





Jörgen Ödalen

# Rolling Out the Map of Justice



UPPSALA  
UNIVERSITET

Dissertation presented at Uppsala University to be publicly examined in Brusewitzsalen, Gamla torget 6, Uppsala, Thursday, March 27, 2008 at 13:15 for the degree of Doctor of Philosophy. The examination will be conducted in Swedish.

**Abstract**

Ödalen, J. 2008. Rolling Out the Map of Justice. Acta Universitatis Upsaliensis. *Skrifter utgivna av Statsvetenskapliga föreningen i Uppsala* 169. 154 pp. Uppsala. ISBN 978-91-554-7103-3.

Traditionally, the promotion of socio-economic justice has been seen as an exclusive concern for the state and its citizens. Many contemporary political thinkers criticize this view and argue that the principles of justice which apply within a state also apply to the global level. Further, they often argue that this conclusion is strengthened by the increased level of interconnectedness between people and states created by globalization. It is said that even if principles of justice are constrained by institutional boundaries, these boundaries no longer coincide with state borders but rather extend transnationally, or even globally. In this thesis it is argued that the impacts on justice inferred from globalization are often seriously overstated. The demand for socio-economic justice is created exclusively by a special relationship between citizens. This relationship is constituted by a common membership in the kind of coercive institutional structure epitomized by the state. Under current state of affairs, state coercion has no counterpart in the global arena. The conclusion is that concerns of socio-economic justice should be reserved for the domestic arena. Yet, it is also argued that justice is pluralistic and other kinds of concern are applicable on a global scale. Issues of fairness in international trade are discussed as examples of such concerns, and it is concluded that the international trade regime should institutionalize a number of safeguards that reduce the vulnerability of developing states.

*Keywords:* citizenship, fairness, globalization, global justice, international justice, justice, trade, trade liberalization

*Jörgen Ödalen, Department of Government, Box 514, Uppsala University, SE-75120 Uppsala, Sweden*

© Jörgen Ödalen 2008

ISSN 0346-7538

ISBN 978-91-554-7103-3

urn:nbn:se:uu:diva-8479 (<http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-8479>)

Printed in Sweden by Edita Västra Aros, Västerås, 2008  
Distributor: Uppsala University Library, Box 510, SE-751 20 Uppsala  
[www.uu.se](http://www.uu.se), [acta@ub.uu.se](mailto:acta@ub.uu.se)

*For Johanna*



# Contents

|     |  |     |
|-----|--|-----|
| 1   | Globalization and the Scope of Justice . . . . .               | 1   |
| 1.1 | Two Conceptions of Justice . . . . .                           | 3   |
| 1.2 | The Significance of Citizenship . . . . .                      | 5   |
| 1.3 | A Trade-Based View of Global Justice . . . . .                 | 7   |
| 1.4 | A Brief Overview of the Book . . . . .                         | 8   |
| 2   | Thinking About Justice . . . . .                               | 9   |
| 2.1 | Political Theory as Constructive Interpretation . . . . .      | 9   |
| 2.2 | Cosmopolitanism and Political Conceptions of Justice . . . . . | 18  |
| 2.3 | Justice, Humanity and Fairness . . . . .                       | 24  |
| 2.4 | Justification . . . . .  | 27  |
| 2.5 | Conclusion . . . . .   | 32  |
| 3   | Globalization and Political Conceptions of Justice . . . . .   | 35  |
| 3.1 | The Challenge of Globalization . . . . .                       | 35  |
| 3.2 | Increased Global Interaction . . . . .                         | 37  |
| 3.3 | Emerging Coercive Institutions . . . . .                       | 43  |
| 3.4 | Extending Citizenship . . . . .                                | 51  |
| 3.5 | Conclusion . . . . .   | 56  |
| 4   | The Role of Citizenship . . . . .                              | 59  |
| 4.1 | Coercion and the State . . . . .                               | 59  |
| 4.2 | Nagel's Political Conception . . . . .                         | 62  |
| 4.3 | Citizenship as a Role . . . . .                                | 68  |
| 4.4 | Conclusion . . . . .   | 74  |
| 5   | Justifying Citizenship . . . . .                               | 77  |
| 5.1 | Two Objections Against Special Obligations . . . . .           | 77  |
| 5.2 | Reflectively Accepting Citizenship . . . . .                   | 78  |
| 5.3 | The Distributive Objection . . . . .                           | 87  |
| 5.4 | Conclusion . . . . .   | 89  |
| 6   | Citizenship and Distributive Justice . . . . .                 | 91  |
| 6.1 | Caney's Challenge . . . . .                                    | 91  |
| 6.2 | Connecting Citizenship With Distributive Justice . . . . .     | 93  |
| 6.3 | Conclusion . . . . .   | 102 |
| 7   | Fairness in International Trade . . . . .                      | 105 |
| 7.1 | An Alternative to Cosmopolitanism . . . . .                    | 105 |
| 7.2 | Anti-Statist Political Conceptions . . . . .                   | 106 |
| 7.3 | Bargaining or Loyal Commitment? . . . . .                      | 111 |
| 7.4 | Regulating the Practice of Trade . . . . .                     | 121 |

|                            |     |
|----------------------------|-----|
| 7.5 Conclusion .....       | 131 |
| 8 Concluding Remarks ..... | 135 |
| Bibliography .....         | 143 |

# Acknowledgements

Many people have helped in various ways during the years of thesis writing. I owe the greatest debt to my two supervisors: Mats Lundstöm and Ludvig Beckman. Their love for philosophical discussion, and of course their close and careful readings of my drafts followed by acute comments, have provided many opportunities for thoughtfulness. I'm sure our discussions will continue for years to come.

Parts and drafts of this thesis have been presented at a number of occasions at different departments, conferences and meetings. I thank everyone who have offered their comments and suggestions. Some made an extra effort: Brian Barry, Andreas Føllesdal, Andreas Gottardis, Sverker Gustavsson, Stefano Guzzini, Jörgen Hermansson, Barry Holmström, Christer Karlsson, Leif Lewin, Aaron Maltais, Søren Flinch Midtgaard, Jouni Reinikainen, Johan Tralau, and Sten Widmalm.

Life as a PhD student should not be all about work. It should also be fun, and most of the time it has been. But it wouldn't have been so if it was not for wonderful colleagues and friends such as Hanna Bäck, Gissur Erlingsson, Karl-Oskar Lindgren, Julia Jennstål, and Kåre Vernby. Thank you for all your support, intellectual as well as personal.

There are also others who, while I have not had the opportunity to spend much leisure time with them, at different times and for different reasons have made life at the Department of Government in Uppsala more enjoyable. They include: Per Adman, Tanja Olsson Blandy, Lars Davidsson, Josefina Erikson, Emma Jørum, Martin Lundin, Anders Lindbom, Moa Mårtensson, Sara Monaco, Gunnar Myrberg, Daniel Nohrstedt, Thomas Persson, Mattias Sigfridsson, Viviana Stechina, and Pär Zetterberg.

My most heartfelt gratitude goes to my family: my sister and my mother and father who have always stood by me no matter what silly endeavor I decided to pursue; my wife Johanna, who will not stand for any silliness, but still has endured the vicissitudes of my moods during the writing of this thesis; and finally, my daughter Alba, the ultimate happy mood maker.

Jörgen  
Uppsala, February 2008



# 1. Globalization and the Scope of Justice

Why should we care about global poverty? The instinctive reaction for most of us is that we who live in the wealthy part of the world have duties towards the global poor because of their *suffering*. But this reaction does not take us very far, neither philosophically nor practically. We want to know about the precise nature and extent of our duties. Is it *justice* that requires us to redistribute resources from the rich to the poor parts of the world, or is it merely a matter of *humanitarian* obligations? And further of course, what difference does it make whether our duties are obligations of justice or of humanity?

In recent years the issue of global poverty has been an object of growing concern among political theorists. Particular interest has been paid to the question of whether, and if so to what extent, the demands of justice extend beyond nation-state borders. A common way to frame this issue in more abstract terms is to ask about *the scope of justice*. When we try to establish how wide the scope of justice is, we are looking for a way of settling in which cases considerations of justice are appropriately applied.<sup>1</sup> In the context of global poverty, what we want to know is whether considerations of justice are applicable on a geographical scale wider than that of the nation-state.<sup>2</sup> For a long time, philosophical as well as conventional thinking about justice has progressed against a background of sovereign states. It has been assumed that principles of justice operate within societies marked off by state borders, while at the level of relations between states the problem of establishing peace has overshadowed all others.<sup>3</sup>

Well-known theorists, from utilitarian thinker Peter Singer<sup>4</sup> to Kantian Onora O'Neill and a number of Rawlsians, such as Brian Barry, Charles Beitz and Thomas Pogge, have defended a greater concern for the world's underprivileged than has traditionally been the norm. They all stress the relatively arbitrary moral status of nation-state boundaries as a strong reason for questioning the current state of affairs.<sup>5</sup> Their conclusion is that the

---

<sup>1</sup>Hubin 1979, p. 3.

<sup>2</sup>The question of the scope of justice is indeed wider than this. Temkin (1995) has for instance considered the societal as well as the temporal scope of justice. The latter issue concerns primarily the question of whether and how justice matters between generations.

<sup>3</sup>Barry 1965, p. xviii.

<sup>4</sup>Singer's 1972 article "Famine, Affluence and Morality" is widely considered to be the starting point of the contemporary debate on global poverty and justice.

<sup>5</sup>Cf. Jones 1999, p. 1.

boundaries of justice extend beyond the borders of the nation-state, and the traditional map of justice needs to be redrawn. Other theorists however, such as David Miller, Thomas Nagel, Mathias Risse, Richard W. Miller and John Rawls have defended the idea that the scope of justice is societally restricted by appealing to such things as the normative significance of nation-states or of patriotic ties.

The resurgent theoretical interest in issues of global justice has since the late 1990s also been paralleled by a wider practical concern for global poverty in international public policy. This “new global mood”, as political economist Robert Wade calls it, was articulated in 2000 when the United Nations created its Millennium Development Goals and prioritized “eradicating extreme poverty and hunger”.<sup>6</sup>

There can be no doubt about the importance of the theoretical discussion that is in the end intended to guide international public policy. Richard Arneson has mentioned that due to its significant implications, the issue of the scope of justice is strikingly different when compared to other recently debated philosophical issues on justice. For example the question about what should be the so called “currency of justice”, which, while perhaps intellectually stimulating to ponder, might turn out to have no practical significance.<sup>7</sup> The issue of the scope of justice is obviously different in this regard. As pointed out by another philosopher, Derek Parfit, a societal restriction on the scope of justice is of immense importance since the greatest inequalities occur on the global scale.<sup>8</sup>

Many of those critical of the current state of affairs cite the following facts: in 1998 46 percent of humankind, or about 2,800 million people were living below the World Bank’s 2USD/day poverty line, and over 1,200 million were living on less than half this amount. At the same time the average income of the citizens of the world’s affluent population was about 50 times greater in purchasing power and about 200 times greater in terms of market exchange rates than that of the global poor.<sup>9</sup>

If we look at the last thirty years or so, the situation seems to have improved as population growth has slowed and productivity increased in some of the largest and poorest countries in the world, most notably China, India and Bangladesh. Over the last three decades, global poverty rates have been cut by a factor of almost three using any of the World Bank’s poverty indicators.<sup>10</sup> This trend is to be welcomed of course, yet it does not remove the pressing importance of answering what affluent owe to the poor. As economist Sala-

---

<sup>6</sup>Wade 2006, p. 136.

<sup>7</sup>Arneson 2005, pp. 130-1. The debate about the currency of justice concerns what metric one should use in order to assess the extent to which justice has been realized in a society. Well-being, primary goods, capabilities or some other notion of resources are the usual suspects. See Clayton and Williams 2000, pp. 8-15 for an overview.

<sup>8</sup>Parfit 1998, p. 8..

<sup>9</sup>See for instance Pogge 2002, pp. 2, 97-9 and Stiglitz 2002, p. 25.

<sup>10</sup>Sala-i-Martin 2006, pp. 389-92. See also Wolf 2004, pp. 157-63.

i-Martin remarks, the positive reduction of global poverty hides the uneven performance of various regions in the world. East and South East Asia account for a large fraction of the reduction in worldwide poverty, while Africa actually seems to have moved in the opposite direction. The poor economic growth performance of the African continent has significantly increased the poverty rates in this part of the world since the 1970s.<sup>11</sup>

Apparently, we still need to know the width of the scope of justice. Are we justified in maintaining a conventional view of justice where it is seen as a matter internal to the state, a view that maintains it is enough for rich countries to assist poor countries in situations of dire need and humanitarian disaster? Or, is the current situation so unjust that we need to radically change the way we live and the way the world works?

In this thesis, I will defend a particular view on the societal scope of justice and discuss its implications for the actions of wealthy states towards developing countries. The matter of finding out what justice demands in this respect becomes even more pressing in light of the phenomena usually grouped under the term *globalization*. It is often claimed that the globalization process places pressure on our conventional view of justice and challenges us to seriously revise or abandon it completely. The main purpose of my inquiry is to assess the merits of this claim.

Before proceeding, I need to state a common caveat attached to the analysis of globalization. We should be wary not to overstate the novelty of recent changes in the international arena. However it is measured – by the increased volume of trade, capital flows and labour migration, by the integration of goods and capital markets, or by something else – globalization has been with us for quite a while, at least from the mid-19th century.<sup>12</sup> The recent flourishing interest among political theorists in globalization and its implications for global justice can indeed be seen as a tardy game of catch-up with these developments.

## 1.1 Two Conceptions of Justice

To start, we can imagine two radically different reactions to the changes posed by globalization and their significance for global justice. One would be displayed by the *cosmopolitan*, who thinks that the demands of justice derive from a concern which we owe in principle to all our fellow human beings and who therefore does not attach any basic normative significance to the existence of state borders.<sup>13</sup>

A cosmopolitan might see certain phenomena of globalization as providing us with the material foundations for fulfilling our boundless duties for the first

---

<sup>11</sup>Sala-i-Martin 2006, p. 392.

<sup>12</sup>Beitz 2005, p. 14.

<sup>13</sup>Cf. Nagel 2005, p. 119.

time in history. Much the same as capital and people, information is also becoming a boundless resource and we can no longer claim ignorance regarding the facts of global poverty and inequality. In the past, communities in close proximity might not even have been aware of each others' existence, let alone have access to the institutional instruments required for redistributing goods between them. But this, it might be plausibly argued, has changed.<sup>14</sup>

The other reaction would be displayed by someone who sees justice as a *political conception*. From such a standpoint, justice should not be seen as something which is derived from an independent moral outlook. It is rather a specifically political value which is essentially intertwined with the existence of certain social institutions.

For cosmopolitans, on the one hand, the relationship between institutions and justice is purely instrumental. Institutions are just instruments for realizing the value of justice among all humans. Further, the cosmopolitan is expected to welcome a development where institutions designed to realize this value will eventually comprise all of mankind. But for someone with a political view of justice on the other hand, there is a deeper theoretical connection between institutions and the value of justice. The existence of social institutions is what gives the value of justice its application. Within the institutions of, say, a sovereign state, people are put into relations with each other that they do not have with those outside of their state. According to someone who sees justice as a political conception, these are the institutional relations which are to be evaluated by the principles of justice. So, justice is not some pre-institutional value which social institutions should be designed to realize. It is rather the existence of certain institutions that makes notions of justice applicable.<sup>15</sup>

For a political conception of justice, the pressing question to answer is: what are the relevant social institutions? It is by no means obvious that it is the institutions present in nation-states that provide the area of application for the principles of justice. The scope of justice might be wider or narrower than that. So, as a first step, someone who endorses a political conception of justice has to, by way of philosophical analysis, figure out which of our current social institutions have this internal connection with the value of justice.

In the next step we also want to know the extent of the relevant institutions. This is an empirical issue and one that the realities of globalization make even more pressing. If the institutions connected to the value of justice turn out to be the ones which are historically linked to the sovereign state, such as those associated with its coercive powers, is it really true that the institutions in question are still confined within state borders?

The cosmopolitan reaction to globalization then, might be to welcome this development since it promises to provide us with the means to realize our boundless duties of justice. To be sure, this is not the only possible reaction

---

<sup>14</sup>See Singer 2002, pp. 9-12 and Temkin 2004, pp. 380-1.

<sup>15</sup>Nagel 2005, p. 120.

for a cosmopolitan. The current development might also be seen as detrimental for the realization of justice. This is supposedly the position of some of those critics of globalization who subscribe to a cosmopolitan morality.

For someone who holds a political view of justice the reaction to globalization will, theoretically speaking, be more sceptical. It is not that she does not welcome the current development. On this issue the proponent of a political conception might be positive, negative or indifferent depending on her other values. But she will want to scrutinize what importance globalization really has for the issue of the scope of justice. She already acknowledges that there are in principle institutional restrictions on this scope. The question is where the bounds on justice should be set. In the end, it might turn out that globalization has no influence on the scope of justice whatsoever, and that we are justified in maintaining the conventional view where justice is seen as an internal matter of the state. Or we might conclude that, even from a political perspective, the scope of justice is indeed global, because the institutions we give prominence to now extend globally.

## 1.2 The Significance of Citizenship

In this book I will defend a political conception of justice that attaches limited significance to the changes in our world created by globalization. I will argue that justice in its full standard, by which I mean an egalitarian form of distributive justice, is still a matter internal to the state.

My reasons for disregarding the cosmopolitan conception will be given in the next chapter, and this book will not be so much a critique of cosmopolitanism as it will be a defence of a certain political conception of justice. This means, of course, that I criticize cosmopolitanism indirectly. But my main targets will be other political conceptions of justice rather than cosmopolitanism.

As I have already said, it is often claimed that in the face of globalization the traditional idea that the principles of justice are only applicable within a state has become obsolete. I will look at a number of philosophical approaches which are all versions of political conceptions of justice, and investigate what they promise in the way of extending justice beyond state borders. The purpose is twofold. I want to examine what the political conceptions under scrutiny have to say about the scope of justice, but I also want to know how well they fare particularly as political conceptions of justice. I will criticize these political conceptions for not providing us with the crucial link between principles of justice and the institutions they highlight as primary for justice. I claim that they are actually unable to explain why the institutions given prominence have anything to do with justice.

I will then present my own political conception of justice. I argue that the relevant institutional structure is the one of common *citizenship*. The view I take on citizenship is that it should be conceived of as a *role* which we

assume as subjects of a state and as individuals in whose name state authority is exercised. To see citizenship as a role means seeing it as a constellation of institutionally specified rights and duties organized around a particular social function.<sup>16</sup> These rights and duties partly define what it means to be a citizen and, as I will argue, part of what it is to be a citizen is to have certain duties of priority to fellow compatriots. An important upshot of interpreting citizenship as a role is that it manages to explain several complexities surrounding what it means to be a citizen. It manages, for instance, to capture the idea that laws are authorized by us as citizens of a state and we are expected to assume responsibility for them, even though we might not agree with every single state decision taken in our name.

In condensed form the argument is that there is a special relationship between a state and its citizens which, under the current state of affairs, has no counterpart in the global arena. This relationship is revealed in the particular role we are expected to take on as citizens of a state. The contents of this role go beyond the mere formal legal status of citizenship, and also encompass less formally specified rights and duties. Adherence to the duties of citizenship, most notably respect for the law, is maintained partly by state coercion. This coercion needs to be justified to those subjected to it. In a particular state then, the rights and duties of a specified role of citizenship have to be acceptable, upon reflection, to those who are expected to assume the role. Otherwise the coercion involved in upholding the law and maintaining other obligations of citizens would not be justified and the purported subjects of the state would have no reason to loyally commit to the duties of citizenship.

The specific contents of a role of citizenship acceptable to the subjects of a state may, and certainly do, vary between different states. But as a matter of historical fact there is a common core to the concept. In particular, principles of distributive justice must be represented in the rights and duties of citizenship. Or, at least, this is an argument I must follow in order not to fall prey to my own criticism of other political conceptions. I have to show that of those rights and obligations attached to citizenship, at least some are connected to distributive justice. I will argue that my political conception manages to establish a link to justice, or, more precisely, it manages to explain what characteristic of citizenship it is that creates obligations of justice. In my mind, the connection is based on the fact that large inequalities between citizens of a state threatens to undermine the loyalty necessary to uphold the practice of citizenship.

As it will turn out, my political conception of justice promises very little in the way of extending the scope of distributive justice. But this does not mean that the only moral requirements which the rich part of the world need to respect in their relations with the poorer part are humanitarian ones. I will only argue that it is justice in its full standard, that is justice concerned with relative

---

<sup>16</sup>See Hardimon 1994, p. 334, Goodin 1998, p. 322, and Nagel 2005, p. 128.

shares of resources between people, which is restricted to the institutional structure of common citizenship. But justice is more than this. Considerations of justice also enter when states interact with states. Most significantly, this is signalled by demands that international trade should be 'fair'.

### 1.3 A Trade-Based View of Global Justice

The sovereign state, through the institution of common citizenship, is in my view the sole structure which gives rise to concerns of distributive justice in its full standard. Here I disagree with cosmopolitans. But this does not rule out the possibility of there being a normative space for other concerns of justice which fall short of being concerns of distributive justice, but which still go further than the basic humanitarianism which is concerned merely with relieving suffering. This normative space encompasses for instance claims such that the international trade regime is unfair or exploitative.

I will focus on an argument by political philosopher Thomas Nagel in which he develops a political conception of justice with an extremely sharp normative dichotomy between sovereign states and global institutions.<sup>17</sup> He sees the former as the sole trigger of concerns of justice and the latter as simply governed by amoral bargaining. Nagel blatantly denies that any obligations that go beyond basic humanitarianism arise in a global context. I will argue against this sharp dichotomy and try to construct a pluralistic political conception which allows for duties of justice to arise in contexts beyond the sovereign state.

My idea is that states, by entering into joint political projects, acquire obligations of justice to each other. The most significant of joint political projects in our globalizing world is trade liberalization and the international trade which it facilitates. In my view, the reason why the international trade regime is not merely a regime based on amoral bargaining which gives rise to 'pure contracts', immune from considerations of justice, is precisely because it is a *political* project which requires long term commitments by states and involves significant costs in the short run. The project of trade liberalization deeply affects member states and requires their loyalty in order to survive. They can therefore make legitimate normative claims about the properties such a project needs to display in order for them to offer to it their commitment.

After developing this trade-based idea of global justice I will identify a couple of normative requirements, substantive as well as procedural, which I believe it entails.

---

<sup>17</sup>Nagel 2005.

## 1.4 A Brief Overview of the Book

This chapter provided a précis of the arguments contained in this thesis. In the next chapter I will explain the theoretical and methodological underpinnings of my study. I will also take a deeper look at cosmopolitanism and the political conception of justice and explain my reasons for adopting the latter view.

In the third chapter I will investigate what consequences globalization bears for three different specifications of the political conception of justice. What they have in common is that they see the emergence of certain social institutions as generating obligations of justice. What differentiates them however, is that they give prominence to different institutions. I conclude that one of these approaches, the one which sees common citizenship as the relevant institution, seems to be most plausible. At the same time however, this conception seems to promise the least when it comes to widening the scope of distributive justice beyond state borders.

The purpose of chapter 3 is to outline criticisms of other political conceptions than my own and to draw some tentative conclusions regarding citizenship. In chapter 4 I begin to develop a political conception of justice of my own and, as a part of this, elaborate on the notion of citizenship as a role which I believe is a useful conception for understanding the complexities of citizenship.

My political conception rests on the idea that there are so-called ‘special obligations’ between members of a state. There are strong objections to the general idea of special obligations between associates of any kind. In chapter 5 I try to respond to these objections. Chapter 6 also responds to a fundamental objection about the connection between special obligations and distributive justice. The objection states that it goes against our deepest convictions about justice to connect it to membership in a community. Over these two chapters I will argue that my conception of justice manages to tackle some of the problems that have faced the other conceptions, most importantly their inability to establish a link between the institutions they highlight and distributive justice.

In chapter 7 I ask what we owe to the global poor. The argument so far has been that principles of distributive justice do not currently extend globally. But this does not mean that we, in the rich part of the world, do not have any obligations whatsoever to the global poor. My main focus will be on international trade and the question of whether the institutions which facilitate trade liberalization give rise to any particular obligations for the states involved. I will also briefly discuss the World Trade Organization (WTO) and assess its rule-making procedures from the theoretical perspective developed in this chapter.

In chapter 8 I offer some brief concluding remarks.

## 2. Thinking About Justice

THESIS: Political theory is not about specifying and applying moral principles which are independent from our current political institutions and practices. Instead the purpose of political theory is to closely analyze practices, institutions and other structures of political life in order to specify the principles which they embody. From this approach follows a methodology in which our current institutions and practices are taken as starting points for an interpretative form of theorizing.

### 2.1 Political Theory as Constructive Interpretation

When you write a thesis you encounter innumerable choices about what to include and what to exclude. One of the hardest, if not *the* hardest choice is to decide where the argument should take off. Arguments always have premises and you cannot discuss them all. You have to decide which premises should be brought forth and which should be allowed to lurk in the background. Onora O’Neill has said that philosophical writing invites some difficult choices because this kind of writing aspires to sound argument. And the soundness of an argument seems to be at least partly determined by the extent of commentary and criticism of positions and arguments which proceed from starting points and end up in conclusions different from your own.<sup>1</sup> If you bring in too much of this kind of commentary however, your own argument might suffer death by drowning.

The previous chapter was the “what” of the argument to come. This chapter sets out to be the “how”. I will formulate the methodological and theoretical starting points of the argument and impart some of what is included and excluded.

Earlier I made clear that the focus of this book is quite narrow. I will construct a political conception of justice and explore its implications. The critical remarks I make will mainly be directed towards theorists holding other forms of political conceptions, that is theorists whose views are, after all, quite close to mine. An alternative way of proceeding would be to assume a wider perspective and deal with positions and arguments not so closely related to my own.

