaries, he applied the distributive criterion known as the difference principle. Instead, in the international case, he applied the distributive criterion known as the just savings principle, according to which we must concern ourselves with the poor countries only until such time as we have put them in a position to develop by themselves. Beyond this threshold any further transfer of resources from us to them would perhaps be merit-worthy but not morally necessary. The second prejudice is based on two lines of defence

which may be termed 'direct responsibility' and 'priority'. In the first, the citizens of the rich countries deny being the active cause of poverty, at the same time admitting they have failed to defeat it: however, they defend themselves by saying that failing to save lives is certainly not the same as causing death. The same argument is applied to the behaviour of governments and, in particular, to their influence in shaping the global economic order: it would be possible to devise a system capable of avoiding poverty, but a global order that does not include an effective distributive mechanism is not in itself causally or morally responsible for the poverty that this mechanism might have prevented. The second line of defence appeals to the generally shared conviction that citizens and politicians are obliged to give priority to their own fellow citizens, especially in the context of a system of mutually competing states. Pogge's thesis is that every institutional system is unjust when its application foreseeably and avoidably produces a deficit in human rights; in this sense, the existing institutional order is seriously unjust. He claims that the rich countries are responsible for this injustice as they have devised and imposed to their own advantage a commercial and diplomatic network that penalizes the poor countries: 'Our new global economic order is so harsh on the global poor, then, because it is formed in negotiations where our representatives ruthlessly exploit their vastly superior bargaining power and expertise, as well as any weakness, ignorance, or corruptibility they may find in their counterpart negotiators, to tune each agreement for our greatest benefit' (Pogge 2008: 27).

### ***Cosmopolitan responsibility: positive duty versus negative duty***

Moral cosmopolitanism is based on the idea that every human being has global significance insofar as he is an ultimate unit of moral concern; this concern may be focused on both subjective good and evil (human happiness, fulfilment of desires, satisfaction of preferences) and objective good and evil (satisfaction of human needs, capabilities, opportunities or resources). Pogge champions a variant of moral cosmopolitanism focused on human rights. On the premise that it is necessary to specify not only the type of human rights possessed by individuals but also the type of responsibility they imply, he proposes a moral (and not legal) interpretation of human rights in line with an 'institutional' (and not 'interactional') cosmopolitan conception. This represents a 'moral' interpretation of these rights as he is concerned with human rights insofar as they are moral rights, namely rights that persons would continue to possess even if their government decided to eliminate them or if all international legislation governing human rights was repealed. This is an 'institutional' conception of rights since, unlike the 'interactional' conception



which assigns the direct responsibility for the attainment of human rights to other (individual or collective) agents, it assigns it to institutional systems. The responsibility of persons is therefore indirect but is shared as far as the justice of all the practices one contributes to imposing is concerned: 'One ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to aid its victims and to promote institutional reform' (2008: 176). This conception of human rights is therefore remote from the minimalist positions regarding human rights which merely impose the abstention from doing something harmful, as well as from the maximalist positions that call for the attainment of human rights for all individuals wherever they are and which assign the obligation to achieve them to all those in a position to do so.<sup>11</sup> Pogge distances himself precisely from the very concept of positive duty in both its maximalist form in which this duty is conceived of as a duty of unlimited justice and in the form proposed by Rawls, in which it is seen as a mere duty to aid. Rawls denies the existence of international distributive justice; the states (or peoples), who are actors in the global normative system, are not obliged to attain and maintain any given distribution of global wealth, not to mention any duty to satisfy the global difference principle. In Rawls' international law, the moral interest in peoples is triggered only in the case of conditions of absolute deprivation, and well-ordered societies have the duty of providing targeted aid, that is, linked to the attainment by these peoples of a sufficient level in which they themselves can set up well-ordered societies. The duty to aid may be honoured by offering economic aid and promoting the respect of human rights; but this is a humanitarian right and not something that the poor societies or their citizens can demand. Inequality among nations, that is, relative deprivation, pertains to moral indifference, and as far as peoples' rights are concerned it does not matter how great this inequality is and, furthermore, well-ordered societies have no moral reason to combat it. The duty to aid does not impose any direct constraint on the distribution of wealth inside the society benefiting from the aid as it does not take into account the extent of inequalities admissible inside a given society. The duty to aid, since it has a cut-off point after which the aid may be terminated, does not impose the establishment of international institutions like those found within the domestic society and having the permanent task of regulating inequality. The political morality embodied in the law of peoples does not consider individuals in their relations with each other, as members of a single global society, but rather as members of separate peoples that have relations with other peoples and lay claim to their own self-determination. Hence, the law of peoples, in addition to the duty to aid, which represents the condition for self-determination, does not call for any special attention to be paid to the inequalities between individuals and between peoples.