---

<sup>1</sup>O’Neill 1996, p. 1.

In this section, I will, by way of outlining a particular approach to political theory, try to explain why I have decided not to pursue that alternative. As an upshot, the alternative terrain will still be briefly mapped when I bring out the reasons for choosing my narrower path. So while in the rest of the book, some of the positions presented in this chapter will remain unexplored territory, they are still here for the reader to see.

## Moralism and Realism in Political Theory

Let me start by presenting a choice every political theorist has to make, implicitly or explicitly. This is the choice about what attitude one should take toward current political institutions. This choice could be seen as purely methodological. While the choice is methodological to a degree, I will argue that it has to be made from a deeper understanding of what political theory is all about. Michael Blake's distinction between *institutional* and *non-institutional theory*<sup>2</sup> can serve as a starting point for the discussion.

Blake explains that there are a variety of attitudes theorists might take toward the political institutions present in our world today. They could abstract away completely from the institutions we currently have, and ask what kinds of institutions we should construct if we were to start from scratch. Such an approach would be an exercise in *non-institutional theory* and it would not privilege the institutions we currently have over others we might have developed. The question of whether the world should be divided into sovereign states at all would be a perfectly valid question for a non-institutional theorist.<sup>3</sup>

At the other end of the spectrum, we find an attitude that would instigate the political theorist to ask what the institutions we currently have would have to do in order to be justified, instead of what institutions we ought to have in the first place. This would be a question for *institutional theory*, and it takes much more of the current world as a pre-theoretical given for purposes of analysis.<sup>4</sup> In institutional theory we do not ask whether we ought to have developed the world we have, but what our current institutions must do for their powers to be justifiable. As Blake points out, these two forms of theory should be regarded as ideal types. It is perfectly possible to develop forms of theory that mix both institutional and non-institutional forms of analysis.<sup>5</sup>

The two kinds of theory, in their ideal forms, are designed to answer different sorts of questions. It is quite clear however, that the institutional approach is best equipped to deal with questions which are most pressing in the current international arena. Blake says that “[i]f we want to ask what states as we know them owe to their own citizens and to others, we ought to begin

---

<sup>2</sup>Blake 2002.

<sup>3</sup>Blake 2002, pp. 261-2.

<sup>4</sup>Blake 2002, p. 262.

<sup>5</sup>Blake 2002, p. 262.

with states as they are currently situated – both in terms of the powers they possess and in terms of the territory over which they have authority.”<sup>6</sup> But, as Blake acknowledges, there are drawbacks to the institutional approach. Since it takes much of the current world, most notably the fact of state borders as a pre-theoretical given, this type of theory is not well-equipped to answer questions about for instance legitimate secession and territorial change. This only shows, says Blake, that no single approach can answer all the questions we need to address.

When discussing global justice, working with an institutional theory might be seen as controversial. Indeed, many who defend an ideal of global justice proceed from a radical questioning of the current political organization of the world. For the analysis in this book however, a mixed approach seems most promising. I will begin by discussing the changing nature of our world where the weakening of state sovereignty is at issue. The question I ask is what consequences these changes have for our traditional notions of distributive justice. A strictly institutional approach would see state borders as pre-theoretically given and would thus not be particularly well-equipped to provide any answer. It should be noted however, that my mixed approach still proceeds from real-world changes to the current institutional order. Indeed, we would be even less well-served by a strictly non-institutional stance. We still want present-day guidance and what we are interested in is how current changes affect existing institutions.

The wish for present-day guidance is an instrumental concern that would lead us to adopt an approach close to the institutional end of the spectrum. But I believe there are deeper theoretical reasons for why we should always make the methodological choice of taking current institutions as starting points for reasoning in political theory. Those deeper reasons stem from a certain realist view of how political theory should be carried out.

In his posthumously published book on political theory Bernard Williams distinguishes between *political moralism* and *political realism* as two different species of political thought. He describes political moralism as a general approach to political theory which treats the subject as something like “applied moral philosophy”.<sup>7</sup> Some political moralists, paradigmatically utilitarians, see politics as merely an instrument of morality where independently specified principles, concepts, ideals and values find their field of application. Others specify less comprehensive moral conditions of co-existence under which power can be justly exercised. They treat politics as something that needs to be structured in accordance with these basic conditions. Williams sees Rawls’s theory of justice as a paradigm of this latter form of political moralism.<sup>8</sup>

The moralistic approach is contrasted with what Williams calls ‘political realism’. Political realism gives “a greater autonomy to distinctively politi-

---

<sup>6</sup>Blake 2002, p. 262.

<sup>7</sup>Williams 2005, pp. 2, 77.

<sup>8</sup>Williams 2005, p. 1.

cal thought”.<sup>9</sup> From such a stance the job of the theorist is not to try and answer how independently specified moral principles and values apply in politics. Rather, it is to draw political morality from analyzing the unique social relations that structure political life.<sup>10</sup>

It should already be clear that from a realist approach to political theory, the choice between institutional and non-institutional theory is not merely methodological. According to political realism the facts of political life constitute the starting points of our theorizing and the point of political theory is to identify these facts and explore their implications. To assume an attitude which more or less ignores features so salient in political life as our current institutions would be to fundamentally misunderstand what political theory is all about. This does not mean that a realist approach always prescribes a purely institutional method. Sometimes institutions or practices we are trying to assess might be in states of change and we will need to introduce a measure of speculation about their natures. In such cases, our method will be a mixture of institutional and non-institutional theory. But since existing institutions always provide the starting point we will always be operating closer to the institutional end of the spectrum.

The distinction between political moralism and political realism is related to a popular distinction between *monism* and *dualism*.<sup>11</sup> Monism is the idea that legal, political, and other social institutions should primarily be thought of as the means people employ to achieve their collective political or moral goals, not as constituting a separate normative realm, requiring separate normative first principles.<sup>12</sup> On a monistic outlook institutions are given only a derivative warrant in that they are merely instruments for fulfilling independently established normative principles. Monism then, seems to coincide with a moralistic approach to political theory.

Dualism is the opposite view. It holds that at the fundamental level separate kinds of normative principles are involved in the assessment of institutions. Liam Murphy employs the distinction between monism and dualism in a discussion about whether we should, at the fundamental level, evaluate the justice of institutions with the same normative principles that apply to people’s choices.<sup>13</sup> But the distinction has wider application. As Thomas Nagel has pointed out, Rawls is famous for his dualist stance that different principles apply to different kinds of entities and that “the correct regulative principle for a thing depends on the nature of that thing.”<sup>14</sup> According to Nagel this anti-monism is essential for understanding both Rawls’s domestic theory of a just society and his view of the relation between domestic and international

---

<sup>9</sup>Williams 2005, p. 3.

<sup>10</sup>Cf. Yack 2006, p. 615.

<sup>11</sup>Murphy 1998, p. 254.

<sup>12</sup>Murphy 1998, p. 254.

<sup>13</sup>Murphy 1998, p. 253.

<sup>14</sup>Rawls 1999c, p. 25. Cf. Nagel 2005, p. 122.

principles.<sup>15</sup> In Rawls's domestic theory his dualism is evident in that the principles of distributive justice do not apply to individual conduct, but only to the basic structure of society, or to "the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation."<sup>16</sup> Neither do the principles apply to the relations between states, nor between individual members of different states. As Nagel remarks, these are all different types of relationships, and the principles that govern them have to be arrived at separately. They cannot be reached by simply extending principles from one case to the other. You cannot, for instance, arrive at principles of international justice by extending the principles of justice for the domestic case.<sup>17</sup>

While Williams criticized Rawls for being a political moralist, on this distinction between monism and dualism Rawls clearly falls in the latter camp. What are we to make then of the relationship between dualism and political realism? It all hinges on how we arrive at those first principles that are to govern the normative realm of social institutions. This is where Williams finds his complaint with Rawls's theory.

Williams acknowledges that there are important differences between moralistic theories such as utilitarianism where political action is seen as an instrument for enacting independently specified moral principles, and theories such as Rawls's which specify constraints on what politics can rightfully do. He calls the former *enactment* models and the latter *structural* models of political theory.<sup>18</sup> While enactment models are clearly monistic as well as moralistic, I am not convinced about the moralistic status of structural models. Williams might be overstating the difference between Rawls and himself. Or, it is at least possible to interpret Rawls in a way which makes him more of a political realist.

It is often claimed that Rawls's conception of justice took what might be called a "political turn" in his later writing. In *Political Liberalism* Rawls states that in his earlier work no distinction was drawn between moral and political philosophy, and that "a moral doctrine of justice general in scope is not distinguished from a strictly political conception of justice"<sup>19</sup>. But in *Political Liberalism* he sees these distinctions as fundamental and sets out to formulate a strictly political conception of justice. What characterizes such a conception of justice, according to Rawls, is firstly that it is worked out for a special subject, namely society's main political, social and economic institutions. Secondly, it is independent from any comprehensive moral doctrine.

---

<sup>15</sup>Nagel 2005, p. 123. The label 'anti-monism' might be more accurate than 'dualism' since, as Nagel points out, on dualist accounts there might be more than two levels at which moral principles independent from each other apply. For present purposes I will stick to the term 'dualism'.

<sup>16</sup>Rawls 1999c, p. 6.

<sup>17</sup>Nagel 2005, p. 123.

<sup>18</sup>Williams 2005, pp. 1-2.

<sup>19</sup>Rawls 1993, p. xv.

This means that Rawls's political conception of justice is not derived from any comprehensive view, such as utilitarianism, which has been applied to society's main institutions as if they "were simply another subject to which that doctrine applied."<sup>20</sup> Lastly, what marks out Rawls's political conception of justice is that its content expresses fundamental ideas implicit in the public political culture of a democratic society. Rawls explicitly says that his theory of justice "starts from within a certain political tradition".<sup>21</sup> All this seems to strongly suggest that the political turn in Rawls's writing was in fact a turn towards political realism.

Williams comments that while it is all true, it is telling that Rawls still says that his conception "is, of course, a moral conception"<sup>22</sup>. Williams also remarks on how moral conceptions still structure the theory to a great degree. In particular Williams points out that Rawls works out his solution to the problem of stability of a just society in terms of the *moral* powers of its citizens.<sup>23</sup> But Williams seems to be making too much of Rawls's use of "moral". Rawls says himself that in calling his political conception "moral" he means that its content is drawn from certain ideals, principles and standards, and that these norms articulate political values.<sup>24</sup> If this is all there is to his use of "moral" and if the political values are arrived at by analyzing ideas implicit in a public political culture, then clearly Rawls is a political realist by Williams's standards. Williams contrasts his own realist approach to political theory with moralistic approaches by saying for instance, when discussing the issue of political legitimacy, that the basic principle he defends "is implicit in the very idea of a legitimate state, and so is inherent in any politics."<sup>25</sup> I fail to see how this is different from Rawls's approach.

## The Method of Constructive Interpretation

The case for seeing Rawls as a political realist is made even stronger if we consider a recent contribution by Aaron James regarding the interpretation of Rawls's method.<sup>26</sup> James even seems to think that one should not overstate the political turn in Rawls's writing. He argues that Rawls has all along, in his earlier as well as in his later work, made use of a particular *constructive* method which takes existing social practices as its starting point. James describes Rawls's method step by step as: (i) beginning with identifying an existing social practice, including the goods it is meant to realize; (ii) identifying the practice's participants; (iii) designing a suitable original position, firstly by

---

<sup>20</sup>Rawls 1993, p. 12.

<sup>21</sup>Rawls 1993, p. 14.

<sup>22</sup>Rawls 1993, p. 11.

<sup>23</sup>Williams 2005, pp. 2, 77, n. 1.

<sup>24</sup>Rawls 1993, p. 11, n. 11.

<sup>25</sup>Williams 2005, p. 8.

<sup>26</sup>See James 2005a.

representing each participant in the practice as appropriately motivated by an interest in the goods the practice is meant to realize, and secondly to draw a “veil of ignorance” behind which all parties have the same information and where no one has knowledge of facts which would threaten to undermine the fairness of an agreement on the terms for distribution of the relevant goods; and finally (iv) determining the terms of organization the parties in the original position would agree upon. The terms agreed upon are the principles of justice which constitute conditions necessary for the practice’s being justly organized.<sup>27</sup>

James notes how Rawls’s method has *interpretivist* underpinnings. When principles are derived from the construct of an original position, this reasoning is partly grounded in a “constructive interpretation” of existing practices. Original position reasoning then, has no independent authority as a justificatory device, but must be grounded in an interpretation of existing social practices and their participating agents.<sup>28</sup> The realist view that the starting point for theorizing about politics must be existing political life does not mean that the theorist is confined to merely *describing* existing practices. There are numerous social practices which can plausibly be said to exist, and they all have parts which are inconsistent between as well as within them. To just describe them would not lead to any definite conclusions about principles of justice, only to further confusion. This is where the idea of constructive interpretation proves its value. James borrows Ronald Dworkin’s description of this method and outlines how a constructive interpretation of a social practice proceeds in three stages:<sup>29</sup>

In a first, “pre-interpretative stage” we establish the object of interpretation, by tentatively identifying a practice and its content in uncontroversial terms. Dworkin acknowledges that even at this early stage some interpretation is needed since “social rules do not carry identifying labels”.<sup>30</sup> Interpretation is necessary in order for us to be able to pick out a certain social practice in the first place. But as Dworkin also remarks, a great degree of consensus over the description of the practice is needed at this stage.

At the second, “interpretative stage”, we settle on some general justification for the main elements of the practice we have identified. Here we propose a characterization of the accepted purpose or aim of the practice.<sup>31</sup> Those purposes or aims must bear some rational relation to the practice identified. They do not need to fit every aspect of the practice, but the relation has to be

---

<sup>27</sup>James 2005a, p. 282.

<sup>28</sup>James 2005a, pp. 282-3.

<sup>29</sup>See Dworkin 1986, pp. 65-6 and James 2005a, p. 301. Dworkin develops this method in particular “for the study of law as a social practice”.

<sup>30</sup>Dworkin 1986, p. 66.

<sup>31</sup>Cf. James 2005a, p. 301.

strong enough “for the interpreter to be able to see himself as interpreting that practice, not inventing a new one.”<sup>32</sup>

At the third and final “post-interpretative” or “reforming” stage, we adjust our sense of what the practice really requires in order for the general justification suggested in the interpretative stage to work. In other words, we specify the principles which are needed to structure the practice so that it will achieve the goal or aims identified earlier.

As James correctly remarks, a reliance on this method of constructive interpretation does not force the political theorist to describe existing practices in ways which enshrine obvious forms of injustice.<sup>33</sup> There is plenty of room for normative critique of current practices for someone working with this method. I will get back to this important issue later. Here I only want to affirm James’s statement.

The method of constructive interpretation informs the arguments I make in this book. But I have a few reservations regarding James’s characterization of the method. First, James’s version of the method makes it dependant solely on social practices. James assumes Rawls’s understanding of social practices, or institutions, and characterizes them as “any form of activity specified by a system of rules which define offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure”, and Rawls offers “games and rituals, trials and parliaments, markets and systems of property.”<sup>34</sup> I will not diverge from this understanding of a social practice, but merely point out that there are other forms of social relationships, such as those between friends and family, which are not practices in this sense but which the political theorist could still analyze in order to discover their normative content, and I see no reason for restricting the method in a way that makes it inapplicable to such relationships.<sup>35</sup>

Second, I will diverge from the Rawlsian version of constructive interpretation, or perhaps more correctly James’s Rawlsian version of the method, at the point where an original position is designed. My idea of how this step should be made is different, inspired more by Bernard Williams and therefore also, I believe, more true to the realist approach to political theory. I will have more to say about this later.

In chapter 4 I will identify an existing social practice – *citizenship* – and interpret it in terms of a *role*. The participants in this practice will be identified as those subject to the coercive powers of a state. I will also tentatively suggest contents for the principles of justice in chapter 5 and 6, although this is not the main purpose of my study. I will only do this in order to show that there

---

<sup>32</sup>Dworkin 1986, p. 66.

<sup>33</sup>James 2005a, p. 286.

<sup>34</sup>Rawls 1999a, p. 47, n. 1. I will often talk about “institutions *and* practices”, but in fact social institutions are just a particular kind of social practice where the system of rules is public and sanctioned by coercive measures, see for instance Føllesdal 2000b, p. 592.

<sup>35</sup>See Meckled-Garcia (2007) for a similar point.

is indeed a connection between the practice identified and the principles of justice.

In chapter 7 constructive interpretation is once again put to use. This time the practice identified is international trade, and it is interpreted in terms of an ongoing political project, as opposed to pure bargaining. Once again, I tentatively suggest regulative principles necessary for the practice to be justly organized.

## Walzerian interpretivism

The method of constructive interpretation shares some of its characteristics with the interpretative method of Michael Walzer.<sup>36</sup> But there is one crucial difference. Walzer's idea is that we can determine normative principles, notably criteria of just socio-economic distribution, by submitting a suitable sociological interpretation of what he calls a "sphere" of human activity and of the social meanings of its associated goods. What Walzer's method has in common with the method of constructive interpretation is the idea that we can arrive at normative conclusions about which principles should regulate a practice, or "sphere", by analyzing the very nature of that practice. But where Walzer thinks sociological description and social meanings are enough to determine principles, constructive interpretation introduces a post-interpretative stage which leaves room for questioning and reform. In the Rawlsian version this is the stage where original position reasoning enters.<sup>37</sup> As I have said, my post-interpretative device will look different. But it is still there, and that takes my version of constructive interpretation farther than the Walzerian form of interpretation.

Walzer's applications of his interpretivist methodology are sometimes accused of lacking in transparency, or even of being "slippery" and inconsistent. In order to avoid the charge that his method of determining principles of justice from analyzing already established culturally contingent values and meanings leads to an excessive conservatism and threatens to condemn us to something of a social bondage, Walzer replies that his approach leaves room for an "immanent criticism" from within cultures. But this is where the intransparency of his methodology enters. It is far from apparent how Walzer believes the political thinker should go about choosing between different values and practices or other aspects of our cultures or traditions.<sup>38</sup> Sometimes it even seems as if Walzer is engaging in revisionism in order to make immanent criticism possible. He claims for instance that there "has never been a political community that did not provide, or try to provide, or claim to provide, for the needs of its members as its members understood those needs."<sup>39</sup> This seems

---

<sup>36</sup>See Walzer 1983.

<sup>37</sup>Cf. James 2005a, p. 301, n. 39.

<sup>38</sup>Cf. Armstrong 2000, pp. 88-9.

<sup>39</sup>Walzer 1983, p. 68.

plainly false. We can easily find examples of more or less totalitarian communities that disprove Walzer's factual statement.<sup>40</sup> Walzer tries to deal with counterexamples by arguing that they do not count as communities in the appropriate sense.<sup>41</sup> But this either seems question-begging, or it re-introduces the problem of intransparency since it is not obvious why we should prefer a community in the Walzerian sense over a community in the "inappropriate" sense.<sup>42</sup>

I submit that the problems of intransparency, or even inconsistency, in Walzer's methodology stems from the lack of an explicitly formulated post-interpretative step in the reasoning. I will not have this problem.

## 2.2 Cosmopolitanism and Political Conceptions of Justice

The purpose of the previous section was to outline a particular approach to political theory which I endorse. With this approach now established, I turn to the subject of *justice*. From a background of political realism it will appear quite natural to chose to develop a political conception of justice.<sup>43</sup> But I shall nevertheless outline the alternative.

Thomas Nagel has recently described two radically different conceptions of the nature of justice – *cosmopolitanism* and *the political conception*.<sup>44</sup> The important difference between these conceptions lies in the status they accord the relationship between justice and social institutions.

### Cosmopolitanism

Those who criticize the conventional view of justice and argue that obligations of distributive justice extend beyond the borders of the nation state often characterize themselves as *cosmopolitans*. A cosmopolitan could be described as, in Larry Temkin's terms, a "moral purist" who relies on familiar claims about impartiality and universalizability "to assert that the dictates of justice have no bounds, that they extend with equal strength across space and time."<sup>45</sup> The idea is that the demands of justice derive from an equal concern that we owe in principle to all our fellow human beings.<sup>46</sup>

According to this kind of cosmopolitan conception, there are no deeper theoretical reasons for restricting the scope of justice. And the institutions to

---

<sup>40</sup>Cf. King and Waldron 1988, p. 438.

<sup>41</sup>Cf. Walzer 1983, p. 484.

<sup>42</sup>Cf. King and Waldron 1988, p. 438.

<sup>43</sup>After writing this thesis I learned that, in a forthcoming article, Sangiovanni (2007b) also defends a political conception of justice from a background of political realism.

<sup>44</sup>See Nagel 2005, p. 119.

<sup>45</sup>Temkin 1995, p. 72.

<sup>46</sup>Nagel 2005, p. 119.

which standards of justice are to be applied are in a monistic fashion seen merely as instruments for fulfilling the boundless duties.<sup>47</sup> As a matter of fact institutions are only selectively available so it might be the case that we are only able to live on just terms with our compatriots, but this is viewed by the monist cosmopolitan as deeply unfortunate. We should, says the cosmopolitan, wish for the emergence of a common system of institutions for the world as a whole that could realize the same standards of justice for everyone.<sup>48</sup>

To be sure, cosmopolitanism comes in both “radical” and “mild” forms.<sup>49</sup> Radical cosmopolitanism makes two claims, one positive and one negative. The positive claim is that there are global principles of distributive justice, and the negative is that there are *no* principles of distributive justice which are merely state-wide or nation-wide. Mild cosmopolitanism only affirms the positive claim and can accept the idea that fellow compatriots hold special obligations of distributive justice to each other.<sup>50</sup>

We could for instance imagine a mild cosmopolitan who argues that justice could be realized in a federal system, in which members of nation-states have special responsibilities toward one another, but where this is legitimate only against the background of a global system which prevents such special responsibilities from generating injustices on a larger scale.<sup>51</sup> This would be analogous, according to Nagel, to the idea that within a state people should be allowed to pursue their private ends only against a background of institutions which ensures that this will not generate societal injustice. What distinguishes the cosmopolitan position in its radical as well as mild form is that it does not acknowledge any moral discontinuity between what justice dictates on the domestic and international level. The moral basis for the requirements of justice is universal in scope.

There are of course important differences in the moral foundations which different cosmopolitans embrace, that is, there are many different cosmopolitan *theories* such as utilitarianism, liberal egalitarianism and libertarianism.<sup>52</sup> Here I am not concerned with these different cosmopolitan theories. Cosmopolitanism in the sense used here should be seen as an overarching conception of justice.

## Dualist Cosmopolitanism

Thomas Pogge, who is a well-known proponent of international redistribution, makes a distinction between *institutional* and *interactional* forms of cosmopolitanism. For institutional cosmopolitanism the principles of justice are

---

<sup>47</sup>Nagel 2005, p. 119. See also Scheffler 2001, p. 112.

<sup>48</sup>Nagel 2005, p. 119.

<sup>49</sup>Caney 2001, p. 975.

<sup>50</sup>Caney 2001, pp. 975-6.

<sup>51</sup>Nagel 2005, p. 120.

<sup>52</sup>Cf. Nagel 2005, p. 119.

concerned with the distribution of resources within institutions and the responsibilities of justice assigned to institutions. On the interactional approach principles of justice are concerned with the behaviour of individuals and obligations of justice hold between humans regardless of whether or not they are members of the same institutional structures.<sup>53</sup>

Pogge's distinction muddles an important issue since, as Beitz points out, there are actually two distinctions at work here. The first is between "(1) theories that impose requirements primarily on institutions and practices and (2) those that impose requirements primarily on individuals and groups."<sup>54</sup> We have already encountered this distinction in Rawls's 'dualist' domestic theory of justice was described as dualist, that is as a theory of type (1), in that his principles of justice did not apply to individual conduct, but to the basic structure of society. The second distinction is between "(a) theories that justify their requirements in ethically significant aspects of peoples relationships and associations [...] and (b) those that justify their requirements in other ways."<sup>55</sup> Pogge combines (1) and (a) into his institutional form of cosmopolitanism. But it seems that (a) is actually incompatible with cosmopolitanism as I, following Nagel, have defined it. It is not possible to ground requirements of justice in allegedly ethically significant aspects of people's relationships and associations while at the same time holding that the same fundamental moral principle regulates our dealings with all other humans regardless of whether we stand in any kind of relation to them or not. Institutional cosmopolitanism introduces a moral discontinuity between those who share an institutional structure and those outside of it. This makes institutional cosmopolitanism dualistic and it is clearly incompatible with the cosmopolitan conception of justice. How then, can Pogge call his theory cosmopolitan?

It is important here to keep the question of whether the scope of justice is institutionally restricted, that is whether considerations of justice are applicable only within an institutional structure of some sort, from the question of what implications the answer has for global justice. In order to separate the two questions we can distinguish between *institutional* and *societal restrictions* on the scope of justice. The importance of keeping the issue of an institutional restriction from the question of its implications for global justice is apparent since it is possible to, as Pogge does, affirm the existence of an institutional restriction while at the same time denying that justice is societally restricted and less than global in scope. What Pogge argues is simply that the relevant institutions currently encompass the whole world and for this reason principles of justice should be globally extended.

Dualist cosmopolitanism is an inherently unstable position since the institutions to which are given prominence might undergo changes. The scope of the institutions and thusly the scope of justice might be widened or narrowed. This

---

<sup>53</sup>Pogge 2002, p. 170.

<sup>54</sup>Beitz 1999a, p. 289.

<sup>55</sup>Beitz 1999a, p. 289.

is not a critique, merely an observation. Indeed, the position I will defend is also unstable in much the same way. I make this observation in order to clarify that in contrast with the purist version of cosmopolitanism, it is an empirical matter whether a dualistic cosmopolitan conception of justice is indeed cosmopolitan in the sense that it does not implicate any societal restrictions. For this reason I suggest that dualist cosmopolitanism should rather be seen as an example of a political conception of justice.