As we have seen, Pogge distances himself from theories championing the positive duty to help the poor whether or not it is conceived as a duty to provide charity or aid. The rich are indeed not to be blamed for not helping enough but for setting up and imposing transnational institutional arrangements that produce and perpetuate a foreseeable and avoidable large-scale deficit of rights. The existing world order and the injustice it causes represent a breach of the negative duty not to harm the global poor, that is, not to violate their fundamental human rights. The rich consequently have a negative duty not to impose an institutional order that foreseeably and avoidably prevents individuals from having guaranteed access to certain objects of human rights without any form of compensation, for instance, by taking care to protect the victims from this order and to reform it. If the rich countries and their citizens are to blame for serious poverty owing to the economic and political order they impose or allow to be imposed, and should such an order represent the main obstacle to the fulfilment of human rights, it will thus be necessary to take further steps to reshape this world order so as to guarantee all individuals have certain access to the fundamental goods they need in order to become full members of their societies and of the world as a whole. Wherever it is not possible to achieve this objective to the full, the institutional configuration will hopefully be at least subject to the rule that any avoidable deficit of human rights will be minimized and that any such deficit will be subjected to differential evaluation based on its underlying causes: greater weight will be attributed to the deficits imposed or authorized by the social institutions than to those they are inadvertently responsible for or fail to prevent.

In sum: an institutional configuration is unjust if it fails to allow human rights to be fulfilled; or if it foreseeably but avoidably brings about a human rights deficit (HRD). Pogge's cosmopolitan social justice standard is sensitive only to the HRD, and is focused on the HRD, the causes of which may be attributed to the social institutions; it assigns the moral responsibility for the HRD exclusively to those who actively cooperate in the planning or imposition of significant social institutions and only to them does it ascribe compensatory obligations consisting in the reform of such social institutions and the protection of their victims. Therefore, disregarding the potentially open-ended positive duty to help the more disadvantaged, the appeal to negative duty on which Pogge's cosmopolitan theory of social justice rests gives rise to 'compensatory obligations that are tightly limited in range (to persons subject to an institutional order one cooperates in imposing), in subject matter (to the avoidance of human rights deficits), and in demandingness (to compensation for one's share of that part of the human rights deficit that foreseeably is reasonably avoidable through a feasible alternative institutional design)' (Pogge 2008: 26).

## *Reforms*

### **The three Ps**

In order to clarify his point of view and the reform he has in mind, Pogge uses a metaphor taken from poker: institutional moral cosmopolitanism does not constrain a winning poker player to hand over part of his winnings to a player who has lost everything but demands that the game itself be modified so that there are no total losers. Pogge points out that if the game of poker is transposed into the field of basic institutional structures, the issue becomes even more significant as the participants are born into these structures, are strongly conditioned by them and often cannot leave them. It therefore becomes essential to start and support a process of institutional reform at the international level. He proposes a 'three P' reform package: protectionism, privileges and pharmaceutical. These reforms are needed to render the rules of the world economy, viewed as a single system, minimally just. He proposes removing or reducing uncompensated market protection established by the rich countries against low-cost imports and services from the poor countries. He further suggests a reform of the internationally institutionalized practice of the privilege of freely obtaining loans in the country's name (international borrowing privilege) and of making free use of the natural resources (international resource privilege). Even if the cause of poverty is attributed to endogenous reasons, such as lack of democracy, as is done by the supporters of explanatory nationalism,<sup>12</sup> there is abundant empirical evidence to confirm the fact that the establishment of democracy and the elimination of corruption and of authoritarian governments are made more difficult by the existing world order and its rules. Indeed, anyone wielding effective power in a country regardless of how it was acquired and is exercised, and of the degree of consent of the people it governs, is authorized to sell the country's resources and to do as they please with the proceeds of the sales, to borrow in the name of the country and therefore impose obligations upon it, and to sign treaties in its name. This practice is extremely advantageous for the wealthier countries in need of resources but encourages repression, violence and poverty in the less developed countries as it acts as a strong incentive for coups and civil war in countries in which the resources abound. The rich countries therefore benefit from corruption in the governments of the poor countries which sell off resources and property rights in exchange for money. In this way, Pogge suggests, the rich countries not only acquire resources but also the rights and liberties of the inhabitants of these countries with the complicity and backing of the international institutions. An institutional reform reducing the advantages deriving from anti-democratic power acquisitions and implementing specific amendments annulling the recognition of resource

privileges in the case of authoritarian and corrupt predators or dispensing a young democracy from honouring the debt incurred by an unconstitutional predecessor would not only lighten the iniquitous burden on the new government without threatening to undermine development and stability at the base; it would also make the banks less inclined to accord loans to authoritarian governments and dictators. Lastly, for the purpose of combating disease and preventing premature deaths he calls for a reform of the global health system in which advanced medical knowledge is made available free as a global public good. The alternative system of rules would involve the establishment of a world fund to reward the drug companies producing new drugs based on the pharmaceutical product's effectiveness.