## The Political Conception

In contrast to the cosmopolitan conception of justice stands a conception which Nagel calls *political*. The reason for why he calls it ‘political’ is that “it is exemplified by Rawls’s view that justice should be understood as a specifically political value, rather than being derived from a comprehensive moral system, so that it is essentially a virtue – the first virtue – of social institutions.”<sup>56</sup> On a political conception of justice the relationship between social institutions and distributive justice is not instrumental, as was the case with cosmopolitanism. Instead there is a deeper moral connection between social institutions and distributive justice. The idea is that the emergence of certain social institutions or of certain relationships generates obligations that would not otherwise exist.<sup>57</sup> Thomas Nagel puts it this way:

On the political conception, sovereign states are not merely instruments for realizing the preinstitutional value of justice among human beings. Instead, their existence is precisely what gives the value of justice its application, by putting the fellow citizens of a sovereign state into a relation that they do not have with the rest of humanity, an institutional relation which must then be evaluated by the special standards of fairness and equality that fill out the content of justice.<sup>58</sup>

I believe Nagel’s understanding of the political conception is too narrow and prematurely assigns normative primacy to the institutions of sovereign states. We saw for instance, with Pogge’s dualist cosmopolitanism that it actually posed an institutional restriction on the scope of justice, and while no societal restriction followed it still distinguished the position from pure cosmopolitanism. Just as with cosmopolitanism, I want it to be possible for our understanding of the political conception to encompass several different theories. I want it to include such theories as dualist cosmopolitanism and others that defend institutional restrictions on the scope of justice.

It is quite odd to, as Nagel does, introduce an asymmetry between cosmopolitanism and the political conception which allows one but not the other to encompass several different theories. I shall therefore take a wider under-

---

<sup>56</sup>Nagel 2005, p. 120.

<sup>57</sup>Cf. Murphy 1998, p. 271.

<sup>58</sup>Nagel 2005, p. 120.

standing of the political conception of justice as a conception where the existence of social institutions gives the value of justice its application. On a political conception justice is something we owe through our shared institutions only to those with whom we stand in a strong political relation. It is, what is often called, an *associative* obligation.<sup>59</sup> Ronald Dworkin is usually referred to as the theorist responsible for coining this term of *associative obligations*. He defines them as “special responsibilities social practice attaches to membership in some biological or social group”.<sup>60</sup> Whether the relevant institutions are those of sovereign states will on this understanding of a political conception remain an open question until we have decided how the most plausible version of such a conception should be construed.<sup>61</sup>

This understanding of what distinguishes a political conception of justice is also much weaker than the one put forward by Rawls presented earlier in this chapter. This understanding does not necessarily presuppose the realist idea that the conception of justice needs to be drawn from existing social practices. It is quite possible to construct a political conception of justice in this sense, from a moralistic standpoint. What this idea of what constitutes a political conception has in common with Rawls’s understanding are the two other features he mentions: that it is constructed for a particular subject, although the subject varies between different political conceptions; and that it is independent from comprehensive doctrines. While the conception of justice I will construct certainly is political in the stronger Rawlsian sense, this is not true of some of the other conceptions I present in the following chapter. I therefore assume Nagel’s weaker understanding of the idea.

It should be noted that, as we have already observed with dualist cosmopolitanism, the political conception is subject to instability concerns. In *The Law of Peoples* John Rawls argues that unlike citizens in well-ordered societies, states do not exist in an environment in which they can make valid redistributive claims towards each other.<sup>62</sup> Such an argument is clearly open to concerns of instability, as the international environment is changing.<sup>63</sup> In other words, the boundaries for the application of principles of justice might change, and the map of justice will have to be redrawn as institutional structures of our world change. These remarks will be of importance for the discussion in the following chapter where I will present a number of political conceptions of justice and ask how they fare in the light of globalization.

---

<sup>59</sup>Nagel 2005, p. 121.

<sup>60</sup>Dworkin 1986, pp. 195-6.

<sup>61</sup>See Cohen and Sabel (2006, pp. 4-9) for a similar claim.

<sup>62</sup>Rawls 1999b, pp. 113-5. See also Risse 2005c, p. 98.

<sup>63</sup>Risse 2005c, p. 99.

## Why Not Cosmopolitanism?

The institutional and non-institutional approaches I introduced earlier are methodological, and as such are independent from different views concerning the nature of justice expressed by cosmopolitanism and the political conception. To illustrate this, we can outline how an argument for a political conception might proceed. One could start with an existing institution and ask whether this institution, in order to be justified, gives rise to obligations of distributive justice. If it turns out that it does, we have a political conception of justice. But the answer could also turn out to be negative and we should then either look for other institutions which might provide the basis for a political conception. Or we should, with the support of further arguments, conclude that the whole idea of a political conception is not plausible. In chapter 3 my argument runs along lines similar to this. But we could also adopt a non-institutionalist approach and evaluate a number of hypothetical institutions and ask whether any of these theoretical constructs give rise to obligations of justice. From a constructivist standpoint such a project, while certainly possible, would be without point.

Cosmopolitans would perhaps prefer a non-institutional attitude and work out an institutional scheme that would best realize the independently established value of distributive justice. But they could also adopt an institutional stance to assess existing institutions from the independently established point of view of justice. If needed they could suggest how these institutions ought to be changed in order to better function in accordance with the principles of justice.

From a realist standpoint we can quickly discard the cosmopolitan project of extending the requirements of justice across space and time from a background of impartiality. But we need to know of course, why we should be realists in the first place. I will attempt an outline for such a rationale later in this chapter. But I should mention an important general rationale provided by Aaron James for why we, when we ask what justice demands from us, should begin by looking at existing institutions and practices and construct principles by interpreting and critically assessing the norms inherent in them.<sup>64</sup>

As outlined earlier, Williams observed that structural models of political theory such as the Rawlsian theory of justice specify constraints on what politics can rightfully do.<sup>65</sup> Or more generally, you could say that justice reasoning presents constraints on the manner in which different forms of activity are carried out. This should be contrasted with optimality conditions that point out ideal goals towards which we should strive. James also picks up this point and stresses the intuitive plausibility of a constraint interpretation of justice. He thinks an interpretation in terms of constraints is appealing because it captures the intuition that a certain priority is due to considerations of justice and

---

<sup>64</sup>See James 2005a, pp. 295-6.

<sup>65</sup>Williams 2005, p. 2.

should be a structural feature of social justice principles. Social injustice, says James, is a kind of wrongdoing we have overriding reasons to avoid. To tolerate injustice is not simply a failure to promote a worthy ideal. Optimizing views of justice by contrast, which see the realization of justice as consisting, at least in part, in the attainment of an ideal goal, often concede that justice may have no priority over other values.<sup>66</sup>

The cosmopolitan position in its purist, monistic variant provides us with an ideal towards which we should strive. This is obviously an *optimizing* view of justice. But if principles of justice should work as normative constraints rather than ideal goals we should aim instead at developing a political conception. Such a conception understands these principles as requirements that a particular form of activity must conform to in order to be just, rather than as optimality conditions.

### 2.3 Justice, Humanity and Fairness

Nagel states that a way to fundamentally resist cosmopolitanism would be to deny that there is a universal pressure toward equal concern, equal status, and equal opportunity. He invokes a distinction between justice and humanity and says that one could admit “a universal humanitarian requirement of minimal concern” but beyond these basic humanitarian duties no further requirements of equal treatment could be advanced. This is because according to the political conception of justice requirements of equal treatment depend on a strong condition of associative responsibility and such responsibility is created by specific and contingent relations, such as fellow citizenship.<sup>67</sup>

As Nagel points out, the idea of a distinction between obligations of justice and of humanity implies a strongly differentiated system of moral obligations. For the version of a political conception which he defends, where primacy is given to the institutions of sovereign states, this would mean that if the conditions of even the poorest societies should come to meet a liveable minimum, his political conception might not even acknowledge a general humanitarian claim for redistribution.<sup>68</sup>

#### A Normative Discontinuity

Several political theorists besides Nagel have formulated distinctions to the effect that there is a fundamental discontinuity between obligations of justice and obligations of humanity.<sup>69</sup> I will also invoke this distinction. I should perhaps stress here that neither I nor any other theorist using this distinction

---

<sup>66</sup>James 2005a, p. 296.

<sup>67</sup>Nagel 2005, p. 125.

<sup>68</sup>Nagel 2005, p. 125.

<sup>69</sup>See for instance Barry (1982) for a similar distinction.

is interested in making merely a terminological point. Someone might object that as soon as we are dealing with moral considerations of redistribution of resources we are in fact discussing distributive justice. Or one might perhaps hold an even wider view of what justice means, and use the term to mark out the distinction between those acts that are morally required and those that are supererogatory.<sup>70</sup> But this would unreasonably stretch the concept. I agree with Brian Barry when he says that such usage of the term ‘justice’ seems “to result in the blunting of our moral vocabulary and therefore to a loss of precision in our moral thinking”. Furthermore I also agree with Barry that what distinguishes justice from other forms of moral consideration is that it “points to a particular set of reasons why people (or societies) may have duties to one another and to particular features of institutions that make them morally condemnable.”<sup>71</sup>

But, once again, the terms are not what primarily interest me. I am mainly concerned with pointing out the *normative* discontinuity between those obligations that are based on considerations of humanity and those that are based on considerations of justice. I also want to demonstrate how the demands made by these different types of obligations differ in content. As a way of explicating this moral discontinuity I utilize the distinction between obligations of justice and obligations of humanity.

The idea is simply that while obligations of humanity hold because of the absolute need of people we are in a position to help, obligations of distributive justice are concerned only with as Nagel puts it “the relations between the conditions of different classes of people, and the causes of inequality between them.”<sup>72</sup> This idea could be expressed in the quite familiar distinction between *absolute* and *relative deprivation*. Michael Blake points out that there are two different ways to evaluate an individual’s bundle of resource holdings.<sup>73</sup> One way would be to look simply at that bundle in isolation from those held by others. Sometimes such an analysis would be sufficient to demonstrate that something morally problematic has occurred. This would be the case when someone faces a situation of drastic poverty and deprivation, and where we believe this situation to be remediable by human agency. Then we would think that it is possible to articulate a moral obligation towards that person, even without looking at how her bundle of resources compare to those of others. As Blake goes on to point out, the analysis of poverty often take this form and we can understand such an analysis of an individual’s bundle of resources as an analysis of absolute deprivation. The moral problem of cases like these does not make any appeal to the holdings of others. That other people might

---

<sup>70</sup>Cf. Barry 1982, p. 226.

<sup>71</sup>Barry 1982, p. 226.

<sup>72</sup>Nagel 2005, p. 119.

<sup>73</sup>Blake 2002, pp. 258-60.

have more resources is not an essential part of the moral claim, but it might be a signal that the deprivation in question could be remedied.<sup>74</sup>

However the idea of absolute deprivation does not cover all the cases in which we perceive someone's resource holdings as morally problematic. Sometimes, we seem to look instead to the difference between individuals' bundles of resources for the source of our moral concern. In cases like these our concern is not simply with absolute deprivation, but with relative deprivation as well. The resource holdings of the well-off are not only a signal that deprivation can be remedied, rather they are "an integral part of our moral condemnation of the distribution."<sup>75</sup>

## Distributive Justice and Fairness

The question now, is how we should respond to the global inequality that undoubtedly exists. Are we justified in primarily concerning ourselves with absolute deprivation abroad, and reserving our concern for relative deprivation for the domestic arena?<sup>76</sup> In the past this seems to be what we have tended to think. But this conventional view has of course been the subject of extensive criticism from cosmopolitan thinkers.

Nagel's statist political conception of justice is designed to defend the conventional view and similar moral conclusions have recently been defended by other political theorists. I will also defend the idea of a moral discontinuity between obligations of justice and obligations of humanity. But my story does not end there. Apart from those duties which concern absolute and relative deprivation, I will argue that there are other duties of importance to the relations between the world's rich and poor. Some of these duties could properly be described as obligations of justice in a wider sense concerning such things as fair trade, international organizations and other features of globalization.

As I will try to show, the statist interpretation of the political conception which Nagel outlines is exceptionally parsimonious.<sup>77</sup> Not only does it say that the existence of a sovereign state is necessary for the applicability of obligations of justice concerned with relative deprivation. It also says that *any* duties beyond those based on the moral minimum of humanitarian concern depend on the condition of associative responsibility created by fellow citizenship. I will defend a weaker version of a statist political conception where this condition of associative responsibility is necessary to trigger obligations of justice in a narrow sense, that is obligations concerned with relative deprivation, but where there is still room for obligations more demanding than humanitarianism directed towards those living outside of our state. I will also argue that while the obligations of justice in their full standard have been

---

<sup>74</sup>Blake 2002, p. 259.

<sup>75</sup>Blake 2002, p. 259.

<sup>76</sup>Cf. Blake 2002, p. 259.

<sup>77</sup>See Cohen and Sabel (2006, pp. 4-5) for a similar claim.

largely unaffected by the advent of globalization, these processes have triggered another set of duties more demanding than humanitarianism.

For the purpose of this thesis justice is taken to mean for the better part *distributive justice*. Distributive, or socio-economic justice has to do with the proper distribution of benefits and burdens among persons and a just distribution is one where each person receives what she can legitimately claim as a matter of *right* or *entitlement*.<sup>78</sup> However, distributive justice in its full standard, concerned with relative resource holdings between individuals, is but a subspecies of justice in a wider sense. In order to avoid confusion I will employ the concept of *fairness* to refer to justice in a wider sense.

Even more generally, fairness could be said to be about agents receiving what is *owed* to them on the basis of so called *stringent claims*.<sup>79</sup> As we will see, agents of fairness do not necessarily have to be people. They can also be collectives, such as states. Stringent claims include rights and entitlements, but claims of other kinds can also be relevant. Which claims are relevant has to be the subject of a general theory of justice. The same is true about what can be owed. We can talk about what can be owed to agents as *resources* in a wide sense, which include not only material resources but also such things as power or influence. In the end, what the relevant resources are must, once again, be established by a general theory of justice. Here I only wish to note that justice is undeniably a complex notion and that there is indeed a conceptual and, as I will argue in chapter 7, a normative space for justice concerns which do not rely on the strong associative responsibility between citizens of a state, and that go beyond the demands of mere humanitarianism.

## 2.4 Justification

I have already mentioned that the post-interpretive stage in my argument will differ somewhat from Rawlsian original position-reasoning. Remember that what we do at this stage is to draw out the requirements that must be fulfilled for a social practice, or institution, to achieve its inherent goal or aim as it has been interpreted at an earlier stage of theorizing. Or for short, we identify how the practice or institution should be structured in order to be justified. The subject of justification will reappear in chapter 5. Here I will provide an outline of my preferred procedure for justification. Admittedly, since this is not a metatheoretical study my comments will be rather brief and this will be more of a *précis* than a defence.

---

<sup>78</sup>Cf. Jones 1999, p. 3.

<sup>79</sup>See for instance Broome (1999), Hooker (2005), Risse (2007*a,b*), and Temkin (2004, pp. 366-8) for related discussions.

## Problems With Contractualism

A quite common approach to justification in political theory is contractualism. On a contractualist view, political arrangements are morally acceptable just in case no one subject to them could reasonably reject them. No one that is, who is motivated to live in conformity to norms that no one similarly motivated could reasonably reject.<sup>80</sup> My strategy for justification also rests on the idea that justification is owed to each subject of a political arrangement. In particular, I will argue that it is the state that has to offer its subjects a justification for its exercise of political power.

But following a realist approach to political theory, I side with Williams in his idea that political theory should be in a sense local, rather than universal. This means that justification must be addressed to individuals in a particular place and time, and have persuasive force in the light of standards accessible to them in their historical situation.<sup>81</sup> This is an important departure from the impartialist measures of ordinary contractualism.

This idea rests on Williams's thesis that reasons for action in general must start from something in peoples' subjective motivational set – that reasons must be “internal” rather than “external”. In the end this means that political morality cannot aspire to any kind of objective validity. It will be irreducibly perspectival.<sup>82</sup> Williams argues that there is an unbridgeable gap between the impartial and the individual moral point of view. Further, an impartial or external point of view such as the one adopted by contractualism is actually not possible. Political, as well as any other form of morality cannot be constructed from an impersonal point of view separated from the lived life. Even theoretical reflection on matters of politics or morality is always informed by “a sense of the moral shape of the world”. Without a starting “inside” point of view, theoretical reasoning cannot even get off the ground.<sup>83</sup>

Nagel has written about how justification in political theory must present itself to people first in their status as occupants of an impersonal standpoint, and second as occupants of particular roles within an impartially acceptable system. He believes that ignoring the second part is to “risk utopianism in the bad sense”.<sup>84</sup> I agree with Nagel on this last point, but at the same time I see his reasoning as backwards. This requirement of dual justification rests on Nagel's observation that personal as well as impersonal justification has a part in morality. He talks about how when one “descends” from the level of impersonal assessment and contemplates “playing one's role in a social institution”, the claims of individual life, personal commitments and projects assert themselves and prevent the realization of what is impersonally desired.

---

<sup>80</sup>Cf. Scanlon 1998, chs. 4-5.

<sup>81</sup>Williams 2005, pp. 4-5.

<sup>82</sup>Williams 1985. Cf. Nagel 2006.

<sup>83</sup>Williams 1985, pp. 108-11.

<sup>84</sup>Nagel 1991, p. 30.

What it is reasonable to do, says Nagel, depends on the full range of reasons operating in our lives.

The problem is to reconcile these two parts of morality. Nagel's idea is that legitimate considerations for the individual point of view must ultimately rest on an impersonal perspective. When we consider what weight to accord to personal motives in general we should not allow our judgement to be influenced by the personal motives which are specifically present in us, but rest on an assessment of the personal motives which have general validity and therefore can be impersonally acknowledged. At the same time however, Nagel also says that we will "be influenced by the recognition of the force and importance of those motives for anyone".<sup>85</sup> The difficulty Nagel has transcending the personal perspective is significant. Of course we must be influenced by recognizing the force and importance of personal motives when assessing them from an "impersonal" point of view. How else would we know where to start? And how could we then still call the assessment 'impersonal'?

Following Williams, I believe there is indeed an unbridgeable gap between the 'impersonal' and the 'personal' moral point of view. Nagel's attempt at reconciling them is ultimately unsuccessful. If political morality is to be justified at all, its justification will have to be irreducibly perspectival. This does not mean that we cannot recognize a discontinuity between personal and political morality. They constitute different species of normative structures which have to be justified on their own terms. The mistake is to see political morality as 'impersonal' in the sense that it is arrived at from some impersonal standpoint. Political morality is 'personal' in the sense that its justification must be addressed to individuals in a particular place and time.

Another problem associated with contractualism is that it can only deliver definite justifications because it incorporates political conditions or ideals we already accept, independently of a contractualist defence.<sup>86</sup> The parties of a contractualist procedure would only be prepared to accept its outcome if it squares well with their already established sense of the moral shape of the world. My point is that the political conditions or ideals that contractualists have to sneak into their justificatory device in order for it to deliver definite answers are bound to particular places and times. If contractualists accept this idea, they have left behind their impartial or external point of view.

All this does not mean, as I have already touched upon, that we need to uncritically accept our current moral dispositions, practices, motives or whatever it is we are assessing. There is room for critical reflection. The standpoint we assume must be perspectival. But we can abstract away from it. The point is that we do not, as Nagel suggested, "descend" from the level of impersonal assessment and contemplate "playing one's role in a social institution". We

---

<sup>85</sup>Nagel 1991, p. 31.

<sup>86</sup>This kind of critique has been raised by for instance Nussbaum (2006, pp. 81-3), Ripstein (1987), and Weale (2004).

are already inescapably playing those roles. And they constitute that moral shape of the world from which theoretical reflection on politics must take off.

But how then, are we supposed to abstract away from our current social practices, institutions or roles to assess them in order to reach a judgement on whether they are justified? Here I will present a modest suggestion.

## The Test of Loyalty

My idea rests on the notion that those practices, institutions or roles which are justified, and thus give rise to obligations, are those which we have reason to value.<sup>87</sup> And what we have reason to value is decided through a process of *reflective acceptability* where the practice or institution in question is subjected to a *test of loyalty*. When discussing in particular social roles, Michael Hardimon outlines the basic idea:

To say that a social role is *reflectively acceptable* is to say that one would accept it upon reflection. Determining whether a given social role is reflectively acceptable involves stepping back from that role in thought and asking whether it is a role people ought to occupy and play. Determining that a given social role is reflectively acceptable involves judging that it is (in some sense) meaningful, rational, or good. A social role can be reflectively acceptable despite the fact that it has not been reflected upon. To say that a role is reflectively acceptable is to say that one would find it acceptable were one to reflect upon it in suitably specified circumstances.<sup>88</sup>

A lot remains to be done of course in terms of specifying the suitable circumstances in Hardimon's brief account of justification. I will not do this in full, but only expand on a crucial point, namely the idea that reflective acceptability could be specified in terms of a *test of loyalty*. This, I believe, takes us some way towards a substantive account of justification in political theory.

In his seminal discussion of loyalty Oldenquist remarks how loyalty is "neither egoism nor impartial morality". People can sacrifice their happiness and even their lives in the name of loyalty. At the same time, having a loyalty towards something means viewing it in a deep sense as *mine*.<sup>89</sup> Loyalty then, occupies a certain normative category which makes it particularly apt to work as a kind of proxy towards justification. When someone reflects on, for instance, whether taking on a particular social role would be acceptable, this amounts to a test of loyalty directed towards that part of society which specify the role – she asks whether there is something about the role which makes it worth adopting.

A practical example might help to explicate this model of justification. The following paragraphs will display how the test of loyalty can be put to work.

---

<sup>87</sup>For similar ideas see for instance Hardimon (1994), Miller (2004c), and Scheffler (2001, ch. 6).

<sup>88</sup>Hardimon 1994, p. 348.

<sup>89</sup>Oldenquist 1982, p. 175-6.

It should be noted that they will also point out another way of explicating the dualist idea that different kinds of constructs require justifications appropriate to their natures.

Daniel Attas has pointed out that guest workers, *qua* guest workers, are not necessarily loyal in the sense which we see as relevant for citizens.<sup>90</sup> We are not morally entitled to expect a commitment to political community from guest workers – to demand from them an involvement of the will in the political association such as we expect from citizens. Attas states that such a commitment “would entail, for example, viewing deserting the country in difficult or dangerous times as a morally questionable act”,<sup>91</sup> and we cannot reasonably condemn guest workers’ decision to leave a host country if it comes under external threat or is subject to internal unrest. Such loyalty is not appropriately seen as a part of what it means to be a guest worker. To be sure, guest workers can express loyalty towards their host country by fulfilling the limited obligations attached to this role, such as for instance abiding by the criminal law, but for this role to be reflectively acceptable it cannot entail the loyalty expected from citizens.<sup>92</sup>

Now imagine that someone was offered to become a “citizen” on the terms normally offered to guest workers as far as rights go but with an expansion of her loyalty to what is normally required by citizens, with the state acting in her name and making her responsible for its acts. Such a role would not be reflectively acceptable, or to put it in other words it would not survive a test of loyalty. Just as we would not be morally entitled to expect the loyal commitment associated with citizenship from guest workers, we would not be morally entitled to expect this loyalty from someone offered “citizenship” on these terms. The limited rights normally given to guest workers are not sufficient to accept the full authority of the state. Once again, it is quite possible to find the rights and obligations involved in being a guest worker reflectively acceptable and express loyalty *qua* guest worker, but they would not be appropriate for demanding an expression of loyalty *qua* citizen.

The preceding paragraphs also highlight an important feature of justification, namely that the stringent claims involved in entering into a social practice or institution are at the basis of determining its reflective acceptability. In the case of the guest worker, this was stated in terms of which rights and obligations were involved in being a guest worker and whether this was reflectively acceptable. As I will discuss later there is a connection between our most basic rights and the very justification of political authority. In order for

---

<sup>90</sup>Attas 2000, p. 85.

<sup>91</sup>Attas 2000, p. 85.

<sup>92</sup>It might be questioned whether being a guest worker is really a role and not merely a relationship epitomized by disinterested mutual advantage between guest worker and hosting state, but this need not concern us here. One could also argue that the role of guest worker as it is often defined is not reflectively acceptable, and that in order for it to be so it has to entail the right to become a citizen after a reasonable probationary period has passed. For discussions see for instance Attas (2000) and Mayer (2002, 2005).

political authority to be justified it must provide the possibility of invoking a certain set of stringent claims for those over whom it claims authority. We can present the issue in more general terms and say that at the base of whether a social institution or practice is reflectively acceptable lies the issue of how it distributes stringent claims, that is which agents can make what claims under what circumstances.

## 2.5 Conclusion

The argument in this book is informed by a particular approach to political theory which Bernard Williams has called 'political realism'. Political realism tells us that when we ask normative questions about political life, we will find the answers by analyzing the unique social relations, institutions, and practices which provide it with structure. The alternative, moralism, says instead that we arrive at answers by applying independently specified principles to political life.

The realist approach leads us to adopt a method that takes our current social practices as starting points for our theorizing. This is the method of constructive interpretation. This method works in three steps: (i) establishing an object of interpretation by tentatively identifying a practice and its content; (ii) settling on some general justification for the main elements of the practice, that is present an interpretation of the practice's purpose or aim; and finally (iii) specifying the principles needed in order for the general justification to work.

It should be noted that the method of constructive interpretation demands a very close examination of the practices we wish to analyze. Part of the critique which will be levelled against other theorists in the following chapters rests on an underlying concern that they have overlooked some features of the practices they highlight and consequently they draw the wrong conclusions.

The third step in constructive interpretation is quite crucial. It is at this stage that we need a device for determining when a justifying explanation works or not. A common justificatory device in contemporary political theory is the idea of a social contract. According to contractualism political arrangements are acceptable when no one subject to them could reasonably reject them. From a realist approach, contractualism as it is usually understood is problematic. From a realist approach justification must be addressed to individuals in a particular place and time, and have persuasive force in the light of standards accessible to them in their historical situation. Realist justification shares with contractualism, the idea that justification is owed to each subject of a political arrangement. But it departs from contractualism proper, in its perspectivist rather than impartial point of view.

The justificatory device I will put to use in the third stage of constructive interpretation is what I have called a *test of loyalty*. When we ask whether a certain political arrangement is justifiable or not, this is in effect a ques-

tion about whether those agents who are part of the arrangement have reason to offer it their loyal commitment. The reason for giving loyalty this special standing is that a question about loyalty takes a specific practice or relationship as its starting point, and so is unfettered by any ideas about impartiality or external moral viewpoints. At the same time, we can ask for the reasons for loyal commitment by focusing on the features of the practice or relationship which would, potentially, be of value for anybody, and thus we also avoid collapsing our justification into a question of individual egoism.

When we turn to the specific part of political morality that pertains to justice – that is concerns about what agents are owed on the basis of stringent claims, such as rights or entitlements – the realist approach readily leads us to endorse a political conception of justice. According to a political conception, justice should be understood as a specifically political value, not derived from external moral principles. This is in contrast to cosmopolitanism which sees justice as derived from an equal concern that we owe in principle to all our fellow human beings.

A political conception of justice sees social institutions not as instruments for realizing justice, but as giving justice its application by putting participants into certain relationships that they do not have with outsiders. There remains an open question, however, of precisely which kind of social institution it is that has this fundamental attribute. In the next chapter I will take a look at a number of possible candidates.



### 3. Globalization and Political Conceptions of Justice

THESIS: Other theorists who defend political conceptions of justice have failed to explain how the practices or institutions they pick out as primary for distributive justice actually are connected to the idea of justice. A conception that focuses on the practice of citizenship might hold up to the test. At the same time such a conception of justice is not very susceptible to the scope-extending pressure of globalization.

#### 3.1 The Challenge of Globalization

In current political thought there is a powerful idea holding sway that the economic and social phenomena conventionally referred to as *globalization* challenges our traditional notions of what distributive justice demands from us. As our world is shrinking state borders come to play a less significant role in a number of important respects – perhaps also for the scope of our distributive responsibilities. The phenomena grouped together under the term globalization do not lend themselves to easy characterization. Charles Beitz supplies us with the following inventory: “dramatic growth in international trade and investment, increased integration of goods and capital markets, the articulation of transnational regimes for trade, finance and development, the proliferation of non-governmental organizations and a series of changes in the organization of cultural life that have diminished the social significance of the boundaries of at least the advanced industrial states.”<sup>1</sup>

Kessler sees two main strands within the vast literature on globalization. One that focuses on the emergence of a single world economy and which is devoted to explaining the political economy and sociology of an intensifying human interdependence.<sup>2</sup> Theorists working within this strand are found mainly within the disciplinary fields of sociology, political science and international relations and they come in liberal or sceptical stripes, either hailing the emerging interdependence for its unifying and equalizing effects or criticizing it because it preserves old or creates new forms of inequality, hierarchy and exclusion. The other strand Kessler sees mainly attracts researchers within the new field of ‘cultural studies’ and focuses on the emergence of a single hu-

---

<sup>1</sup>Beitz 2005, p. 14 n. 5.

<sup>2</sup>Kessler 2000, p. 932.

man community which is mainly due to technical innovation.<sup>3</sup> This approach stresses the impact of the new information and communications technologies in creating a worldwide virtual community whose members have become inextricably and reciprocally involved in one another's lives.<sup>4</sup>

Whichever of these approaches we subscribe to it has to be acknowledged that the current changes in world politics, economy and culture naturally provokes the idea that we need to reassess our conventional notions of distributive justice. For a long time philosophical as well as conventional thinking about justice has progressed against a background of sovereign states. It has been assumed that principles of justice operate within societies demarcated by state borders, while at the level of relations between states "the problem of establishing a peaceful order overshadows all others".<sup>5</sup> Deborah Fitzmaurice traces the explanation for why a Hobbesian contractual model still has a hold when it comes to the international arena to the fact that this model reconstructs, with "tolerable verisimilitude", the past and present state of international relations, which indeed has hitherto been quite narrowly military and economic.<sup>6</sup> But, as Fitzmaurice goes on to point out this arena is changing. International cooperation increasingly consists in the construction of new transnational institutions and "as our common institutions come to bind us to other states as well as to fellow citizens, questions of justice, as the first virtue of social institutions, will increasingly be raised in the international context."<sup>7</sup> Indeed as Peter Singer points out, implicit in the term *globalization* "is the idea that we are moving beyond the era of growing ties between nations and are beginning to contemplate something beyond the existing conception of the nation-state". Singer also believes that this change needs to be reflected in all levels of our thought, not the least in our thinking about justice and ethics in general.<sup>8</sup>

While Singer represents the position of a cosmopolitan, or moral purist, the phenomena of globalization might also put extending pressure on the scope of justice on political conceptions in that it changes the institutional structure of our world. In this chapter I will not be concerned with the cosmopolitan position. Instead I will focus on approaches that actually acknowledge that there are institutional bounds on the dictates of distributive justice, but which at the same time recognize that globalization might require that we reconsider

---

<sup>3</sup>Kessler 2000, p. 932.

<sup>4</sup>Kessler 2000, p. 932.

<sup>5</sup>Barry 1965, p. xviii. Brian Barry wrote this in 1965, but as Beitz rightly points out Barry was ahead of his time in recognizing the subject of international distributive justice. Barry ended the introduction to his *Political Argument* by saying that it was certainly possible to put forward and get acceptance for substantive general principles of international distributive justice, but he then quickly reverted to the prevailing view when saying that it would be a doubtfully rewarding enterprise to attempt to develop a detailed casuistry of such political principles in the absence of a working international order. See Beitz 2005, p. 13.

<sup>6</sup>Fitzmaurice 1997, p. 16.

<sup>7</sup>Fitzmaurice 1997, p. 16.

<sup>8</sup>Singer 2002, p. 8.

where these bounds are to be set. Rawls has argued that unlike citizens of well-ordered states, societies do not exist in an environment in which they can make valid redistributive claims towards each other.<sup>9</sup> As I said earlier, such an argument is open to instability concerns, as the international environment is changing.<sup>10</sup> In this chapter I will take a look at three different ways of constructing a political conception of justice and investigate whether on these conceptions the pressure presented by globalization promises to extend the scope of justice. As a second purpose I will also try to evaluate whether the conceptions dealt with are at all successful in establishing themselves as political conceptions of distributive justice.

As I suggested in the previous chapter my methodological approach will be a mixture of institutional and non-institutional theory. The division of the world into distinct political units is likely to continue for the foreseeable future, and for this reason we are provided with more “present-day guidance” by a theory that accepts this fact than by a non-institutional theory that does not.<sup>11</sup> Yet at same time, what we are discussing here is the changing nature of our world where the weakening of state sovereignty is precisely the issue at stake. The pressing question in this context, and the one for which we need guidance by theory, is the consequences these changes have for our traditional notions of distributive justice. A strictly institutional theory that takes state borders as pretheoretically given is not well-equipped to provide answers to such questions instigated by social and economic change. However, we would be even less well-served by a strictly non-institutional theory. We still want present-day guidance and what we are interested in is how globalization affects our *current* institutions. What we should do then is take the world as it is, with its actual institutions, as a starting point for our analysis, but acknowledge the real-world changes we have seen and the probable changes to come and ask how they might alter our understanding of distributive justice.

## 3.2 Increased Global Interaction

One influential account explains why globalization promises to extend our distributive responsibilities by summoning the increased global interaction we see mainly in trade and investment, but also in other forms of economic, cultural and political exchange. The idea behind this conception of justice is that interaction of a certain regularized kind generates new kinds of obligations. I will take a closer look at two theorists working with this kind of conception – Charles Beitz and Thomas Pogge.

---

<sup>9</sup>Rawls 1999b, pp. 113-5. See also Risse 2005c, p. 98.

<sup>10</sup>Risse 2005c, p. 99.

<sup>11</sup>Blake 2002, p. 262.

## Beitz on international economic interdependence

In his seminal work *Political Theory and International Relations* Charles Beitz argued that principles of distributive justice should be globally extended because international economic interdependence is now extensive enough to draw all states of the world together into a single scheme of social cooperation of the kind to which requirements of distributive justice usually are thought to apply.<sup>12</sup> Beitz warns that social cooperation should not be too narrowly understood. In particular he warns that all of the parties to a particular social scheme may not actually *cooperate* in a strict sense in social activity. Instead, Beitz argues that it is better to say that the requirements of justice apply to institutions and practices in which social activity produces [...] benefits or burdens that would not exist if the social activity did not take place. And they apply whether or not the institutions and practices are genuinely cooperative.<sup>13</sup> The reason why social cooperation in this wider sense provides the foundation for distributive justice, according to Beitz, is that without such cooperation there would be no benefits or burdens over which conflicting distributive claims could arise, nor would there be any common institutions to which the principles of justice could apply.<sup>14</sup>

Beitz goes on to argue that if social cooperation in this sense is the foundation of distributive justice, then the fact of current international economic interdependence supports principles of global distributive justice similar to those which apply domestically.<sup>15</sup> The reason he sees for this is that the international interdependence of today's world involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were independent from each other.<sup>16</sup> If this description is correct it would mean that, following Beitz's argument about the situations to which principles of distributive justice are applicable, the international economic order constitutes a scheme of social cooperation relevant to distributive justice. Beitz's conclusion then, is that national boundaries cannot be regarded as the outer limits of either social cooperation or distributive justice.<sup>17</sup>

An oft-quoted objection to Beitz's argument, submitted by Brian Barry, is that the current amount of interaction between states does not constitute the moral equivalent to the relationship that exists between the citizens of a modern state. Barry's view is that considerations of distributive justice "arises not from simple exchange but from either the provision of public

---

<sup>12</sup>Beitz 1999b, pp. 143-53.

<sup>13</sup>Beitz 1999b, p. 131.

<sup>14</sup>Beitz 1999b, p. 131.

<sup>15</sup>Beitz 1999b, p. 144.

<sup>16</sup>Beitz 1999b, p. 149.

<sup>17</sup>Beitz 1999b, pp. 151-2. Beitz has later rejected the foundational relevance of interdependence for distributive justice. See the afterword to the revised edition of his book and Beitz 1983, p. 595.

goods that are collectively enjoyed [...] or from quasi-insurance schemes for mutual aid”.<sup>18</sup> He concedes that the current world comes close to a global cooperative scheme because there are some “rudimentary” organs of international cooperation such as the International Monetary Fund, the World Bank, and the United Nations, but he believes the resulting relationships still fall quite short of those of mutual dependence found within states.<sup>19</sup>

Beitz has responded to this criticism by saying that it is a mistake to interpret his argument about international interdependence as referring to “simple exchange”.<sup>20</sup> What he aimed to establish was that the growth of the world economy and the elaboration of global financial and regulatory regimes amount to something more than just simple exchange. What it amounts to according to Beitz is what Rawls has called a *basic structure*. Beitz insists that a basic structure exists on a global scale and that it has consequences for individual life prospects analogous to those of the institutional structure of domestic society.<sup>21</sup>

What we see here is that it is controversial whether the conception favoured by Beitz promises to extend the scope of justice globally. If Barry is right in his critique it seems that the institutional restriction of the scope of justice Beitz defends also turns out to be a societal restriction. Beitz’s argument hinges on the question of whether the institutions of international trade and credit are sufficiently similar to the institutions of the nation state.<sup>22</sup>

As will become apparent in later chapters, I think there is *some* truth to Beitz’s approach. But I do not accept his conclusion that the principles of global justice are similar to principles of justice in their full standard such as they apply domestically. The problem I see with Beitz’s approach is that he does not fully explain why social interaction which produces benefits and burdens that would otherwise not exist give rise to obligations of distributive justice. Beitz says that social cooperation is the foundation of distributive justice because without such cooperation there would not be any benefits and burdens over which conflicting distributive claims could arise. But this is not obvious. It might be argued that even in a state of nature where social cooperation is absent, inequalities in external and internal resource holdings trigger problems of distributive justice.<sup>23</sup> Since I purport to defend a political conception of justice I actually think Beitz would be correct to deny this latter claim, but his point cannot simply be asserted without further argument.

It seems to me that Beitz’s theory rests on a conception of justice as *fair play*. The general idea behind this conception of justice is that if one bene-

---

<sup>18</sup>Barry 1982, p. 233.

<sup>19</sup>Barry 1982, p. 233.

<sup>20</sup>Beitz 1999b, p. 202.

<sup>21</sup>Beitz 1999b, p. 202. Others who defend the existence of a basic structure on a global scale include Buchanan (2000), Pogge (1989), and Satz (1999).

<sup>22</sup>Satz 1999, p. 73.

<sup>23</sup>Arneson 1999, p. 226.

fits from some cooperative practice, one should not be a free rider by taking the benefits while failing to do one's part in sustaining the practice when it is one's turn to do so.<sup>24</sup> Since international economic interdependence produces benefits that would not otherwise exist, receiving benefits from this social co-operation triggers duties to reciprocate.

But how does the fact that individuals in the richer part of the world receive benefits generated from a system of global economic interdependence create obligations of justice that they should reciprocate? It should be noted that Beitz thinks that even though states might be more appropriately situated than individual persons to carry out the policies required to satisfy the demands of distributive justice, they still rest upon individual obligations. He says that "it should be understood that the international obligations of states are in some sense derivative of the more basic responsibilities that persons acquire as a result of the (global) relations in which they stand."<sup>25</sup> Critics of justice as fair play often point out that it is not in general true that by receiving a benefit I simultaneously incur an obligation to reciprocate. It is not true for instance, about gifts or benefits that are forced upon us.<sup>26</sup> An apparent answer in the case of global interdependence could be that individuals in the rich part of the world *accept* the benefits generated by the global economy and this might be enough to create obligations to reciprocate. However, there is a deeper problem in that it is far from clear that obligations to reciprocate can be properly understood as obligations of distributive justice, and they might actually have quite limited redistributive implications. I will discuss this problem shortly.

## Pogge's institutional cosmopolitanism

Thomas Pogge has defended a conception of justice similar to Beitz's.<sup>27</sup> For him the relevant interactions are those that take place within a social system and that follow reasonably well-established ground rules. This does not seem very controversial. But the specification of this idea takes Pogge to rather radical conclusions. To begin with, he criticizes Rawls's understanding of a society for being too narrow. In *A Theory* Rawls explicates the notion of a society in the following way:

Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them.

---

<sup>24</sup>See for instance Barry 1982, p. 229. In the afterword to the revised edition of his book Beitz resist this description of his theory. But when doing this it seems to me that he is also abandoning his institutional theory for a non-institutional theory and thus I will not consider this move here. See Beitz 1999b, pp. 203-4.

<sup>25</sup>Beitz 1999b, p. 153.

<sup>26</sup>Cf. Arneson 2005, p. 132.

<sup>27</sup>See Pogge 1989, pp. 20-8 and Pogge 2002, ch. 7-8.

Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part of it.<sup>28</sup>

The problem Pogge sees with this is that there are many historical societies whose rules fail either to be designed for mutual advantage or to be recognized as binding by all participants, the justice of which we should be able to assess.<sup>29</sup> Instead of using this idea of a society Pogge adopts the broader notion of a ‘social system’. He also wants the concept of ‘social cooperation’ to incorporate economic interactions within a social system which may be largely coercive rather than genuinely cooperative, and he wants the concept to recognize that the most important social interactions may take place outside the economic sphere.<sup>30</sup> So for Pogge, it is social interaction in this broader sense – interaction within a social system in accordance with reasonably well-established ground rules – that generates obligations of justice.

The reinterpretation of Rawls that Pogge offers is cosmopolitan in scope but as I have indicated earlier his conception of justice is still political. He makes a distinction concerning the nature of moral constraints between what he calls interactional and institutional conceptions.<sup>31</sup> An interactional moral conception “postulates certain fundamental principles of *ethics*” that are first-order and apply directly to the conduct of persons and groups, while an institutional conception, by contrast, “postulates certain fundamental principles of social *justice*” that are second-order and apply to institutional schemes. The kind of cosmopolitanism Pogge defends, ‘Institutional Cosmopolitanism’, assigns the responsibilities of social justice to institutional schemes, while an ‘Interactional Cosmopolitanism’ would assign these responsibilities directly to individual or collective agents.<sup>32</sup>

Now, as Pogge points out, this form of cosmopolitanism is contingent in its applicability since it makes social justice obligations applicable only through the emergence of social institutions. Pogge notes that this means that where such institutions are lacking social justice obligations are merely latent and cannot be fulfilled or unfulfilled. This in turn leads to a contingency of scope since the obligations in question are activated only through the emergence of a global institutional order. In the absence of such a global scheme of institutions responsibility for unfulfilled obligations of justice does not extend beyond boundaries. Pogge does not consider this to be a problem however, since it is a fact that all human beings are now participants in a single global institutional order which involves such institutions as the territorial state, a system of international law and diplomacy, and a global economic system of property rights and markets. All these interconnections make global justice,

---

<sup>28</sup>Rawls 1999c, p. 4.

<sup>29</sup>Pogge 1989, p. 20.

<sup>30</sup>Pogge 1989, p. 21.

<sup>31</sup>Pogge 2002, p. 170.

<sup>32</sup>Pogge 2002, p. 170.

at least potentially, everyone's concern.<sup>33</sup> We see here the reappearance of Pogge's idea that social interaction broadly construed generates obligations of justice.

Barry's critique of Beitz that we saw earlier might also apply to Pogge's argument. If that is so, the institutional restriction on the scope of justice defended by Pogge would also turn out to be a societal restriction less than global in scope. However, Pogge also notices the importance of institutions other than those that deal with the global economy. This will be elaborated on in the next section.

A problem with Pogge's conception is that he does not fully explain how social interaction gives rise to obligations of distributive justice. Liam Murphy has suggested that one way of understanding Pogge is that what he sees as creating distributive justice obligations is the causal entanglement of the world's rich and poor which is established through institutionally governed global interaction.<sup>34</sup> Pogge says that the world's rich "are causally deeply entangled in the misery of the poor and [we] cannot extricate ourselves from this involvement so long as their misery continues".<sup>35</sup> This causal link and the fact that the current global scheme of institutions could be replaced with a feasible alternative scheme under which the poor would do much better, turns the current behaviour of most of the world's rich into continuous violations of the rights of the poor not to have unjust institutions imposed on them.<sup>36</sup>

It is certainly true that we are all today connected via global institutions and since any causal explanation of the current world distribution of resources would run in part through these institutions it is plausible to say that the connection is causal. But, following Murphy, one could still object that it is unclear why this fact of causal connection should have any significance for the question of justice.<sup>37</sup> Why does the causal significance of institutions entail that they also have special significance for justice? If it could be shown that all the world's poor are worse off because of the advent of global institutions, then the causal role of these institutions might have some intuitive significance. This would mean that "the rich have a duty to make sure that the institutions they control leave no one worse off than she would have been in the absence of global institutions".<sup>38</sup> But as Murphy goes on to point out, this clearly falls short of Pogge's conception of global justice, and we should not take Pogge to motivate the significance of institutions with their having made people worse off.<sup>39</sup> This would for instance, severely limit the scope for making redistributive claims in the domestic context.

---

<sup>33</sup>Pogge 2002, p. 171.

<sup>34</sup>Murphy 1998, p. 272.

<sup>35</sup>Pogge 1998, p. 505.

<sup>36</sup>Pogge 1998, pp. 504-7.

<sup>37</sup>Murphy 1998, p. 273.

<sup>38</sup>Murphy 1998, p. 273.

<sup>39</sup>Murphy 1998, p. 273.

There is a related problem in connecting cooperation with distributive justice which applies to both Pogge and Beitz. Even if it can be argued that economic interdependence generates obligations of fair play, this is not enough to establish a connection with distributive justice. Mathias Risse has argued that the importance of cooperative structures for redistributive claims is rather limited.<sup>40</sup> Risse proceeds from a contractualist standpoint and says that cooperative structures, as well as coercive structures which I will discuss in the next section, “are special cases of shared norms, and as such require justification to those subjected to them”.<sup>41</sup> Risse then echoes Rawls’s dualistic approach, which I talked about in chapter 2, and argues that these kinds of structures require justification “*appropriate to their natures*”, and thus cooperative structures need to be justified *qua* cooperative structures. This means that the justification of cooperative structures *per se* “leads straightforwardly merely to the demands that exchanges be fair and that individuals benefit proportionately from their input into the cooperative system”.<sup>42</sup> This might be satisfying from a libertarian perspective, whether it be rights-based or desert-based, but if we for instance attach some value to equality and want to allow for wider redistributive claims than merely those that require redistribution in order to rectify injustices, the conceptions found in Pogge and Beitz do not seem promising. A qualification is needed here in that we do not know precisely what is involved in the demand that exchanges be fair. In chapter 7 this question will be investigated in the context of global trade. For now it is enough to assume that these demands will fall short of the demands of justice in their full standard, that is in the sense concerned with relative shares of resource holdings.

### 3.3 Emerging Coercive Institutions

The previous conception rested upon an argument by analogy that held that the international society resembles the domestic in those respects relevant for the justification of principles of distributive justice.<sup>43</sup> As a further argument against this conception the force of the analogy can be challenged by a reformulation of Rawls’s idea that states exist in an environment in which they cannot make redistributive claims upon each other.<sup>44</sup> The reformulation I have in mind submits that the reason why individuals within a society can make redistributive claims on each other is the fact that they share a *coercive* structure, rather than the fact that they share a *cooperative* structure.<sup>45</sup>

---

<sup>40</sup>Risse 2005c, p. 100.

<sup>41</sup>Risse 2005c, p. 100.

<sup>42</sup>Risse 2005c, p. 100.

<sup>43</sup>Beitz 1999b, pp. 198-9.

<sup>44</sup>Risse 2005c, p. 99.

<sup>45</sup>Cf. Risse 2005c, pp. 99-100.

Blake puts forth such a view in order to criticize the idea that principles of distributive equality should be globally extended.<sup>46</sup> But it would be possible to accept the view that coercive structures are what matter while still maintaining that principles of distributive justice should be global in scope if it was also argued that the relevant form of coercion exists on a global scale.<sup>47</sup> For instance, in the previous section we saw how Pogge wanted to extend the notion of social cooperation to include coercive interaction and how he also claimed that this kind of interaction actually exists on a global scale. But before we get to this point let me briefly spell out Blake's conception.

Blake's basic idea is that coercion requires a justification that shows how the infringement on *autonomy* involved in coercion is worth the cost. What makes states special according to Blake is that they, through a body of criminal and civil law massively and constantly coerce their citizens. The interference with citizens' autonomy exercised by the body of law must therefore be justifiable to each of them. Economic redistribution in accordance with principles of distributive justice may be necessary for such a justification to be possible and thus it is only within the context of a domestic legal system that a concern for relative economic shares is required. In the next step Blake argues that in the international arena no institution comparable to the state exists: "No matter how substantive the links of trade, diplomacy, or international agreement, the institutions present at the international level do not engage in the same sort of coercive practices against individual moral agents."<sup>48</sup> Blake does not deny that coercion in forms other than state coercion exists in the international arena. He admits that certain sorts of exploitative trade relationships can indeed be coercive and a theory that stresses the value of autonomy must either condemn or seek to justify such relationships. But he insists that it is only the relationship of common citizenship which is potentially justifiable through a concern for distributive justice.<sup>49</sup> If some forms of coercive relationships in the international arena are justifiable, they will be so not in reference to redistributive justice but through some other concern, such as a common interest in peace or stability.

## Weakening state sovereignty

In response, one could point to recently emerged global or transnational coercive practices and argue that they might promise to extend the scope of distributive justice beyond state borders even if we rely on a political conception that stresses the importance of coercive structures.

---

<sup>46</sup>Blake 2002. A similar view is defended by Miller (1998), Horton (2006, 2007), Mandle (2006), Meckled-Garcia (2007), and Sangiovanni (2007*a,b*) have all recently defended political conceptions which unfortunately appeared too late for me to take into proper consideration.

<sup>47</sup>Cf. Risse 2005*c*, p. 103.

<sup>48</sup>Blake 2002, p. 265.

<sup>49</sup>Blake 2002, p. 265.

Among those who argue that state sovereignty is becoming weakened as a new world order emerges there are those who focus on newly created political institutions and those who focus on recent legal developments. However, regardless of the perspective it is argued that a transition has occurred away from the international society of sovereign states and international law towards a form of global governance and cosmopolitan law.<sup>50</sup>

From an approach that focuses on political institutions one could present an argument as follows: besides a global network of cooperative relations globalization has also given rise to new transnational and multilayered forms of rule that national governments share with other governments and with transnational institutional bodies and organizations. Sovereignty, in its traditional sense, has been and is still being transformed in a way which makes it disaggregated among agencies of public power at different levels.<sup>51</sup> This means that the state is now located at the intersection of global, regional, transnational, and local systems of governance, and that not only cooperative structures, but also coercive structures now exist across state boundaries. If this picture is true, coercive structures can no longer form a basis for identifying what is distinctive about citizenship and consequently cannot provide an argument for why there are no redistributive duties across societies.<sup>52</sup>

However, Jean Cohen argues that empirically the existence of a global, networked political order is vastly overstated. It is true, she says, that states have yielded some powers to supra- and transnational organizations. It is also true that there are new phenomena such as transgovernmental networking and different forms of non-state governance and rule making. So, there has been a *partial* disaggregation of sovereignty in that some functions which previously were in the hands of the state are now exercised by supra- or transnational bodies. But despite all this, the “unity and sovereignty of the state remain intact”.<sup>53</sup> Cohen argues that even though it has undergone important transformations the core of the world political system still remains an international society of states. The transformation consists in that the system is now what Cohen calls “dualistic”, by which she means that it is composed of sovereign states along with non-state actors and “*consensual* cosmopolitan elements.”<sup>54</sup> The use of the term “consensual” is important. We can readily admit that states are no longer the ultimate and sole source of authority exercised on their territory. But this shift of political authority to non-state actors has been made through explicit or implicit approval of states and it is still dependant on state power for enforcement.<sup>55</sup> As Risse remarks, coercion of the relevant sort is still exercised only by states. He points out that while international officials

---

<sup>50</sup>Cohen 2004, p. 5.