Pogge also proposes the creation of a global resources dividend. According to the original international position theorized by Rawls, a law of peoples would be adopted by the parties without however limiting the economic inequalities as the parties, viewed as peoples' representatives, would be interested only in the justice of their domestic institutions. In Pogge's view, since a plausible conception of global justice needs to be sensitive to international social and economic inequalities and must be based on the recognition of the fundamental role of the interests of persons rather than of that of peoples, at the time of selecting the principles that are to govern the relations among states the parties would choose to subscribe to the constraint of paying a global resources tax, thereby embodying egalitarian measures in the law of peoples: 'while each people owns and fully controls all resources within its national territory, it must pay a tax on any resources it chooses to extract' (Pogge 1994: 200). In Pogge's proposal the tax is levied on goods and services in proportion to the amount of each one taken from the Earth. This does not require that we conceive of global resources as the common property, but suggests that 'those who make more extensive use of our planet's resources should compensate those who, involuntarily, use very little' (2008: 210).

## **Cosmopolitanism and sovereignty**

Viewed from the angle of the cosmopolitan ethic focused on the fundamental needs and interests of individual human beings and of all human beings, the concentration of sovereignty at a single level cannot be defended. Pogge claims that it is necessary to reappraise the concept of sovereignty in the light of institutional moral cosmopolitanism and then to proceed to implement a gradual global institutional reform. He does not propose setting up a centralized world state that could possibly lead to significant progress in terms of peace and economic justice, but which would entrain risks of oppression. He instead puts forward a solution which strikes a balance between the concentration and the

decentralization of sovereignty and that thanks to which 'persons should be citizens of, and govern themselves through, a number of political units of various sizes, without any one political unit being dominant and thus occupying the traditional role of state' (Pogge 2008: 184). Citizens' loyalty and obedience should be widely distributed over the various units, such as constituencies, cities, provinces, regions, states, supranational regional entities and the world at large. Persons should be politically 'at home' in all these units without one or other prevailing in the determination of their political identity. He claims that 'dispersing political authority over nested territorial units' (2008: 174) would reduce the intensity of the struggle for power and wealth both within and among the states and thus reduce the likelihood of war, poverty and oppression. In such a multilayered institutional system it would become easier to redesign borders in order to accommodate the aspirations of peoples and communities.<sup>13</sup> He gives at least four principal reasons for preferring a world in which sovereignty is distributed vertically to a greater extent than in the existing system. (1) *It encourages disarmament*: the non-proliferation and gradual abolition of weapons of mass destruction presupposes a considerable concentration of authority and power at the global level in breach of the existing idea of state sovereignty. This concentration would be more satisfactorily achieved in a context of a multilayered global system. (2) *It reduces oppression*: large-scale violations of human rights could be reduced by a vertical distribution of sovereignty over several layers of political units that can mutually check and balance each other and denounce abuses by any of the others. (3) *Global economic justice*. This would necessitate a reform of the dominant global order, including a global tax on the use of natural resources, in support of the economic development of the poorer zones. This tax would ensure that the poor received a fair share of the values of the natural resources extracted and would also encourage their conservation. Such a reform would imply some form of centralization that would necessarily differ from a global welfare bureaucracy. (4) *Ecology/democracy*. The processes of production and consumption entrain significant negative consequences that largely and to an increasing extent extend beyond the national borders. Persons have a right to an institutional system in which anyone significantly and legitimately affected by a political decision has an equal right to influence the decision-making process, either directly or through elected or representative delegates. This human right to equal opportunity of political participation also extends as far as the choice and planning of those institutions that significantly shape human lives. An appropriate vertical distribution of sovereignty would encourage both the decentralization and the centralization required, as the case may be, by the object at which the decision-making process is aimed. With regard to the possible conflicts of competence they can be legitimately resolved only by those who can give proof of greater reliability in terms of human rights with respect to the possible alternatives.