<sup>51</sup>Cf. Risse 2005c, p. 103, Cohen 2004, p. 6.

<sup>52</sup>Risse 2005c, pp. 103-4.

<sup>53</sup>Cohen 2004, p. 13.

<sup>54</sup>Cohen 2004, p. 13. Emphasis added.

<sup>55</sup>Cf. Risse 2005c, p. 104.

or entities may be endowed with normative authority they lack the basis and means to *compel*.<sup>56</sup>

This last point re-emerges when we consider the second version of the thesis that state sovereignty is becoming weakened and eventually replaced by a new world order. This version focuses on recent legal developments instead of political institutions, and highlights the facts that the individual is now a key subject of international law and that there is a near global consensus regarding the legitimacy of human rights.<sup>57</sup> The focus on human rights is not surprising. Indeed, the current human rights system is probably the closest we get to a global coercive practice. But are we there yet?

The international human rights regime consists of a large number of supra- and transnational bodies the most important of which are the European human rights system which includes the *European Convention on Human Rights* and the European Court of Human Rights that applies and interprets the *Convention*, and of course the UN human rights system which includes the UN human rights treaties and the numerous agencies that help institutionalize them, the UN Human Rights Commission and sub-commission, and the UN Security Council.<sup>58</sup>

Some of these bodies, in particular those of the European system, are not global but local and can thus obviously not serve as a global practice by themselves. But they constitute a part of a regime that is global, or near global, in scope. This is the first reason for the human rights system coming pretty close to being a global coercive practice. The second is that the agencies mentioned above wield powers that are authorized either by custom or treaty, or by actions of superior agencies. The third is that there are agencies within the system whose authorized powers are independent of the states involved.<sup>59</sup> The last two considerations suggests that the international human rights regime has serious potential to be a global coercive practice. But there is something missing. The system, taken as parts or as a whole, is not very powerful in that it lacks the means to compel. The European as well as the UN system have very limited enforcement capabilities. The only instrument available to hold states accountable is the threat of international exposure and embarrassment. Neither any serious military nor economic pressure can be used to back up the decisions of the human rights agencies.<sup>60</sup> There is an obvious exception to what has just been said: the UN Security Council has enormous powers in that it can authorize military interventions and impose diplomatic and economic sanctions. Furthermore in the last decade these powers have increasingly been

---

<sup>56</sup>Risse 2005c, p. 104.

<sup>57</sup>Cf. Cohen 2004, pp. 5, 8-10.

<sup>58</sup>The international human rights regime can also be said to include non-lawmaking (human rights law) bodies such as separate states, with their efforts to promote human rights internationally as well as nongovernmental human rights organizations.

<sup>59</sup>Nickel 2002.

<sup>60</sup>Nickel 2002, p. 371.

used to prevent violations of human rights. But the Security Council has a very limited mandate. It only deals with situations in which violations of human rights constitute threats to international peace and security.<sup>61</sup>

Not everybody would accept that what we have said so far is enough to dismiss the thesis that there is, here and now, a global coercive practice the existence of which extend the scope of distributive justice beyond state borders. As we saw, the UN Security Council has powerful means to compel. What does it matter that it only has a limited mandate? Further, the idea of insufficient means to compel depends crucially on what precisely counts as “means to compel”. Economic sanctions or moral pressure which draw significantly on non-state actors can sometimes be rather effective means of compulsion.<sup>62</sup>

Risse’s response to this is that we could grant that there are genuinely coercive structures which are not confined to or ultimately dependent on nation states, and that these structures must be justified to those subject to their coercion. However, Risse still insist that the objection misses the point. He returns to the now familiar idea that the kinds of structures we are discussing require justification appropriate to their natures. He tells us to consider how his coercive-structures approach to assessing what is distinctive in shared citizenship might support redistribution in the domestic case:

The crucial point is that among the shared legal structures that must be justified to all citizens of a given state there are laws regulating acquisition and transfer of property, including business interactions, taxation, labor markets, inheritance and bequest, gifts, etc. “Redistributive” measures emerge quite naturally *as components of a property regime* justifiable to all participants – where one must not understand “re-distribution” in terms of taking something away from its “real” owner and give it to somebody else: the question is obviously precisely what the ground rules of ownership should be, and hence what sorts of individual appropriation everybody can be expected to tolerate. So it is in the nature of what domestic law regulates that its justifiability straightforwardly involves “redistribution.”<sup>63</sup>

Risse then tells us to consider international law and to observe how “the justifiability of appropriate international law to those affected by it does not involve redistribution of any sort.”<sup>64</sup> He points out that international law addresses questions of transnational concern and includes topics such as: the position of states, state responsibility, peace and security, the law of treaties, the law of the sea and of international watercourses, the conduct of diplomatic relations, and international organizations, the environment, air law and outer space activities, deep-sea resources, and the international protection of human rights. What distinguishes all these instances of international law from domestic law

---

<sup>61</sup>Nickel 2002, pp. 366-7.

<sup>62</sup>Risse 2005c, pp. 104-5.

<sup>63</sup>Risse 2005c, p. 105.

<sup>64</sup>Risse 2005c, p. 105.

is that while they also involve coercion, what makes them justifiable does not, because of their subject matters, involve any redistribution except perhaps as a way of rectifying injustices.<sup>65</sup> To be sure, sometimes international law might *require* redistribution. Protecting human rights might for instance require substantial redistribution between states. But this is something different from saying that the justification of human rights protection, or some other piece of international law, involves redistribution. It does not. The justification of human rights protection typically involves considerations of need or vulnerability, or, in the case of the actions of the Security Council, international peace and security.

We might grant then, that there are genuinely coercive structures on an international level which have to be justified to those subjected to the coercion. But the justifications required have to be appropriate to the nature of these structures. Further, the subject matter of international law does not, at least not yet, involve any redistribution. Indeed, when it comes to some less-than-global transnational structures, the prime example being the European Union, this might soon change. Once the European Union has its own police force for instance, it will have the means of enforcement which might have to be justified to the citizens of European states through a concern with distributive justice.<sup>66</sup> Similarly, if the Security Council would start to regularly back up decisions made by UN human rights agencies concerning economic and social rights, it would be a significant step towards a global system of distributive justice. But we are still very far from this eventuality.

Certainly, the international structures I have discussed might be evaluated from the point of view of justice, as much as in order to be justified they need to satisfy some other justice-related criteria than those connected to distributive justice. This would be an evaluation, not from the point of view of distributive justice, but from some other subspecies of what I have called *fairness*.<sup>67</sup> I will get back to the issue of the fairness of international structures in chapter 7.

## Autonomy-constraining coercion and domestic law

In Risse's second response above we saw how he thinks coercion is connected to distributive justice. The basic idea behind Blake's and Risse's positions is that coercion requires a justification which shows how the infringement on autonomy involved is worth the cost. States constantly coerce their citizens through a body of criminal and civil law, and this interference with citizens' autonomy must be justifiable to each individual. With respect to distributive justice, the important domestic legal structures are those that constitute a property regime. In order for a particular property regime to be justifiable to all it

---

<sup>65</sup>Risse 2005c, pp. 105-6.

<sup>66</sup>Risse 2005c, pp. 104-5.

<sup>67</sup>Cf. Nagel 2005, p.114.

might be necessary for it to include redistributive measures. This kind of redistribution should not be considered as taking away from some citizens what is antecedently theirs and giving it to others. Ownership does not have the status of a moral baseline for the purpose of evaluating the justice of a property regime. Instead what is at issue is, as Risse told us, precisely what the ground rules of ownership should be.<sup>68</sup> So it is by the nature of what it regulates that the justifiability of domestic law involves redistribution.

There is problem with this conception. Even if we were to accept the idea that a property regime requires justification from all those subjected to it and that such a justification might require that redistributive measures constitute part of the regime, it is not clear what this has to do with coercion in an autonomy-constraining sense. The idea was that, *because of* the infringement on the autonomy of citizens, domestic law stands in need of justification. But it could be questioned whether it is a valid description of what goes on in a state to say that it overwhelmingly and constantly infringes upon the autonomy of their citizens. The coercive-structures approach to assessing what is distinctive about shared citizenship has been criticized on the grounds that justifiable domestic laws do not actually coerce fully reasonable and moral persons.<sup>69</sup>

Arneson has remarked that coercion does not really occur in cases where the threat of penalty for noncompliance is not what actually leads an individual to choose the act which happens to comply. For instance, laws forbidding murder threaten very severe penalties, but these laws do not coerce a person not to commit murder if the reasons for why they refrain from murdering do not involve the threat of penalties. Arneson generalizes from this case and argues that “a full panoply of criminal and civil laws that are all morally justified might be backed up by the gallows, prison, and fines, but would not in the slightest diminish the autonomy of fully moral and reasonable persons, who are moved to do what is moral because they see that there are good moral reasons to do so.”<sup>70</sup>

To be sure, Arneson concedes that even if a person never wants to break a particular law, it could plausibly be argued that she would have greater freedom to live her life as she chooses if that law were not in place. But, as Arneson argues, not every limitation of one’s freedom reduces one’s opportunity to be autonomous. The rule of law blocks one from doing certain things but at the same time it opens other possible courses for action that would not otherwise be available. So even if a set of laws reduces one’s freedom in one area when it ensures that everyone’s rights are respected, it also creates an enormous freedom to live one’s life autonomously.<sup>71</sup>

A person who is set on living a criminal life, or would chose to do so if it were not for the deterrence set in place by the system of criminal justice, can

---

<sup>68</sup>Risse 2005c, p. 105.

<sup>69</sup>Arneson 2005, p. 148.

<sup>70</sup>Arneson 2005, p. 148.

<sup>71</sup>Arneson 2005, p. 148. Sangiovanni (2007a, pp. 10-4) makes a similar point.

be said to suffer a significant loss of autonomy. But an example like this shows merely that autonomy does not, as Arneson puts it, have “constant value” across all of the settings in which people’s actions might expand or contract it.<sup>72</sup> The kind of autonomy at issue in the example with the criminal is an autonomy of a sort which we would not value.

Arneson concludes that state coercion and individual autonomy are fully compatible. More importantly he concludes that it is not the case that coercive laws enforced by the state massively infringe upon the autonomy of citizens and that they can only be justified *inter alia* if the system of laws provides compensation for this loss of autonomy. Morally justified domestic laws either do not actually infringe on autonomy, or they do infringe on autonomy, but the autonomy that is thereby lost is not significantly valuable. In neither case does the imposition of state coercion generate an obligation to compensate those who are coerced.<sup>73</sup>

I believe Arneson is overstating the case. Of course even fully rational and moral persons might reasonably disagree over certain laws. There is also something fundamentally odd about putting criminals on a par with people who happen to find themselves on the losing side of a political decision resulting in laws over which it is reasonable to disagree. But what we can gather from Arneson’s discussion is that the connection between distributive justice and coercion in an autonomy-constraining sense seems rather weak.<sup>74</sup> The idea found in Blake and Risse was that it is because of the infringement upon the autonomy of citizens that domestic law stands in need of justification and that this justification might require that the laws include redistributive measures. Arneson’s argument casts doubt on the premises that domestic law infringes upon citizens’ autonomy, and that in the cases where it does, compensation is required. This means that on this particular coercive-structures approach to assessing what is distinctive of shared citizenship we actually lack an explanation for how valid redistributive claims (other than perhaps those that require redistribution in order to rectify injustices) can be brought forward in the domestic context.

Indeed, state coercion might of course still stand in need of justification. In fact, in the next chapter I will argue that it does. But it is doubtful whether this justification is required because state coercion encroaches on citizens’ *autonomy*. I will argue instead that what stands in need of justification is the certain role of citizenship which the subjects of a state are required to assume. To be a subject of state coercion is but one aspect of this role.

---

<sup>72</sup> Arneson 2005, p. 148.

<sup>73</sup> Arneson 2005, p. 149.

<sup>74</sup> Sangiovanni (2007a, pp. 10-4) makes a more complex but similar argument that the connection is untenable.

### 3.4 Extending Citizenship

With the previous political conceptions of justice we have seen two problems. Or rather, we have seen one problem which is philosophical and one which is empirical and only a problem insofar as one wishes to extend the scope of justice beyond state-borders. The second problem is that even if we accept the premises of either of the political conceptions reviewed it is rather uncertain whether they, for the time being, support a global extension of principles of distributive justice. They certainly point out two different forms of institutional structures which we will most probably see expanding beyond the national-state in the not too distant future, but we are not quite there yet. The philosophical problem we have seen is more serious. The two conceptions are unable to explain why the institutional structures they emphasize should be seen as foundational for distributive justice. If this observation is correct these conceptions will fail to explain why globalization promises to extend the scope of justice. The institutions they give prominence to might now or in the future expand beyond current state borders, but it is not clear why the dictates of justice should follow.

In this section I will look at a third variant of a political conception of justice which I believe is more promising, at least when it comes to dealing with the philosophical problem. The institution I will give prominence to is *citizenship*. In this, I do not differ from Blake and Risse, and will also discuss the importance of coercion. What differentiates my idea from theirs is a closer focus on the structural features of citizenship, in particular on how rights and obligations are attached to this institution.

Lately, several theorists have emphasized that the changing nature of our world provokes a questioning of our traditional conception of citizenship. It is argued that the current system of citizenship in the nation-state “is ill equipped to cope with the problems of a *global world*”<sup>75</sup> and therefore new forms of citizenship have to be crafted in order for societies to be able to overcome “the problems that lie ahead in living in an increasingly globalized world.”<sup>76</sup> Before we go any further with this discussion however, I need to briefly explicate my conception of citizenship.

#### Citizenship as a role

I believe Blake and Risse are right when they point to the relationship of common citizenship as what is relevant for distributive justice. But they are too limited in their view of citizenship when they argue that it is the alleged infringement of citizen’s autonomy that has to be justified through a concern with distributive justice. There is another quite common idea of explaining why distributive justice matters in the domestic context which refer to the

---

<sup>75</sup>Frey 2003, p. 94.

<sup>76</sup>Frey 2003, p. 94. See also for instance Held (1995, 1999), and Falk (1995).

special obligations that stem from the particular relationship between citizens of a state. Let me start off my characterization of citizenship by repeating a couple of standard remarks about liberalism.

A common complaint against liberalism is that it, with its individualistic conception of citizenship and accompanying disregard for relational facts is unable to account for special responsibilities between compatriots. If citizens are conceived of as morally unencumbered strangers it seems difficult to justify the belief that they owe special obligations of attention and assistance to each other.<sup>77</sup> The fact that the liberal conception of citizenship has problems accounting for the special obligations among compatriots might be viewed as problematic in itself, but this also poses a further problem, it has been argued, since a state cannot subsist unless it requires from its citizens that they make special sacrifices for the sake of their compatriots.

One kind of response to these problems has been to eschew the liberal conception of citizens as unencumbered individuals and replace it with a view that acknowledges relational facts.<sup>78</sup> So argues Ronald Dworkin, that we should find inspiration in the “responsibilities of family or friends or neighbors”.<sup>79</sup> To describe this relationship as analogous to friendship is a quite common move. The problem with that description is that it is hard to see how it is connected to the notion of citizenship as an institution, and it is also beset by plausible critique.

For instance, if we look at the motivational forces behind the obligations between friends and behind those between fellow citizens a crucial difference becomes apparent. When it comes to friendship it seems that it is the emotional attachment and mutual caring and identification that generate the necessary moral motivation. But nothing like the emotional bonds between friends exist between compatriots. As Wellman points out, a problem for those who advocate an analogy between friendship and citizenship is present in the fact that because of the size and bureaucratic nature of modern states a citizen will only meet a tiny fraction of her compatriots and she will create emotional bonds with even fewer.<sup>80</sup> This absence of intimate ties between compatriots makes it seem unlikely that, as Wellman puts it, “special political obligations are kissing cousins of the special obligations thought to exist among friends”.<sup>81</sup>

There is a more promising conception of citizenship however, which does not invoke any analogies with friendship. This conception conceives of citizenship as a *role* and of the obligations connected to this role as *role obliga-*

---

<sup>77</sup>Cf. Wellman 2001, p. 217.

<sup>78</sup>Wellman 2001, p. 220.

<sup>79</sup>Dworkin 1986, p. 196.

<sup>80</sup>Wellman 2001, pp. 221-2.

<sup>81</sup>Wellman 2001, p. 222. It should be pointed out that Wellman actually argues against the idea that friendship generates special obligations.

tions. Let me just very briefly outline this conception of citizenship, saving a deeper investigation for the next chapter.<sup>82</sup>

Michael Hardimon has described role obligations in the following way:

a 'role obligation' is a moral requirement, which attaches to an institutional role, whose content is fixed by the function of that role, and whose normative force flows from the role. To say that a role obligation "attaches to an institutional role" is to say that it applies to an individual in her capacity as an occupant of that role: as a sister, as a citizen, or a bus driver, for example.<sup>83</sup>

Hardimon follows a quite common practice and uses the term 'role' to refer to "constellations of institutionally specified rights and duties organized around an institutionally specified social function".<sup>84</sup> This does not give away much information, but let me stick to Hardimon's characterization for now. His focus is on *institutional roles*, that is roles that are institutionally defined. More specifically, as we saw in the above quote, he talks about political, familial, and occupational roles.

No further analogies are made between these different families of institutional roles, and none of my arguments will rest on any kind of analogy between them. They are different kinds of institutional structures that embody different kinds of norms and rely on justifications appropriate to their natures. In the following I will be particularly interested, of course, in the political role of a citizen and the obligations which come with this role. In the following two chapters I will explicate this understanding of citizenship as a role more fully, and also argue that a subset of the obligations which are attached to this role are indeed obligations of distributive justice. I have just taken issue that the political conceptions of justice presented above were unsuccessful in establishing a link between the institutions they saw as primary and distributive justice. Naturally, I need to establish this link in my own political conception. But this will have to wait. Here I am only going to look at the implications for the scope of justice of a political conception based on citizenship.

## Citizenship beyond the nation-state?

The question that remains is whether the institutional structure of citizenship supports an extension of the scope of distributive justice in the face of globalization. As I pointed out in the beginning of this section a number of theorists have started to question whether citizenship as an institutionalized relationship between individuals and government of a nation-state is increasingly becoming outmoded.

---

<sup>82</sup>Here I will rely heavily on an account of role obligations developed by Michael Hardimon (1994). For a utilitarian understanding of citizenship as a role see Goodin 1998.

<sup>83</sup>Hardimon 1994, p. 334.

<sup>84</sup>Hardimon 1994, p. 334.

The first important thing to note here is that most authors who argue that citizenship should be extended beyond the borders of the nation-state see their vision of citizenship as a normative ideal rather than as something which already exists. What they argue is that we should try to develop new forms of citizenship in order to cope with certain problems, such as the loss of popular self-determination within nation-states, ineffective protection of human rights, environmental degradation and so on. As Dower notes, some who advocate the global extension of citizenship are content to empty the concept of 'citizen' of its political connotations so that it has little to achieve conceptually and functions rather as an equivalent for 'moral agent'.<sup>85</sup>

From a realist outlook, we could simply say that ideals of this kind have no normative force. But that would be to dismiss the argument too quickly. First, while no one argues that a global or transnational kind of citizenship already exists, some might say that we have come some way towards such an ideal. And if this is true, the institutional structures which have developed might have normative consequences. Second, even if we do not agree that there are rudimentary forms of global or transnational citizenship, we might concede the existence of some of the problems pointed out. These problems might in themselves have an institutional component, they may for instance have institutional changes as their basis. These institutional changes might have normative implications.

Let me begin with the second consideration. One line of argument, represented by for instance David Held, relies on the familiar empirical claim that the policy options open to contemporary states have become seriously constrained by the global economic market, on the one hand, and the actions of other states, on the other. From this observation the argument for extending citizenship transnationally proceeds by saying that for citizenship to be an effective instrument for self-determination, as it is supposed to be, it must now be exercised at levels higher than the nation-state, that is at the regional or global level.<sup>86</sup>

There is no claim here that some rudimentary form of transnational citizenship exists. However, there is an argument to the effect that serious institutional changes provoke the need for reinterpreting the idea of citizenship. Two things could be said about this. First, it is contested whether the institutional changes are as radical as suggested. Some argue that the constraints imposed upon the modern state by the forces of globalization are often seriously overstated.<sup>87</sup> I will not get into this large discussion because, second, even if we admit that globalization threatens the self-determination of nation states it seems odd to focus on the extension of citizenship with the extended individual responsibilities that follow, rather than on the responsibilities of

---

<sup>85</sup>Dower 2000, p. 553. See also Fox (2005) on this "conceptual stretching" of 'citizenship'.

<sup>86</sup>Cf. Miller 2000, p. 90. For examples of this line of argument see Held (1999) and Falk (2000).

<sup>87</sup>See for instance Bhagwati (2004, ch. 8) for a recent discussion, and Li and Reuveny (2003) for a quite recent empirical assessment.

states to counter the negative outcomes of globalization by building new, putatively transnational institutions. A transnational form of citizenship might be the outcome of such a counter-development, but to see the extension of citizenship as the solution to the identified problems seems to be a case of putting the cart before the horse.

Instead of stressing problems provoked by institutional changes, a more promising line of argument would be to suggest that previous changes have already given rise to rudimentary forms of transnational citizenship. Instead of debating the effects of economic globalization on state sovereignty, we should look at the already established international institutions and assess their normative consequences. I have already done this in the previous section on weakening state sovereignty, but let us see if the discussion can be taken further if we focus on the individual citizen rather than on larger structures.

Let me begin however, with another normative suggestion from Held. He has also argued that we need to create a cosmopolitan democratic law, enforced by international courts such as the European Court of Justice, which will provide resources for individual citizens whose rights have been violated by their own states.<sup>88</sup> The idea behind this suggestion is that the protection of individual rights cannot be guaranteed within state borders and in order to ensure their protection supranational institutions have to be created and with them follow a cosmopolitan form of citizenship.<sup>89</sup> Now, this normative argument could be coupled with an empirical claim stronger than those I discussed in the section on weakening state sovereignty, and one made by some systems theorists. The claim is that a cosmopolitan legal system actually exists and is already constitutionalized in international human rights law.<sup>90</sup> If this is correct, it would mean that cosmopolitan citizenship already exists. The empirical claim is suspect, but let me assume that it is true for the sake of argument.

Following David Miller we can protest there is at most a very thin conception of citizenship involved here. When an act consists merely in asserting one's rights against the state or in appealing to a higher court that one's rights have been violated, it is essentially the action of a private person rather than of a citizen. And this is all that is involved in this thin conception of citizenship. There is no reciprocal recognition of obligations and no public activity.<sup>91</sup> So only a minimal kind of citizenship would be involved if we were to see the advent of this kind of practice or accept that it already exists. And given the rationales which I will argue are needed for connecting citizenship with distributive justice, it is very doubtful whether any redistributive implications would follow from such a thin conception.

---

<sup>88</sup>Held 1995.

<sup>89</sup>Cf. Miller 2000, p. 90.

<sup>90</sup>Cf. Cohen 2004, p. 8.

<sup>91</sup>Miller 2000, pp. 92-3.

### 3.5 Conclusion

I have reviewed how three different political conceptions of justice explain how globalization might extend the scope of justice. The difference between the reviewed conceptions is that they promote three different institutional structures or practices – cooperation, coercion and citizenship – as giving rise to principles of distributive justice.

The first conclusion is that it does not follow from any of these that the dictates of distributive justice extend globally under the current state of affairs. We have certainly seen expansion in the institutional structure of international cooperation. But it is doubtful whether the cooperation is of such a kind that it creates demanding obligations of justice. It seems to merely assert that exchanges be fair and non-exploitative (what this means will be the subject for chapter 7). Such obligations are quite different from those that require redistribution based on considerations of relative shares of resource holdings between agents, which is how we usually think of distributive justice within a state. If the idea is to extend the distributive justice obligations which hold within states beyond their borders, then this conception of justice seems to fail.

Compared to international cooperation we have seen even less cross-border expansion in the institutional structure of coercion. Indeed, we have seen much discussion about the changing nature of state sovereignty. National governments are no longer the sole players when it comes to rule-making within their territories. Instead, they are situated at the intersection of global, regional, transnational, and local systems of governance and their sovereignty has become shared and divided among several different agencies of public power. All this is true. But to think that it has consequences for the scope of principles of distributive justice is an exaggeration. First, the shift of political authority to non-state actors has been made through explicit or implicit approval of states and still depends on state power for enforcement. Second, the kind of coercion exercised by global or transnational governance institutions is different from the kind exercised by states. Remember that institutional structures require justifications appropriate to their natures. And the nature of transnational institutions are not such that they require justifications that involve redistributive measures of the kind normally present in states.

The fact that we have not yet seen the developments necessary to extend distributive justice obligations internationally does not mean that we will not see such a development in the future. As I have mentioned earlier, one striking feature of political conceptions is that they are unstable in the sense that they are, more or less, susceptible to real world changes in institutional structures or practices. As I have also tried to argue, however, and this is the second conclusion, from the point of view of distributive justice further changes in the structures of cooperation or coercion (in the autonomy-constraining sense)

would not matter. Only changes that affect coercion of the kind relevant for citizenship would have normative ramifications for distributive justice.

To be subject to state coercion is one part of what it means to be a citizen, so all I have said about coercion above transfers to the political conception stressing citizenship as a role. But we also have to consider arguments made by those who claim that there is some form of global, cosmopolitan, or transnational citizenship. Most theorists who argue for a form of citizenship that transcends state borders do not claim that such a citizenship already exists. It is an ideal. From my realist perspective such an ideal has no normative force.

One could claim that rudimentary forms of global, cosmopolitan, or transnational citizenship have been created by the emergence of new institutions and practices that cross state borders. But all such claims either rely on a conceptual stretching of 'citizenship' or on a very thin conception of citizenship that does not have any implications for distributive justice and thus cannot form the basis for a theory of global distributive justice. The conclusion is that a political conception that focuses on citizenship does not promise much in the way of expanding the scope of distributive justice beyond state borders.

The reason that political conceptions of justice relying on cooperation or coercion in an autonomy-constraining sense is problematic is that they fail to explain how the structures they point out as primary are connected to distributive justice. As already indicated, cooperative structures seem to at most demand fair play rather than distributive justice for their justification. Moreover coercive structures do not infringe upon citizens' autonomy in a way which demands compensation in the form of a scheme for justice through redistribution.

It needs to be stressed that when it comes to the coercive-structures approach it is the connection to individual autonomy that is problematic. Indeed, state coercion might be a requirement or an instrument for establishing the autonomy of citizens, and whenever this is the case the justification for coercion is precisely this fact, that it protects individual autonomy. The coercive-structures approach does not leave any room for such a justification of state coercion. This does not mean that state coercion does not stand in need of justification. Indeed it does. But not in a way suggested by the coercive-structures approach.

It still remains to be shown in what sense state coercion stands in need of justification, how such a justification would look, and how citizenship matters in all of this. I have merely suggested that citizenship understood as a role can provide us with the connection to distributive justice missing in the other two conceptions. The suggestion has yet to be defended. Together with a general defence of special obligations between citizens this will be the main subject for the following two chapters.



## 4. The Role of Citizenship

THESIS: Thomas Nagel has developed a promising political conception of justice which relies on the significance of state coercion and citizenship. His idea is that because citizens are both joint authors of a coercively imposed system and subject to its norms they stand in a particular associative relationship to each other which creates demands for distributive justice. Nagel's conception of citizenship is underdeveloped and he lacks a complete explanation of why it is demands of distributive justice in particular that are created by an association through state coercion. A conception of citizenship which sees it as a role rather than simply as a relationship manages to fill the gaps in Nagel's argument.

### 4.1 Coercion and the State

In the previous chapter I briefly outlined a conception of citizenship as a role and the obligations tied to citizenship as role obligations. In this chapter I will take a deeper look at the content of this conception and in the next I will ask what it promises in the way of defending the idea of special obligations between citizens. A terminological note: special obligations are those obligations we owe to others in virtue of particular relationships – as for instance their parents, friends or compatriots. In this and the following two chapters I will focus exclusively on redistributive policy and those special obligations that demand redistributive responsibilities between citizens.

As I said earlier I believe those theorists are on the right track who argue that the reason for why individuals within a society can make redistributive claims on each other is because they share a coercive structure. My doubts were based on the fact that they identify the infringement of citizens' autonomy as the reason for why state coercion has to be justified through a concern with distributive justice. The connection between distributive justice and coercion in an autonomy-constraining sense turned out to be rather weak. Why state coercion, understood as interference with citizens' autonomy, requires a justification through a concern with distributive justice remained unexplained.

In the following, I will develop a political conception of justice by explaining how I believe the justification of state coercion owed to citizens connects with distributive justice. The route I will take goes through a certain understanding of how state coercion works, and a certain understanding of citizenship and what it means to be a citizen.

## Why Coercion Matters

Following the method of constructive interpretation, we start out by identifying the practices or institutions we should attend to for the purposes of finding principles of justice. Rawls's suggestion was that we should attend first to the most "basic" of existing social structures and institutions. In the domestic context what is most basic is the way in which major social institutions distribute fundamental rights and duties, and in the international context it is relations among societies.<sup>1</sup> The reason for Rawls's focus on these broadly political structures is because, in the case of major domestic social institutions their "effects are so profound and present from the start"<sup>2</sup>, and relations between societies are basic because they have caused "the great evils of human history."<sup>3</sup>

Rawls's argument for why we should assign priority to major domestic social institutions has received quite a lot of critique. Several commentators have argued that it is simply not enough to point to the profound effects of the basic structure in order to demonstrate that it has some kind of intrinsic claim to priority. This is because the production of such profound effects is not exclusive for the basic structure. So argues for instance Richard Arneson that individuals are born with different talents and traits that affect their initial life prospects independently of social structures.<sup>4</sup> Natural talents and traits are present from the start and can have profound effects on people's lives.

More persuasively, the additional aspect of major domestic social institutions which gives them priority for the purposes of constructive interpretation is rather the fact that they are coercively imposed upon citizens. Williams provides us with a powerful rationale for this idea. He declares that the "first political question" is the problem of securing order, protection, safety, trust, and the conditions of cooperation. This is a classical and relatively simple problem, but it has profound consequences for political life. This Hobbesian question is not "first" in the sense that once it is solved, it does not have to be solved again. Rather, it is a problem which has to be solved "all the time", since the solution is affected by historical circumstances.<sup>5</sup>

The general answer to the question is, of course, that we need a common coercive power, a state, to protect us from disorder and facilitate conditions of cooperation. So it is a necessary condition for legitimacy that a state solves the first question by developing a means of maintaining a reasonable degree of social order. But this is not a sufficient condition for legitimacy. Citizens can rightly fear that the concentration of power in the hands of the state could lead

---

<sup>1</sup>Cf. James 2005*a*, p. 298.

<sup>2</sup>Rawls 1999*c*, p. 7.

<sup>3</sup>Rawls 1999*b*, pp. 6-7. Cf. James 2005*a*, pp. 298-9.

<sup>4</sup>Arneson 1999, p. 226. See also Nagel 2005, p. 128.

<sup>5</sup>Williams 2005, p. 3.

to a reign of terror. The state would then not be a solution to the first question, but instead become a part of the problem.<sup>6</sup>

In order to be legitimate, the state must also persuade its subjects that the power it uses to create social order will not be used to terrorize them. This involves the state providing a justifying explanation to each of its subjects of what the difference is between “the solution and the problem”.<sup>7</sup> Similarly, Appiah argues that states “matter morally intrinsically” because they regulate our lives through forms of coercion that will *always* require moral justification. Further, Appiah argues that state institutions matter, not only because they are necessary for so many modern human purposes, but because they have so great a potential for abuse.<sup>8</sup>

There is a demand then, of constructing a concentrated form of coercive power fit to secure social order which people will still trust to protect them. Williams calls this “the basic legitimation demand”. Meeting this demand is what distinguishes a legitimate state from an illegitimate one, and it can be equated with there being an “acceptable” solution to the first political question.<sup>9</sup> What counts as an acceptable solution to the first question of political life – how social institutions should be constructed in order for their coercive powers to be justified – will depend on historical circumstances. We will get back to this last claim later. William’s explanation for why there is a basic legitimation demand is enough to establish that state institutions, through their coercive nature, stand in presumptive need of justification and should be the starting points for constructive interpretation.

William’s discussion also brings out part of the general justification for the main elements of citizenship. An obvious aim of citizenship is that, when the state offers an acceptable solution to the first political question, it will offer us protection, safety, trust, and the conditions of cooperation. Remember that this is just a general justification which has to be specified at the reforming stage of our constructive interpretation, in which we ask what the practice really requires in order for the general justification to work.

## Beyond Basic Legitimation

That a state satisfies the basic legitimation demand is a necessary, but might not be a sufficient condition for it to be legitimate. It could be argued, and Hobbes indeed did argue, that in some historical circumstances the conditions for meeting the basic legitimation demand were so exacting that solving the first political question was actually sufficient for determining the rest of the political arrangements, and no further demands needed to be met in order for the state to justify its powers. But, as I said in chapter 2, political justifica-

---

<sup>6</sup>Williams 2005, p. 4.

<sup>7</sup>Williams 2005, pp. 4-5.

<sup>8</sup>Appiah 1996, p. 28.

<sup>9</sup>Williams 2005, pp. 3-4.

tion is always addressed to individuals in a particular place and time, and it has persuasive force in the light of standards accessible to individuals in their historical situation. This means that in other circumstances, such as those of the modern state, there are certainly “extra conditions” which the state has to satisfy in order to be legitimate.<sup>10</sup> When the state does not merely impose its laws upon us citizens, but starts acting in our name, legitimizing its actions and decisions through a reference to the will of its people (regardless of whether there is any mechanism, democratic or otherwise, to find out the content of this will) it is no longer enough for a state to satisfy simply the basic legitimation demand. Extra conditions have to be satisfied. What are these extra conditions? A discussion of their content will be saved for the following two chapters. For a discussion of their form it will be useful to use the language of rights.

Williams argues that our most basic conceptions of “human rights” are connected with what we consider an acceptable solution to the first political question. He says that “our most basic conceptions of human rights are connected with our ideas of what it is for the supposed solution, political power, to become part of the problem.”<sup>11</sup> That is, if the proposed institutional solution is constructed in a way that it engages in violations of basic human rights, it cannot be acceptable since it has not provided a justifying explanation of why it is really a solution in the first place. In the following chapters I will argue that a modern state has to satisfy extra conditions beyond the basic legitimation demand in order to justify its powers. These extra conditions can also be put in terms of rights, but they go beyond the most basic human rights and refer rather to the political and social kinds. But before that, I should spell out an influential political conception of justice developed by Thomas Nagel which also relies on the significance of coercion. My own political conception will later be developed in the form of a reaction to what Nagel has said.

## 4.2 Nagel’s Political Conception

Nagel starts out by stating that for the political conception distributive justice is what he calls “fully associative.”<sup>12</sup> This means that socioeconomic justice “depends on positive rights that we do not have against all other persons and groups, rights that arise only because we are joined together with certain others in a political society under strong centralized control.”<sup>13</sup> According to Nagel it is *only* from such a system, and from our fellow members through

---

<sup>10</sup>Williams 2005, pp. 3-4.

<sup>11</sup>Williams 2005, p. 63.

<sup>12</sup>Nagel 2005, p. 127.

<sup>13</sup>Nagel 2005, p. 127.

its institutions, that we can claim “the amelioration through public policy of unfairness in the distribution of social and economic goods.”<sup>14</sup>

Nagel discusses Rawls’s appeal to the importance of eliminating or reducing morally arbitrary sources of inequality in people’s initial life chances.<sup>15</sup> As Nagel points out, Rawls does not believe that the moral presumption against arbitrary inequalities is a principle of universal application. Arbitrary inequalities are not objectionable in themselves. What is objectionable according to Nagel’s reading of Rawls is “that we should be fellow participants in a collective enterprise of coercively imposed legal and political institutions that generates such arbitrary inequalities.”<sup>16</sup>

Nagel acknowledges that this move might seem surprising. Since we do not deserve to be born into a particular society any more than we deserve to be born into a particular social position within a society, it might strike us as odd that the arbitrary distinction of co-membership in a society is responsible for determining the scope of the presumption against arbitrary inequalities, that is the scope of the Rawlsian variant of egalitarian distributive justice. Nagel argues that it is only the internal character of the system in which we arbitrarily find ourselves that creates the special presumption against further arbitrary distinctions within it.<sup>17</sup> Why is it then, that this arbitrary distinction of co-membership carries so much normative weight? What, more precisely is the “internal character of the system” that creates the presumption against arbitrary intrasocietal inequalities?

Nagel argues that it is insufficient to, as Rawls did, ground this presumption on the fact that the intrasocietal inequalities have profound effects on people’s life prospects. As we just saw, in another context, there are extrasocietal differences between persons, such as natural talents, that are equally arbitrary but do not carry the same normative weight. That the intrasocietal inequalities shape people’s initial life prospects is necessary but not sufficient to explain the presumption against them.<sup>18</sup> An additional necessary condition is needed. This is where Nagel develops his particular statist political conception of justice. It should be pointed out that while Nagel discusses the particular Rawlsian presumption against arbitrary inequalities, his points apply more generally to the political morality of redistributive policies.

Nagel’s idea is that the additional necessary condition which explains the presumption against arbitrary intrasocietal inequalities comes from what he calls “a special involvement of agency or the will that is inseparable from membership in a political society.”<sup>19</sup> He says:

---

<sup>14</sup>Nagel 2005, p. 127.

<sup>15</sup>See Rawls 1999c, ch. II.

<sup>16</sup>Nagel 2005, p. 128.

<sup>17</sup>Nagel 2005, p. 128.

<sup>18</sup>Nagel 2005, p. 128.

<sup>19</sup>Nagel 2005, p. 128.

A sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association. I submit that it is this complex fact – that we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e., expected to accept their authority even when the collective decision diverges from our personal preferences – that creates the special presumption against arbitrary inequalities in our treatment by the system.<sup>20</sup>

So it is not a special involvement of some will to become or to remain a member of a political society which creates the presumption of distributive justice. Most people obviously do not have a choice in this matter. The presumption is created instead by an engagement of the will that is essential to life inside a society, “in the dual role each member plays both as one of the society’s subjects and as one of those in whose name its authority is exercised.”<sup>21</sup>

Our society makes us responsible for its acts, indeed these acts are taken in our name. In a democracy we may have some influence on these acts, but even when they do not conform with our personal preferences we are expected to assume responsibility for them. Furthermore, our society holds us responsible for obeying its laws and conforming to its norms, and we are thereby expected to support the institutions through which advantages and disadvantages are created and distributed. When these institutions admit arbitrary inequalities, Nagel argues, we are held responsible for them, and we therefore “have the standing to ask why we should accept them.”<sup>22</sup> Nagel points out that this request for justification has moral weight even though we have no choice but to live under the existing regime. The reason is that the requirements of the regime claim our active cooperation, “and this cannot be legitimately done without justification – otherwise it is pure coercion.”<sup>23</sup>

In the political conceptions defended by Blake and Risse state coercion required justification because of its infringement on the autonomy of citizens. Coercion matters in Nagel’s statist view as well, but not because it infringes upon citizens’ autonomy. What requires justification according to Nagel is not merely that laws are imposed upon us, but also that they are authorized by us, or taken in our name, and we are expected to assume responsibility for them. This special involvement of human agency, or will, in a political association provides the basis for the political morality of redistributive policies.

Nagel’s argument might actually be considered by some as sufficient in order to defend special obligations of distributive justice between compatriots. Nonetheless, there are a couple of potholes in the argument which I think needs to be filled:

First, his intriguing understanding of what it means to be a citizen is underdeveloped and a further development will provide interesting insights into

---

<sup>20</sup>Nagel 2005, pp. 128-9.

<sup>21</sup>Nagel 2005, p. 128.

<sup>22</sup>Nagel 2005, p. 129.

<sup>23</sup>Nagel 2005, p. 129.

the concept of citizenship. This will be the subject matter for the remainder of this chapter.

Second, I am not suggesting that what I am about to say is complementing Nagel's argument in the sense that it is something he himself could have and should have said. Our theoretical and methodological points of departure are after all too dissimilar. My methodology is the one of constructive interpretation. And there is something important in Nagel's discussion which we should bring with us into our interpretation. As the state moves beyond basic legitimation and starts to act in the name of its subjects, additional pressure is put on the justifying explanation the state owes them. At the same time it suggests a second general justification for citizenship. It has been argued that Aristotle's idea that man is a 'political animal' does not necessarily imply that man *must* participate politically in order to become virtuous, something which is often assumed about Aristotle's view on political participation. What is necessary is that he must literally be part of the political community and live under its laws.<sup>24</sup> So political institutions have a normative function in the moral education of the individual, "but it is primarily through the coercive authority they impose rather than through any opportunity for active political participation."<sup>25</sup> Citizenship then, provides an individual with the opportunities to plan and lead a life *in accordance with justice*. Once again, this is a suggestion about a general justification. It obviously has to be specified at the reforming stage of our constructive interpretation in order to work.

Third, Nagel says that citizens of a state have a standing to ask why they should accept arbitrary inequalities because they are held responsible for the institutions which admit these inequalities. But this is insufficient for explaining why citizens are owed a justification *particularly through a state concern with distributive justice*. Why is it not enough for a state to say for instance, that even though there are institutions which admit arbitrary inequalities, everybody benefits from the social cooperation facilitated by these institutions and they are therefore justified? The fact that we, as citizens of a state, are owed a justificatory explanation of why we should accept state coercion and the arbitrary inequalities created by the state is not enough to establish that this justificatory explanation has to involve a commitment to distributive justice. How then, does redistribution enter into the justificatory picture?

This is where original position-reasoning enters the picture for Rawls, and presumably also for Nagel. As is quite well-known, Rawls uses a device he calls 'the original position' in which representative parties are to select the principles of justice intended to govern the basic structure of society.<sup>26</sup> Regarding distributive justice, Rawls argues that the parties in the original position would select a principle which states that economic inequalities are only

---

<sup>24</sup>Mulgan 1990, p. 205.

<sup>25</sup>Mulgan 1990, p. 205.

<sup>26</sup>Rawls 1999c, pp. 102-5.

permitted insofar as they are to the greatest benefit of the least well off members of society.<sup>27</sup>

However, as I explained in chapter 2, this kind of reasoning is not available to me. I must take another course in order to explicate why the state has to concern itself with redistribution for its powers to be justified. This course will be outlined in the remainder of this and the following two chapters. I believe our journey should start by digging deeper into the notion of citizenship. Before proceeding however, I want to briefly explore an objection raised against Nagel's argument.

## Border Coercion

Abizadeh has claimed that Nagel's argument about the significance of state coercion rests on a normatively perverse premise.<sup>28</sup> He focuses particularly on what Nagel says about immigration policy:

The required active engagement of the will of each member of the society in its operation is crucial. It is not enough to appeal to the large material effects that the system imposes on its members. The immigration policies of one country may impose large effects on the lives of those living in other countries, but under the political conception that by itself does not imply that such policies should be determined in a way that gives the interests and opportunities of those others equal consideration. Immigration policies are simply enforced against the nationals of other states; the laws are not imposed in their name, nor are they asked to accept and uphold those laws. Since no acceptance is demanded of them, no justification is required that explains why they should accept such discriminatory policies<sup>29</sup>

The implication of what Nagel says is that interstate forms of coercion, such as border coercion, do not require justification. This is since interstate coercion does not meet the condition that those subject to it jointly authorize the coercively imposed system. Abizadeh observes how this implies that a state can exempt itself from the demands of justice by making sure that it exercises *pure* coercion that do not command responsibility from the persons subjected to coercion.<sup>30</sup> Insofar as a state refrains from acting in the name of its subjects, and thus denies them the status as putative joint authors of the system of coercion, it can escape the demand for justification. Abizadeh concludes that this implication reveals the normative perversity of Nagel's argument.

Luckily, because of the differences between Nagel's view and mine Abizadeh's objection does not work against the argument I am trying to

---

<sup>27</sup>Rawls 1999c, p. 68.

<sup>28</sup>Abizadeh 2007, pp. 351-2. See also Tan (2006, pp. 334-5) for a similar argument.

<sup>29</sup>Nagel 2005, p. 128.

<sup>30</sup>Abizadeh 2007, p. 352.

make. As I have argued above, coercion calls for justification regardless of whether or not it takes the form Nagel sees as necessary for triggering demands of justice. The state always has to justify its powers to those subject to its coercion. In the first instance it has to explain to its citizens why it is better to live under the coercive power of a state rather than in a state of nature. Later, when the state starts to act in the name of its citizens, extra conditions on what counts as an acceptable justificatory explanation are introduced. Then the state, once again, has to explain why its current form is better than the alternative, which, in this instance, is a state that does not act in the name of its citizens. This explanation, I will argue, has to go through a concern with distributive justice.

However, since state coercion always has to be justified, it is not only citizens who are owed a justification but also non-citizens subjected to border coercion. But Abizadeh is mistaken in thinking that this justification must include a concern with relative deprivation.<sup>31</sup> In line with what was argued in the previous chapter, we can say that the justifiability of border coercion to those affected by it does not depend on any concern with redistribution. A common justification of border coercion is that (legitimate) states are doing something morally defensible, namely providing for their members by maintaining a legal framework and social system, and this cannot be sustained if there is no regulation of access.<sup>32</sup>

I do not believe this justification is sufficient and will allow myself a brief digression about border coercion since it will bring out some interesting differences between traditional contractualist justification and realist justification. Still, however, neither the contractualist nor the realist variant invokes any concern with redistribution.

Risse sees the justification outlined above as a sufficient contractualist answer to those subject to border coercion.<sup>33</sup> But if we put justification in terms of a test of loyalty, it will need further work. We must know what it is – what practice or institutional structure – that subjects of border coercion are supposed to reflect upon as potential objects of their loyal commitment. It seems the answer is that whether someone should offer their loyal commitment to a system of border coercion amounts to a question of whether they should offer their loyal commitment to a system that divides the world into states.

The existence of states is partly justified by the consideration above, which was that states are doing something morally defensible. However, this is clearly not enough of an answer to someone expected to offer a world system of states their loyal commitment. It must be supplemented with an idea about constraints on what states can legitimately do in their pursuit of securing goods for their citizens. At a minimum states must also abide by their obligations to outsiders, such as humanitarian duties or duties created

---

<sup>31</sup>See Abizadeh 2007, p. 351.

<sup>32</sup>Risse 2005c, p. 107.

<sup>33</sup>Risse 2005c, p. 106.

by transnational relationships. This assures that the part of the justification referring to the good a state secures for its citizens is consistent with a state's obligations towards refugees and asylum-seekers.

### 4.3 Citizenship as a Role

In its most narrow, but still plausible sense, 'citizenship' is usually understood as a formal legal status articulating the relationship between the state and an individual who is subject to the state. But this understanding of citizenship as merely a relationship between state and subject makes the concept quite thin, although it is admittedly less thin than some of the conceptions of global citizenship discussed earlier which lack even this relational feature. I will suggest that by adding a *structural* feature to the concept of citizenship we can capture some of the interesting parts of Nagel's idea of what it means to be a citizen. This structural feature consists in seeing citizenship as a *role*, rather than merely as a relationship. To be sure, roles can be institutionally specified by reference to relationships, and indeed the role of a citizen is at least *partly* specified by a relationship of formal legal status between a subject and a state. But there is more to the concept than this.<sup>34</sup>

In the previous chapter I briefly mentioned Michael Hardimon's account of roles and role obligations. His understanding of a role was that it is a constellation of institutionally specified rights and duties organized around an institutionally specified social function.<sup>35</sup> A very similar definition is found in Goodin who bases his account on Charles Fried's discussion of roles and their rights and duties. Goodin and Fried both see roles as "generic specifications of particular sorts of 'special relationship' to which special rights and duties attach" and 'role responsibilities' as clusters of special obligations which attaches to roles.<sup>36</sup>

Goodin and Fried's definition, on the one hand, is a bit wider since they drop the requirement that the relationship and its attached rights and duties have to be institutionally specified. Hardimon, on the other hand, focuses exclusively on *institutional roles*. More specifically he talks about political, familial, and occupational roles. This rules out for instance the possibility of conceiving of purely biological relations as roles. We need to distinguish between, for example, the biological relation of sister, and the institutional role of being a sister. One is defined by biology while the other is institutionally defined. To stand in a biological relationship may be a necessary and sufficient condition

---

<sup>34</sup>The conception of citizenship as a role is not very common among political theorists but we can find it (more or less explicitly expressed) in for instance Barber (1984, ch. 8), Cooper (1984), Flathman (1995, p. 112), Goodin (1998, pp. 328-30), Hardimon (1994, p. 334), Held (1984, pp. 58-9), Kagan (1998, p. 138), Miller (1989, pp. 245-51), and Sunstein (1996, pp. 923-5).

<sup>35</sup>Hardimon 1994, p. 334.

<sup>36</sup>See Goodin 1998, p. 322, and Fried 1978, ch. 7.

of occupying a certain institutional role, “but it is the institution – not biology – that specifies who may occupy the role; and it is the institution – not biology – that specifies the rights and duties that individuals have as occupants of that role”.<sup>37</sup>

Virginia Held has objected that to see roles as sets of rights and obligations “overinstitutionalizes” the concept and rules out the possibility of morally evaluating for instance ‘the social critic’ or ‘the political activist’ in terms of how they perform their roles.<sup>38</sup> This objection might have something to it when directed towards a strong institutional definition such as Hardimon’s. But even though I will focus exclusively on a role which is institutionally defined – citizenship – I am not bound to such a narrow definition. As I have previously suggested, the method of constructive interpretation can surely be utilized to assess less institutionalized practices, roles and relationships than citizenship, and can encompass types of stringent claims other than rights and obligations.

## The Role Conception of Citizenship

Most discussions about citizenship are concerned with its normative *content*, such as which rights and obligations follow with citizenship. I have still not committed myself to any idea of how citizenship should be conceived in terms of its content, and in the following two chapters I will do this only partly. The political conception I am outlining can remain agnostic on many issues regarding the content of citizenship because of the simple reason that the normative content will vary according to historical and societal context. As I will argue however, there is indeed a common normative core to the notion of citizenship. But beyond this core the justifiable content of the role of citizenship will be contextually determined.

My focus right now is on a structural feature which takes citizenship beyond the common idea that it is merely a relationship or a status. What makes this structural feature attractive is that it makes it possible to account for a certain normative content we usually assign to citizenship – it enables us to explain how institutionally specified duties we commonly see as part of being a citizen are indeed so.

Let me explain by referring to David Miller’s elaboration on how citizenship must mean something more than merely being subject to the laws of a state. He suggests that citizenship is a “social role” which is partly, but not wholly, defined in terms of rights.<sup>39</sup> I will get back to the issue of rights later. Interesting here is that Miller states that, apart from being a matter of possessing rights, citizenship goes further and is also “a matter of belief and

---

<sup>37</sup>Hardimon 1994, p. 334.

<sup>38</sup>Held 1984, p. 23.

<sup>39</sup>Miller 1989, pp. 245-51. See also Miller (2000, p. 82) where he prefers to describe his republican ideal of citizenship as a role rather than as a legal status.

behaviour”. He argues that a citizen has to see herself as “playing an active role” in determining her society’s future, and as “taking responsibility for the collective decisions that are made.”<sup>40</sup>

This suggests that we can quite readily use the conception of citizenship as a role to interpret Nagel’s idea that there is a special involvement of the will which is inseparable from membership in a political society. This involvement of the will consists in us being both joint authors of a coercively imposed system, and subject to its norms. This includes that we are expected to accept the authority of these norms “even when the collective decision diverges from our personal preferences.”<sup>41</sup> There seems to be a discontinuity between private and public morality in that the latter sometimes demands that we accept its authority even though it goes against our private morality. We are expected to pay our taxes even if we believe taxation is theft, and we can be conscripted even if we are pacifists. This discontinuity could easily be explained if we view citizenship as a role we are coerced into accepting. As we shall see in the next section, the idea of connecting public morality to the obligations of roles in order to explain its discontinuity with private morality has also been used in other contexts.

Citizenship, on Nagel’s account, looks very much like a complex role as described above, rather than as a relationship or status. In fact, Nagel himself operates with the notion when he for instance describes the engagement of the will essential for political life as “the dual *role* each member plays both as one of the society’s subjects and as one of those in whose name its authority is exercised.”<sup>42</sup> He also points out how we, without being given a choice “are assigned a *role* in the collective life of a particular society”.<sup>43</sup> It is not a farfetched idea to suggest that a conception of citizenship as a role is actually implicit in Nagel’s political conception.

Similarly Richard Flathman mentions another common way of understanding citizenship – as a *status* defined by rules – but suggests that there is an even more powerful tendency to think of citizenship as a role rather than as a status.<sup>44</sup> Flathman points out that there are proprieties and improprieties in the performance of a role, and in the case of citizenship these are determined by a normative account of the ideal contents of citizenship. More importantly however, Flathman remarks that the proprieties of the role are to be determined less by legal rules, than by “customs and conventions” that develop in the course of interaction between citizens and by “moral principles derived from thinking about the objectives and purposes distinctive to the role itself.”<sup>45</sup>

---

<sup>40</sup>Miller 1989, p. 247.

<sup>41</sup>Nagel 2005, pp. 128-9.

<sup>42</sup>Nagel 2005, p. 128. Emphasis added.

<sup>43</sup>Nagel 2005, p. 129. Emphasis added.

<sup>44</sup>Flathman 1995, p. 112.

<sup>45</sup>Flathman 1995, p. 112. See also Cooper 1984, p. 144.

Flathman's last remark is very interesting since it highlights how well the role-conception of citizenship fits with a realist approach to political theory and with the method of constructive interpretation. In order to find out the normative content of the role of citizenship, we shall not focus exclusively on legal practices (although they matter also) but rather direct our attention to the objectives and purposes distinctive of this role as they figure in existing social practices.

What is the point then, of conceiving of citizenship as a role? The concept of citizenship is obviously rather complex and cannot simply be reduced to a formal legal status articulating the relationship between state and subject. Such a thin conception can account for the fact that citizenship means being subject to the laws of a state. It can also account for the rights and obligations present in the relationship between subjects and state institutions. But citizenship also contains rights and obligations owed directly to other citizens, and less formal proprieties and improprieties regulating the interactions between citizens, such as norms determining how political preferences are properly expressed. This complexity can be accounted for by a role conception.

## Varieties of Public Roles

Interestingly, Nagel himself discusses roles and role obligations in another context. He identifies a discontinuity between public morality and private morality in that public officials of different kinds, when acting as public officials, often seem to, in some areas, have greater freedom in their actions than individual morality would allow. At the same time they might also, in other areas, meet harder moral restrictions than private individuals. Someone acting as a public official might be permitted, or even required, to do things which would be impermissible from the point of view of individual morality, such as using extreme measures of coercion or even deadly force. However, she might also have to meet stricter requirements than would be asked for by individual morality. She might for instance be held to higher standards of concern for the general welfare than ordinary people.<sup>46</sup>

Nagel's explanation of this is that there is "something to the special status of action in a role" – there is something morally special about public roles and public action that alter the demands on the individual, and Nagel performs a careful analysis of the nature of this normative peculiarity of acting in a role of a public official.<sup>47</sup> Now an argument from analogy could be made that just as public officials occupy roles and hold role obligations, citizens do too. Goodin, for instance, when discussing varieties of public roles and obligations attached to them, argues that while public affairs are a more intermittent concern for citizens than they are for public officials, and while the specific obligations of these roles will differ in content, the basic nature of their responsibilities

---

<sup>46</sup>Nagel 1979, pp. 76-9.

<sup>47</sup>Nagel 1979, pp. 76-7.

when engaged in public affairs remains broadly the same. He says that, at root, the most fundamental responsibility of citizens in their public capacities – as, say, voters or taxpayers – is the same as that of elected and appointed public officials. This fundamental responsibility is, according to Goodin, to serve the public by promoting its interest overall.<sup>48</sup>

Terry Cooper similarly argues that the source of legitimacy for the public administrator is to be found in “the role of a citizen”. He explicitly defines citizenship as a role and argues that the obligations of public officials – whom he states are in essence ‘professional citizens’ – are to be derived from the obligations of a citizen in a democratic political community.<sup>49</sup>

There are differences in the arguments by Goodin and Cooper. Goodin, on the one hand, sees the obligations of public officials and citizens as stemming from the same normative source – the responsibility to promote the public’s interest – but this source yields different results in terms of obligations when applied to different institutional roles. While not independent, nor are the different sets of obligations derivable from each other. Cooper’s argument on the other hand presupposes that we first develop obligations for the role of a citizen, and from those we can then derive the obligations of public officials.<sup>50</sup> But this difference is not very important here. What is important is that the idea that public officials occupy certain roles and hold certain role obligations seems rather common. And when we view the social obligations of citizens as, at root, the same as those of public officials this lends support to the idea of conceiving these obligations as role obligations and of citizenship as a role.<sup>51</sup>

I will not press this argument from analogy much further however, since I have my doubts about it. It seems quite obvious that there are vast differences between varieties of public roles, and it would be surprising if much of what we can say about one could also be said about another. The most important difference between the roles of elected and appointed public officials and that of a citizen is of course that the former are voluntarily undertaken while the latter is not. This has a crucial consequence in that the role of citizenship has to be justified to those who are supposed to assume it.

## Role Obligations and Associative Obligations

Understanding citizenship as a role makes it possible for us to add further precision to the idea that citizens owe special obligations to each other. Remember that special obligations were obligations we owe to others in virtue of particular relationships. Now, the role of a citizen encompasses several dif-

---

<sup>48</sup>Goodin 1998, pp. 329-30.

<sup>49</sup>Cooper 1984, pp. 143-4.

<sup>50</sup>Nagel (1979, p. 79) explains this difference.

<sup>51</sup>We also find the idea that public officials occupy roles and hold role obligations in institutional approaches to the study of organizations and public administration as well as in governance studies. March and Olsen (1995, pp. 27, 56-60) is a well-known example.

ferent kinds of relationships, to state institutions and to other citizens, with several different kinds of obligations (and rights) connected to them. Indeed a role *is* a constellation of special relationships to which belong special rights and obligations. In the case of citizenship the relationships, rights, and obligations are specified by social practice and organized around an institutionally specified social function. The obligations which attaches to citizenship can be understood then, as *role obligations*. That an obligation “attaches” to role means simply that it applies to an individual in her capacity as an occupant of that role.<sup>52</sup>

In his characterization of role obligations Hardimon tries to distance himself from authors such as Ronald Dworkin who sees role obligations as belonging to the more general category of *associative obligations*. As we saw in chapter 2, Dworkin defines associative obligations as “special responsibilities social practice attaches to membership in some biological or social group.”<sup>53</sup> According to Hardimon role obligations are not usefully thought of as a species of associative obligation. This is because “role obligations are defined in terms of institutions, not groups, and attach to institutionally specified roles rather than membership in groups.”<sup>54</sup> I have already expressed some uneasiness with Hardimon’s overinstitutionalized understanding of roles and role obligations. With a broader understanding of associative obligations, it would be unproblematic to view role obligations as belonging to this general category. We find this in John Simmons’s definition of an associative obligation as “a special moral requirement, attached to a social role or position (including that of membership in a group), whose content is determined by what local practice specifies as required for those who fill that role or position.”<sup>55</sup> I cannot see the problem in including role obligations, or other kinds of institutionally specified obligations for that matter, within the wider category of associative obligations as long as we are talking about non-contractual obligations. The institutions we are talking about are after all *social* institutions, that is systems of rules which specify activity between individuals. And what institutionally specified obligations are supposed to regulate is relational activity. Non-voluntary social institutions are fundamentally associative. There are, of course, contractual institutions, with attached obligations, created by discrete actions, such as promises and agreements. They are not usefully thought of as associative since their content is not determined by practice in any strong sense, but rather by explicit agreement or consent. But once again, citizenship is neither explicitly agreed upon nor consented to.

Simmons sees his definition as sharing quite a few features with Hardimon’s understanding of role obligations, but points out that it is wider since it emphasizes social groups and membership generally rather than purely institutional

---

<sup>52</sup>See Hardimon 1994, p. 334.

<sup>53</sup>Dworkin 1986, p. 196.

<sup>54</sup>Hardimon 1994, p. 335.

<sup>55</sup>Simmons 1996a, p. 253.

roles. More importantly, and worth discussing here, Simmon's definition remains neutral on the relevant normative source of the obligations whereas Hardimon says that the "normative force" of role obligations "flows" from the role.<sup>56</sup> Hardimon remains a bit vague about what this really means. But he contrasts the idea of normative force flowing from a role with the idea that it derives from a principle.<sup>57</sup> This can be readily interpreted as the contrast between realism and moralism. While realism assesses the normative force of a role by analyzing and interpreting its content, moralism does so by applying independently specified principles.

Simmons is a moralist. He argues that there are only two ways in which we can become morally required to perform the obligations attached to our institutionally assigned roles. One is that we have performed voluntary acts which are morally obligating and which require us to perform in accordance with role obligations. The other relies on an idea of effectiveness and states that we become morally required to perform role obligations when, by acting in some institutional capacity, we "can most fully discharge a natural moral duty".<sup>58</sup> Simmons says that the key behind this approach is the idea of *external justification*. According to this view on justification we are morally obligated to perform in accordance with institutionally assigned norms only when this is required by a moral principle which is not itself a principle of the institution in question. Institutionally assigned obligations "acquire moral force only by being required by external moral rules."<sup>59</sup> This is moralism. However, I should not discard Simmons's argument so lightly. Indeed his objection that special obligations require voluntary acts in order to have normative force is fundamental, and we have to come up with a defence for why special obligations can also be involuntary incurred in order to save the idea that citizenship (which is an involuntarily acquired role) encompasses such obligations. This will be a task for the next chapter.

## 4.4 Conclusion

Coercion matters fundamentally because it has to be justified to those subjected to it. State coercion matters fundamentally because it has to be justified to each and every citizen. The justification the state owes its subject has to explain why state coercion is better than the alternative. This is the first question of political life.

As political life expands, the requirements the state has to fulfil in order for its coercive powers to be justified also expands. Something important happens for instance, when the state starts to act in the name of its subjects, and holds

---

<sup>56</sup>See Simmons 1996a, p. 253 n. 18, Hardimon 1994, p. 334.

<sup>57</sup>Hardimon 1994, p. 335.

<sup>58</sup>Simmons 1996b, p. 30.

<sup>59</sup>Simmons 1996b, p. 30.

them responsible for its actions. From this moment on, it is no longer enough to justify coercive powers with the protection they offer.

This is how we should begin to construct a political conception of justice. Citizenship has normative significance because: (i) it is as citizens we are joint authors of a coercively imposed system and; (ii) it is as citizens that we are subject to a coercively imposed system. This creates a particular associative relationship between citizens which has the potential to explain why principles of distributive justice in its full standard apply only within state borders.

Because we, as citizens, are subject to a coercively imposed system we are expected to accept the authority of the norms prescribed by this system, even when they diverge from our personal morality. This discontinuity between public and private morality can be explained if we see citizenship as a role, as opposed to more traditional conceptions of citizenship as a relationship between subject and state or as a legal status. To see citizenship as a role means seeing it as a constellation of rights and duties – or more loosely, of proprieties and improprieties – organized around a particular institutionally specified social function.

The role conception of citizenship can also help us explain further complexities. Citizenship seems to compound different kinds of relationships to both state institutions and other citizens. It is not easily reduced to a singular relationship. Citizenship also seems to contain normative requirements less formal than rights regulating the interactions between state subjects. This complexity can be accounted for by a role conception.

The rights and duties, proprieties and improprieties, connected to citizenship are specified by local practice. We can discover them by constructively interpreting the objectives and purposes distinctive to the role of citizenship. Such an interpretation will also help us explain why the justifying explanation the modern state owes its subjects has to be put in terms of distributive justice.



## 5. Justifying Citizenship

THESIS: Because a political conception of justice relies on the general idea that there are special obligations between members of a political community it is vulnerable to two powerful objections: *the voluntarist objection*, which states that involuntary membership in a political community cannot generate any special obligations since obligations to associates must always arise from voluntary acts; and *the distributive objection*, which states that the additional advantages generated through special obligations for members of associations are unjustified when their provision works to the detriment of those outside associations who are needier. The reply to the voluntarist objection is that special obligations can be involuntarily incurred as long as we have reason to loyally embrace the role or relationship to which they belong, or, in other words, if the role or relationship is reflectively acceptable. The force of the distributive objection cannot be completely resisted. But we can cushion its blow by introducing constraints on the pursuit of additional advantages created by membership in political community.

### 5.1 Two Objections Against Special Obligations

In a seminal discussion Samuel Scheffler highlights two main objections against the general idea of there being special obligations. The objections are raised from the standpoint of commonsense morality and Scheffler calls them *the distributive objection* and *the voluntarist objection*.<sup>1</sup> The distributive objection states that the problem with special obligations is that they give additional advantages to people who have already benefited from participating in rewarding groups and relationships. This is unjustifiable, the objection goes, whenever the provision of these additional advantages works to the detriment of those who are needier in the sense that either they are not themselves participants in rewarding groups and relationships or because they have significantly fewer resources of other kinds. In the discussion on global justice this objection would be invoked by defenders of global redistribution to challenge the idea that the members of affluent societies have special responsibilities to their associates that they do not have to other people.<sup>2</sup>

---

<sup>1</sup>Scheffler 2001, ch. 3.

<sup>2</sup>Scheffler 2001, p. 85.

While the distributive objection is an argument made on behalf of “outsiders”, the voluntarist objection is an objection on behalf of those who are supposed to be bound by special obligations. According to this objection obligations to associates can only be voluntarily incurred. As a consequence mere participation in a relationship or membership in a group is not sufficient to generate any special responsibilities whatsoever. Special responsibilities, the objection goes, must always arise from some voluntary act, such as a promise or an agreement.<sup>3</sup>

A political conception sees justice as something we owe through our shared institutions only to those with whom we stand in a particular political relation. So it is vulnerable to the distributive objection. Further, the obligations of justice we owe to our associates in shared political institutions are involuntarily incurred. We normally do not choose or agree to become members of the relevant political institutions. So a political conception is also vulnerable to the voluntarist objection.

## 5.2 Reflectively Accepting Citizenship

What makes the concept of citizenship interesting to work with in this study is that it manages to bring together several normative aspects of political life.<sup>4</sup> It is as citizens we are subject to the laws of a state. In other words, it is as occupiers of this certain role we become subject to state coercion. Consequently, as citizens we are owed justification for state coercion. It is also as citizens that we are put into a certain kind of relation with other members of our society.

As we have seen, what makes state coercion special is that it not only makes us subjects to laws, but that it also holds us responsible for these laws. Within what he called the special involvement of the will in a political association Nagel included the responsibility of supporting institutions through obeying laws and conforming to norms, as well as the wider obligation of assuming responsibility for the actions of one’s society even though they on occasion conflict with our personal preferences. Nagel here provides us with an insight into the most salient aspect of taking on the role of a citizen – loyalty towards the state. Without a popular commitment to support institutions and a willingness to assume responsibility for the acts of our society, a regime would be engaged in pure coercion.

Such a duty of loyalty is not a unique demand of the state, but indeed it arises in many shared cooperative activities as well. What they have in common is that the success of such a collective project has an important impact on the lives of the participants, and that its success depends on potentially demanding loyalty on the part of the participants.<sup>5</sup> The duty of loyalty in-

---

<sup>3</sup>Scheffler 2001, p. 54.

<sup>4</sup>Cf. Kymlicka and Norman 1995, p. 283.

<sup>5</sup>See Miller 2004c, p. 106.

volved in being a citizen has a special status however. Not only is the institutional loyalty required by a political project of collective self-rule “potentially extremely demanding”, and its effects on members’ lives pervasive and fundamental.<sup>6</sup> As Aristotle pointed out in the first lines of the *Politics*, political community has a specific character in that it is the community that embraces all other communities and the one which is most authoritative.

What then, does the state need to do to justify this order? This is where we move over to that part of political life which concerns our rights and obligations as citizens, and ultimately to the issue of distributive justice. Our journey towards bringing together citizenship with distributive justice goes through a reply to one of the objections presented by Scheffler.

### The Voluntarist Objection

We have seen how Nagel stressed the involuntariness of being assigned a role in the collective life of one’s society and how he argued that justification for this is needed in order for it to be legitimate and not just a matter of pure coercion. The voluntarist objection stated that obligations to associates can only be voluntarily incurred. If the objection stands, no justification could successfully defend the involuntary assignment of the role of citizenship. The idea behind the voluntarist objection is that mere involvement in a collective such as a state is insufficient in generating any special obligations at all. Such obligations can only arise from voluntary acts.<sup>7</sup> Given the discussion above the objection can be restated in even wider terms. The problem, it could be argued, is not only that we acquire special obligations through our involuntary involvement in a state, but that we are expected to assume responsibility for the actions of our society simply by virtue of this unchosen membership.<sup>8</sup>

Wellman has posed a related critique from a liberal perspective. He states that one of the problems liberals have with associative obligations is that the value of individual liberty is at odds with the involuntariness of such “inherited” obligations. If membership in non-voluntary, non-contractual groups automatically gives rise to special obligations, it threatens the liberal ideal of each individual’s freedom to act in any manner as long as it is not harmful to others.<sup>9</sup> Wellman makes the important point however, that although liberals are averse to associative obligations for the reasons just stated, it does not mean that they are flatly opposed to them. It would take a hard-headed liberal indeed to deny that there are involuntary acquired obligations between family members. The liberal concern is not really that special obligations could be

---

<sup>6</sup>Miller 2004c, p. 107.

<sup>7</sup>Scheffler 2001, p. 54. See also Hardimon 1994, pp. 343-4.

<sup>8</sup>Cf. Miller 2004a, p. 256.

<sup>9</sup>Wellman 2000, p. 541.

involuntarily incurred, but rather that we would accept them *without sufficient justification*.<sup>10</sup>

David Miller has remarked that there seems to be quite uncontroversial cases where we are prepared to hold people responsible in unchosen situations characterized by chance factors.<sup>11</sup> He gives us an example presented by Virginia Held where three unacquainted pedestrians on an isolated street happen to find themselves upon the scene of an accident.<sup>12</sup> The pedestrians must collectively decide upon a course of action in order to save the victim. In this situation chance has brought the three pedestrians together but since they are the only people able to rescue the victim, they become collectively responsible for the harm he suffers if they fail to act in concert to save him. This may be unlucky for them and may incur costs upon them, but this does not relieve them of the responsibility.<sup>13</sup> In this case a number of people find themselves to be involuntarily involved in a collective upon which responsibilities are thrust by circumstance. The intuitive case for the voluntarist objection in an unqualified form thus seems to be rather weak. But the objection presses us to come up with a compelling justification for why we should accept a certain set of responsibilities created by the involuntary involvement in a group. When it comes to citizenship, we need a justification for why we should accept to be assigned a role in the collective life of a particular society and the responsibilities attached to this role.

## Reflective Acceptability and Loyalty Once Again

Scheffler points out that one reason for concern about special obligations which might be behind the voluntarist objection is that our most significant social roles determine, to a considerable extent, “the ways that we are seen by others and the ways that we see ourselves”.<sup>14</sup> In other words they help to determine our social identities, and it might be a disturbing element of special obligations that our relationships and roles can generate obligations independently of our choices and thus lock us into social identities we did not chose. Scheffler remarks that we shape our own identities only to the extent that we choose our roles and relations and decide upon the significance they shall have in our lives. Yet to the extent that our roles and relations are fixed independently of our choices, our social identities are beyond our control. This marks out what may be an important difference between the special obligations determined by our unchosen social roles and relations and those general responsibilities which might arise in situations over which we lack control,

---

<sup>10</sup>Wellman 2000, p. 541.

<sup>11</sup>Miller 2004a, p. 256. See Scheffler (2001, p. 105) for a similar defence.

<sup>12</sup>See Held 1970, p. 479.

<sup>13</sup>Miller 2004a, p. 256. We assume here that the costs are reasonable and does not involve for instance the risk of losing one’s life.

<sup>14</sup>Scheffler 2001, p. 105.

such as the one discussed above. In that situation, other people might make unwelcome claims on our time and resources, but those claims would not threaten our capacity for self-determination. The problem with involuntarily incurred special obligations, from the voluntarist perspective however, is that they give other people “undue control over our lives” in making them “able to shape our identities in ways that run counter to our wishes.”<sup>15</sup>

Scheffler acknowledges that in this formulation the voluntarist objection has obvious strength. We care deeply about the ability to have our identities influenced by our choices. And we see societies in which people’s social identities are rigidly fixed by the dictates of law or social control as inhospitable to human freedom. Nevertheless, Scheffler argues, despite the fact that we care so much about having our social identities influenced by our choices, it is quite clear that the capacity to determine one’s identity is limited. We are all born into a web of social relations which lays claim to us long before we can attain reflective distance from it or begin making choices about our place in it. We are obviously not able to choose all of our social relations and roles, nor is it up to us to determine their significance. Whether we like it or not, “they define the contours of our lives, and influence the ways that we are seen both by ourselves and by others.”<sup>16</sup> Even if we, when possible, sever or repudiate such ties this will not mean a complete escape from their influence for, in Scheffler’s words “to have repudiated a personal tie is not the same as never having had it.”<sup>17</sup>

The answer to the voluntarist objection then, is that while choice and consent certainly have significance in a moral context, the normative import of our social roles and relations does not derive exclusively from our decisions.<sup>18</sup> But this is not tantamount to conceding the legitimacy of for instance oppressive social systems of caste or hierarchy. The only roles and relationships that give rise to obligations for the individual are those which, as Scheffler puts it “the individual has reason to value”, or as I have framed it, those which are *reflectively acceptable* and pass a *test of loyalty*.

By invoking such a justificatory device we avoid the charge that the alternative we present to an exaggerated voluntarism is an exaggerated communitarianism or historicism.<sup>19</sup> Just because we recognize that the moral significance of our social roles and relations does not derive solely from our choices, it does not mean that we consign ourselves to a kind of ‘social bondage’. We have no reason to value relationships and roles that are degrading or demeaning and thus they do not generate any obligations.<sup>20</sup>

---

<sup>15</sup>Scheffler 2001, p. 106.

<sup>16</sup>Scheffler 2001, p. 106.

<sup>17</sup>Scheffler 2001, p. 107.

<sup>18</sup>Scheffler 2001, p. 107.

<sup>19</sup>Scheffler 2001, p. 107.

<sup>20</sup>Scheffler 2001, p. 107.

An account of role obligations of communitarian stripes would see the role of citizenship and a number of other social roles and relations as impossible to renounce since they are fundamental to our identity.<sup>21</sup> Furthermore, such an account would perhaps take the identification with a role as sufficient for rendering it morally binding. But as we have just seen this is not a concession we need to make. What we need is an idea of when we *should* identify with a role, and when we should renounce it.

What this amounts to in my discussion about the role of citizenship is in effect an answer to the first question in political life. As I have already pointed out, it is as occupiers of the role of citizen that we become subject to state coercion. This is why we as citizens are owed justification for state coercion. When we ask if a particular specification of the role of citizenship is reflectively acceptable, whether we have reasons to loyally commit to it, what we are at least partly asking is whether this role as it is authoritatively defined by the state is such that we have reasons to accept it. And further, whether we think that a certain description of the role of citizenship is reflectively acceptable seems to depend to a significant degree on whether the state can provide us with a justifying explanation for the content it has authoritatively given this role.

## The Value of Citizenship

When we reflect upon the role of citizenship then, does it possess any features which make it meaningful, rational, or good? More precisely, what kinds of justifying explanations could the state offer its subjects which would make the role of a citizen acceptable, upon reflection, for them to loyally embrace? A promising strategy for finding the answer to this question is to focus on the *rights* which need to be included for an account of citizenship to be attractive.

A very influential analysis from which we can learn is T.H. Marshall's classification of three sets of rights associated with citizenship. Marshall defines citizenship as "a status bestowed on those who are full members of a community" and submits that all "who possess the status are equal with respect to the rights and duties with which the status is endowed."<sup>22</sup> His view of citizenship as a "status" might be due to the fact that his main focus is on the *rights* of citizenship. As I have noted above, a fuller appreciation of the complexities of citizenship takes us beyond such a conception to the one of citizenship as a role.

Interestingly, Marshall displays strong realist inclinations in the sense I have defended, when he argues that there is no universal principle that determines what the rights and duties of citizenship should be. Instead, Marshall says, "the societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and

---

<sup>21</sup> See for instance Sandel (1998, p. 179) and MacIntyre (1984, p. 220).

<sup>22</sup> Marshall 1950, pp. 28-9.

towards which aspiration can be directed.”<sup>23</sup> This squares well with the realist approach to political theory which I outlined earlier, where existing social practices form the starting points for our reasoning about justice. Marshall also registers the importance of loyalty involved in being a citizen when he argues that citizenship requires a “direct sense of community membership based on loyalty to a civilization which is a common possession. It is a loyalty of free men endowed with rights and protected by a common law.”<sup>24</sup> But my main focus here is on Marshall’s identification of three layers of citizenship rights. His differentiation of citizenship into a civil, a political and a social element is quite familiar, and it provides us with important insights into the value of citizenship.

*The civil element of citizenship* comprises the rights associated with individual freedom. These are the protective rights intended to safeguard the freedom and security of each citizen against invasion by others. Marshall’s examples include “liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice.”<sup>25</sup> The value provided by the civil element of citizenship is quite obvious. Civil rights provide individuals with protection against arbitrary power and interference and thus gives them the opportunity to flourish as human beings. Without such protection life would be an eternal struggle for survival void of any possibilities of leading a fulfilling life. This disqualifies from being valuable any conception of citizenship that does not include civil rights.

*The political element of citizenship* is made up by “the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body.”<sup>26</sup> The value stemming from the political element of citizenship is a bit more complicated to capture. Indeed, some theorists simply argue that the opportunity to participate in the formation of laws and policies in itself makes citizenship valuable, or that political participation has intrinsic value for human life and well-being.<sup>27</sup> But this is controversial since it presupposes a conceptually thick and demanding view of citizenship which attaches great significance to political participation. Other authors have famously argued that there can be such a thing as “too much participation” which threatens to unduly constrain political leaders and result in social and political instability.<sup>28</sup>

A more cautious suggestion about the value of political citizenship would stress the instrumental importance of political rights in the protection of civil

---

<sup>23</sup>Marshall 1950, p. 29.

<sup>24</sup>Marshall 1950, pp. 40-1.

<sup>25</sup>Marshall 1950, p. 10. The “right to justice” should be understood narrowly as “the right to defend and assert all one’s rights on terms of equality with others and by due process of law” (pp. 10-1).

<sup>26</sup>Marshall 1950, p. 11.

<sup>27</sup>See for instance Mason (1997, p. 442) and (2000, p. 97), or Sen (1999, p. 9).

<sup>28</sup>Lipset (1960, pp. 14-6) defends such a view.

rights. Adequate protection of civil rights requires some institutional mechanism through which individuals are able to freely form and register their judgments about laws and policies, and a corresponding obligation on the part of government officials to take heed of these opinions and offer public replies framed in terms of their view of the general good.<sup>29</sup> Such a mechanism provides an important check on the power of the legislators and without it a state would not provide sufficient protection of civil rights. As Mandle remarks, respecting a right requires institutional guarantees against harms, and a paternalistic society that disallows political participation depends too heavily on the arbitrary discretion of the political leaders.<sup>30</sup>

This connects of course with my previous discussion about conditions for state legitimacy. Drawing from Williams, I said that a necessary condition for legitimacy is that a state develops means of maintaining social order. But I also pointed out how this is not sufficient. Concentration of power in the hands of a state can be rightly feared by citizens since insufficient constraints on the lawmakers could lead to a corruption of the protective purposes of the state.<sup>31</sup> This is why political rights must be included in the justifying explanation of the difference between “the solution and the problem” which the state owes to each of its subjects. Williams similarly argues that our most basic conceptions of “human rights” are connected with what we consider an acceptable justifying explanation of political authority.<sup>32</sup>

Williams termed the specific demand resting upon the state to construct a concentrated form of coercive power fit to secure social order, which is also acceptable to the citizens, as “the basic legitimation demand”.<sup>33</sup> What this basic demand requires of a specific state will depend on historical circumstances. This is because, as I have claimed in a previous chapter, a justification is always addressed to individuals at a particular place and time, and it has persuasive force in the light of standards accessible to people in their historical situation.<sup>34</sup> This means, among other things, that it is not obvious that a democratic procedure is the only adequate institutional mechanism for satisfying the requirement of political citizenship. Other mechanisms could also satisfy this requirement, and undemocratic states could satisfy the basic legitimation demand provided that they respect civil and political rights to a degree acceptable to their citizens.<sup>35</sup>

However, I will not pursue the question of what basic legitimation demands in different contexts, however. That would be an unnecessary digression. In-

---

<sup>29</sup>Mandle 2006, pp. 54-5.

<sup>30</sup>Mandle 2006, p. 55.

<sup>31</sup>Williams 2005, p. 4.

<sup>32</sup>Williams 2005, p. 63.

<sup>33</sup>Williams 2005, p. 4.

<sup>34</sup>Williams 2005, pp. 4-5.

<sup>35</sup>This is what is involved in for instance Rawls’s account of undemocratic, but “decent societies” (1999b, pp.64-7). See Mandle (2006, pp. 84-5) for a discussion.

stead I will suggest an argument for the value of political citizenship which applies to democratic societies that have gone beyond the mere satisfaction of basic legitimation. As I said earlier, in current historical circumstances extra demands on legitimacy could surely be pressed upon the modern state. Williams sees it as a “manifest fact” that some kind of democracy, understood as participatory politics, is a necessary demand for legitimacy in the modern world.<sup>36</sup>

The argument I have in mind gives political citizenship a bit more of an independent status compared to the previous instrumental argument, but still does not presuppose any controversial and more substantial view of citizenship. The idea is simply that political citizenship constitutes a crucial form of social recognition of the moral and the intellectual worth of the individual. By allowing universal entry into the political community we recognize the competence, normative and otherwise, of each citizen to take part in its governing. In consequence, we acknowledge that “each has a right to be consulted and play a part in the social allocation of values.”<sup>37</sup> The point is not that political participation is a good in itself and something of which we necessarily need more. It is rather that political citizenship is an important form of social recognition of the individual, which lends great value to the idea of citizenship, regardless of whether or not certain individuals ultimately choose to exercise their political rights.

If a society has taken only minimal steps towards something along the lines of a ‘democratic culture’, social recognition in the shape of political citizenship cannot be withheld by the state for its authority to be justified. Furthermore, if the state acts in the name of its citizens and holds them collectively responsible for its actions, there will be a strong pressure on the state to justify its powers by providing possibilities, in the shape of political rights, for citizens to influence law- and policy-making. Otherwise, democratically-minded citizens cannot be expected to loyally commit to the state’s authoritatively defined system of rules and regulations. If there is a societal demand then for *full* political rights, the state has to recognize these rights in order for its powers to be justified. For the individual, the good involved in a full account of political citizenship, other than the aforementioned social recognition, has been nicely summed up by Robert Dahl. Besides a number of contingent goods Dahl points out that democratic political rights provide individuals with a maximum opportunity to exercise self-determination – that is, to live under laws of their own choosing – and relatedly, with a maximum opportunity for exercising moral responsibility.<sup>38</sup>

This last remark is very interesting because it shows how the second general justification for citizenship needs to be specified in order to work. Dahl’s point is that, since the democratic process to a larger extent than any non-democratic

---

<sup>36</sup>Williams 2005, p. 15.

<sup>37</sup>Lively 1975, p. 134.

<sup>38</sup>Dahl 1998, pp. 53-5.

alternative maximizes an individual's opportunity to live under laws of her own making, it also maximizes her opportunity to act as a morally responsible person. If the scope of self-determination is limited, so is the scope for moral responsibility, since we cannot reasonably be held responsible for policies and decisions we have not had any opportunities to influence. This means that the state's claim to speak in our name and to hold us responsible for its acts, might actually, at the same time as it provoked the demand for a special justification, also be a part of the justificatory explanation insofar as this feature of the state is paired up with full political citizenship. The fact that the state speaks in our name and lets us have a significant voice in its law-making expands the opportunities for moral responsibility for the individual.

*The social element of citizenship*, finally, is the whole range of economic and welfare rights "from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society."<sup>39</sup> The main expressions of this layer of citizenship are of course welfare state policies and institutions such as the social services and the education system.<sup>40</sup> The social element of citizenship is the one which connects most obviously with distributive justice and so I will suspend a fuller discussion of it to the next section. As we will see however, it is not only social citizenship which connects with distributive justice but also, in a powerful way, political citizenship.

Several authors have pointed out that Marshall's three categories of rights are not rigid and mutually exclusive as categories. Some of the rights, such as for instance free speech, can be seen as both a civil right and as a political right.<sup>41</sup> Indeed, Marshall himself said that his analysis was dictated by "history" rather than by "logic".<sup>42</sup> Further, it is also clear that there are several connections between rights belonging to different layers of citizenship. David Miller remarks for instance, that "the whole thrust of the citizenship idea is that the different kinds of rights support each other."<sup>43</sup> We have already seen this in the case of civil rights and political rights, where the latter supported the former by acting as an institutional safeguard. An analysis of the connection between political and welfare rights will prove to be of particular interest for the purpose of connecting citizenship and distributive justice.

---

<sup>39</sup>Marshall 1950, p. 11.

<sup>40</sup>Marshall 1950, p. 11.

<sup>41</sup>See for instance King and Waldron 1988, p. 419.

<sup>42</sup>Marshall 1950, p. 11. It should also be noted however, that Marshall is often read as not only describing how welfare provision became part of the idea of citizenship in the modern age, but also as making a normative claim that citizenship and welfare provision *should* be connected in the way he describes, at least in the modern state. Cf. King and Waldron 1988, p. 422.

<sup>43</sup>Miller 1989, p. 246. See also King and Waldron 1988, p. 420.

### 5.3 The Distributive Objection

In the beginning of this chapter I mentioned an objection against special obligations called *the distributive objection*. In the context of global justice this objection stated that the problem with special obligations between compatriots is that they confer additional advantages on members of affluent societies who have already benefited from participating in rewarding groups and relationships, and this is unjustifiable whenever the provision of these additional advantages works to the detriment of those who are living outside these affluent societies and who are needier because they have significantly fewer resources.<sup>44</sup>

Scheffler has provided an answer to this objection and as it will turn out, his answer will readily lead us to the main subject for chapter 7 – the obligations we hold to those with whom we do not share the institutional structure of a sovereign state, particularly the global poor. Scheffler's response to the distributive objection is not so much a refutation of it as it is an attempt to integrate its concerns.

First, we must realize that the special obligations which the distributive objection is aimed at are internally related to a good *which we are justified in pursuing*. The advantages conferred by special obligations cannot be separated from the other benefits of participating in valuable relationships or occupying a valuable role. The process by which a valuable relationship or role is established is inseparable from the process by which special obligations are generated.<sup>45</sup> The valuable role of citizenship could not be specified without referring to special obligations. This means that a commitment by citizens to give priority to each others' interests is a precondition for the stable existence of this valuable role, and it is these commitments that give rise to the special obligations of distributive justice and other associative duties.<sup>46</sup>

One could of course argue that we are unjustified in pursuing those goods whereby we acquire special obligations, including citizenship. But such a position would be odd indeed. After all citizenship is still a good, or at least so I have tried to argue. Furthermore, as Scheffler points out, the idea that interpersonal relationships, and institutionally defined roles, in which we find ourselves shape the normative landscape of our lives is so fundamental that it is hard to imagine any argument powerful enough to overturn it.<sup>47</sup>

The distributive objection is not without force however. If our response to the objection is that we cannot obtain the goods of valuable relationships and roles without acquiring special obligations in the process, then the distributive objection will still conclude that there must be constraints on the legitimacy of securing such goods.<sup>48</sup> One such constraint is posed by the existence of

<sup>44</sup>Scheffler 2001, p. 85.

<sup>45</sup>Scheffler 2001, pp. 92-3.

<sup>46</sup>Cf. Scheffler 2001, p. 93.

<sup>47</sup>Scheffler 2001, p. 95.

<sup>48</sup>Scheffler 2001, p. 93.

duties to third parties with whom we do not share the structures of a sovereign state. I have already touched upon this subject in the discussion about border coercion in chapter 4.

## The Limits of Humanitarian Obligations

Earlier, I mentioned one type of obligation which promises to put constraints on the content of associative duties – obligations of humanity. These obligations hold in virtue of the absolute need of people we are in a position to help regardless of any association. In chapter 2 I explicated the difference between obligations of humanity and obligations of justice by using the distinction between concerns of *absolute* and *relative deprivation*.<sup>49</sup> The first type of concern evaluates an individual's bundle of resource holdings by looking at that bundle in isolation from those held by others. When someone faces a situation of drastic poverty, and we are in a position to help, we have humanitarian reasons to do so. The normative problem of cases like these does not make any appeal to the resource holdings of others.

Nagel assumes that “there is some minimal concern we owe to fellow human beings threatened with starvation or severe malnutrition and early death from easily preventable diseases” and he submits that this form of humane assistance from the well-off to those in dire need is “clearly called for quite apart from any demand of justice, if we are not simply ethical egoists.”<sup>50</sup> Nagel then observes that since the realities of global poverty are so grim, justice may actually be a side issue. Regardless of what view one takes about the applicability of principles of justice on a global scale, the most pressing current issue is what can be done in order to reduce extreme global poverty. So the issue of justice, while philosophically more demanding, might be morally less urgent.<sup>51</sup>

The issue of obligations of humanity is not as uncomplicated as Nagel makes it sound however. Richard Miller advances two problems regarding these kinds of obligations. First, it is not clear that the obligations of humanity would be particularly demanding. Miller submits that in the ordinary view of beneficence we are only obliged to be responsive to neediness to the extent that our underlying dispositions to help the needy do not risk worsening our lives by depriving us of means to pursue, enjoyably and well, worthwhile life-goals.<sup>52</sup> This is a controversial position of course. Others argue that we should do virtually everything we can to help the needy, even when this means large sacrifices of our interests and the interests of those close to us. But Miller's

---

<sup>49</sup>See Blake 2002, pp. 258-60.

<sup>50</sup>Nagel 2005, p. 118.

<sup>51</sup>Nagel 2005, p. 118.

<sup>52</sup>Miller 2004*b*, 2007.

point highlights the fact that the question about the extent of our humanitarian duties is far from clear-cut.<sup>53</sup>

The second problem with obligations of humanity that also seems to restrict their importance for concerns of global poverty is that of freedom of allocation. Miller argues that although needy people in developing countries are disproportionately those with the most severe needs and those whose needs can be relieved at the least cost, the duty to be concerned with neediness does not obviously require that we give their needs priority. Those whose needs are not the most severe or easiest to relieve could reasonably complain against such a requirement, as could potential benefactors who wish to express concern for worthwhile goals other than supporting the neediest. Because of these considerations Miller concludes that a more promising strategy for assessing our duties to the global poor is to be found in the relationship-specific duties that stem from the interactions characteristic of globalization.<sup>54</sup> This is precisely what I will do in chapter 7.

## 5.4 Conclusion

I have tried to answer two objections against the general idea of there being special obligations between members of political associations. The first one, the voluntarist objection, expresses a concern common in liberal thought that involuntary membership of a political community is seen as sufficient for generating obligations. From a liberal perspective, this might be seen as threatening to lock us into social relationships and roles which we have not chosen. The voluntarist objection states then, that obligations to associates, political or otherwise, must always arise from some voluntary act such as a promise or a contract. But we can quite easily think of examples where the voluntarist objection in its stern formulation yields counterintuitive implications. We can find ourselves in situations over which we do not exercise much control and in which we acquire unchosen relationships to others – relationships which quite plausibly can be said to create obligations. I gave an example, borrowed from Virginia Held, where a collective consisting of three pedestrians stumble upon the scene of an accident and, given the circumstances, become collectively obligated to act in concert in order to help. There really is no reason for such dramatic analogising. When your employer hires a new colleague, you and your associates have a collective responsibility to make her feel welcome.

Further, obligations towards family members are often involuntary, and in the case of children's obligations towards parents sometimes also collective, but even a liberal would not deny that we have such obligations. It is an inescapable fact of life that we do not only involuntarily stumble into scenes

---

<sup>53</sup>For discussions about the extent of our humanitarian duties see for instance Kekes (2002), Miller (2004*b*), Singer (1972), and Unger (1996).

<sup>54</sup>Miller 2007, pp. 328-9.

where we acquire unchosen obligations, we also stumble into a world of already established social relations and practices with regard to which we will never have the chance to make any choices. Involuntarily acquired obligations seems to be an inescapable phenomenon. But this does not mean that the voluntarist objection does not point out something important. It does. The objection challenges us to offer a justifying explanation for why a certain involuntary obligation has normative force. The mere existence of a social relationship, or involvement in a social practice, in itself has no normative force. It always has to be asked whether the nature of the relationship or practice is such that a participant has reasons to loyally commit to its requirements. When it comes to citizenship, a useful strategy for determining whether a particular role of citizenship is reflectively acceptable, and thus worthy of loyal commitment, is to focus on the civil, political, and social rights which are included in the role. If properly specified, it seems that these rights are the key to what is valuable about the role of citizenship.

The second objection, which Scheffler called the distributive objection, takes the position of those outside particular political associations and complains that special obligations give additional advantages to insiders. Whenever the provision of these additional advantages works to the detriment of needy outsiders, it seems that special obligations are unjustified. The whole point of a political conception such as the one I am defending is to justify the idea that we have special obligations of distributive justice towards other members of our political community which we do not have towards outsiders. If the justification works, the consequence will be that the additional advantages to insiders are justified even if they are to the disadvantage to needy outsiders. But I am prepared to acknowledge the force of the distributive objection. Furthermore, I believe there is a way to integrate its concerns into my political conception, by taking into account the obligations we, as a collective, acquire when we enter into relationships with other states, notably trade relations which I believe promise the most in terms of putting normative demands on developed states in their dealings with developing countries.

## 6. Citizenship and Distributive Justice

THESIS: A political conception of justice might be seen as going against our deepest convictions about justice. We normally think that membership in a community is irrelevant from the point of view of justice. This objection is compatible with there being special obligations between members of a community, but denies that they can be obligations of justice. The answer to this objection is to invoke a distinction between the content and the scope of justice, and provide rationales for why associative membership matters for the latter even though it does not for the former, and for why the obligations created by associative membership should be seen as obligations of distributive justice. The latter kind of rationale can be found by for instance investigating the interconnectedness between political and social rights, and by looking into the nature of social equality.

### 6.1 Caney's Challenge

In current philosophical discussion on justice there has been much debate about what importance special ties between compatriots – understood either as co-nationals, countrymen or something similar – have for considerations of distributive justice. The main question has been whether the ties between compatriots give rise to special obligations of justice. In this debate Simon Caney has criticized David Miller for simply assuming without argument that the special obligations between (in Miller's case) co-nationals are obligations of justice. As Caney rightly points out there are many different types of obligations, only some of which are obligations of justice. There is a possibility then, overlooked by Miller and others, that the special obligations between compatriots might be obligations unrelated to justice.<sup>1</sup> In this chapter I will defend the idea that there are special obligations between citizens that are obligations of distributive justice.

Caney's argument applies to all claims about special obligations that regard them as obligations of justice. As he goes on to point out, it is not intuitively obvious that just because a set of obligations are associative obligations they should be understood as obligations of justice. Caney presents us with an example in which he suggests that if we are reasonably wealthy it is plausible to suggest that we have a social obligation to help out our siblings, should they

---

<sup>1</sup>Caney 1999, p. 126.

be impoverished. But it would not be plausible to claim that this is something justice requires. If it did, we would have to say that our siblings are *entitled* to, or that we *owe* them the money. Caney rightly concludes that this seems questionable. He does not want to deny that obligations of justice could arise in communal contexts such as among family and friends, but since not all social obligations are obligations of justice we need arguments explaining why a certain social obligation should be understood as such.<sup>2</sup>

Furthermore, Caney argues that the logic underlying standard theories of distributive justice suggests that we have good reasons to reject claims to the effect that obligations arising from membership in communities like nations or states are obligations of distributive justice. Theories of justice ordinarily regard such memberships as wholly irrelevant for distributive judgements. As Caney puts it “[t]he logic of all theories of justice – whether they are libertarian, egalitarian, utilitarian – makes no reference to a person’s membership of a community and treats the latter as irrelevant.”<sup>3</sup> Caney concludes that Miller’s claim that (national) associative obligations are obligations of distributive justice fits ill with our deepest convictions about justice. In order for an argument about associative obligations as distributive justice obligations to work, further explanation is needed.

We can extrapolate Caney’s argument to apply to all attempts at construing social obligations as distributive justice obligations and regard it as a challenge to produce convincing explanations for why a certain kind of social obligation should be understood as an obligation of justice. In this chapter I will try to construe the special obligations between compatriots as obligations of distributive justice in a way which I believe will survive Caney’s challenge. Once again I want to stress however, that when I talk about distributive justice in this chapter I am talking about that part of justice which is concerned with the difference between individuals’ bundles of resources. As previously outlined justice can also be discussed in a wider sense.

Caney suggests that one way of avoiding his critique would be to distinguish between the content of justice – that is the principles governing the distribution of benefits and burdens – and the scope of a system of justice.<sup>4</sup> As we have seen, this is the route taken by political conceptions. Caney is suspicious of this distinction however. He views it as implausible as well as arbitrary to divorce issues of scope from those concerning distributive criteria. He suggests that it is “very puzzling” that while we regard community membership as irrelevant for issues concerning distributive criteria we should accept its importance when it comes to issues of scope.

It is quite obvious that behind Caney’s argument lies a cosmopolitan conception of justice. Indeed, the whole point of a political conception is to explain how obligations of distributive justice comes about only within a com-

---

<sup>2</sup>Caney 1999, pp. 126-7.

<sup>3</sup>Caney 1999, p. 127.

<sup>4</sup>Caney 1999, p. 127.

munity of some sort. I have outlined a political conception of justice in which citizenship conceived of as a role was the institutional structure relevant for the existence of obligations of distributive justice. I have also provided a rationale for the scope-criteria distinction by suggesting the ways in which state coercion and an involvement of the will in political community matters for determining the scope of justice. But I still need to defend the idea that the associative obligations citizens hold towards each other are indeed obligations of distributive justice.

## 6.2 Connecting Citizenship With Distributive Justice

We now have the instruments, I believe, to be able to meet Caney's challenge and answer the question of how at least some of the obligations defined by the role of a citizen are connected to distributive justice. Indeed this question is particularly interesting since most other social roles involve neither redistributive obligations nor any ideal of equality. As Scheffler points out, most social roles confer distinctions of hierarchical status which in turn structure human relationships, such as the relationships of doctors to patients, teachers to students, parents to children, attorneys to clients, employers to employees, and so on.<sup>5</sup> Why then, should citizenship be any different? I can think of a number of possible rationales.

First however, I want to make a very brief remark on the relationship between rights and obligations. The observant reader might have registered the shift I have made from talking about the distributive *obligations* between citizens to their *rights*. I have previously described distributive justice obligations as role obligations, but here I have framed distributive justice in terms of rights rather than obligations. Behind this shift lies the well known notion that any right must be matched by some corresponding obligation. This notion is quite straightforward regarding the civil rights associated with individual freedom. A liberty-right always entails a corollary obligation not to interfere which is held by everyone else. But when it comes to the social-rights usually associated with distributive justice, the matter is more complex. Rights to goods, services or welfare entail corresponding obligations which cannot be discharged by all in the same way as with civil rights. This is because, as Onora O'Neill puts it, agents are spatially and temporally dispersed. This means that not all of them can have the kind of access to one another that would be required if they were all supposed to satisfy some duty to 'positive' intervention. Instead, these rights, while they cannot be held by everyone, can be met by the actions of some specified agent. Usually, they are met 'distributively' by setting up institutions "that define numerous special relationships that specify for each right-holder those from whom the right could be claimed".<sup>6</sup> The obligations

---

<sup>5</sup>Scheffler 2005, p. 17.

<sup>6</sup>O'Neill 1996, p. 130.

in question would be held then by various welfare and tax officials, and they would be distributed to individual citizens in the form of role obligations to, as citizens, submit to taxation and to law enforcement.<sup>7</sup>

## Fair Play

One rationale for the connection between citizenship and distributive justice might be found in the idea of justice as fair play. We have an obligation to perform the tasks attached to our institutional roles if we reap the benefits provided by the schemes within which these roles are defined. As a citizen I have an obligation of fair play to ‘do my part’ within the cooperative scheme from which I have benefited, and doing my part consists in performing the tasks attached to the role.<sup>8</sup>

Now, the willingness to comply with one’s obligations of fair play is a necessary and sufficient condition for having a right to the share of the benefits and burdens of cooperation. A person who does her part in a scheme of cooperation makes a contribution, even a sacrifice, which she does not really need to make in order to gain the benefits of cooperation. This is the reason why a person who makes a social contribution can legitimately demand a fair share of those benefits from other participants in the cooperative scheme.<sup>9</sup>

There is a difference between this position and the more common understanding of justice as fair play, in that in justice as fair play the obligation to do one’s part is based on the idea that one should not be a free rider, while the role morality understanding of this obligation is that contributing to one’s society is part of what one should do as a citizen. In justice as fair play, reaping the benefits from a cooperative scheme triggers duties to reciprocate. In the role obligation approach, reaping those benefits triggers duties to perform the tasks attached to the role of a citizen, which include the obligation to do one’s part.<sup>10</sup> To not do one’s part is not only to be a free rider, it is also to ignore an important part of what it means to be a citizen.

It is uncertain however, whether this rationale goes very far in allowing for any wider redistributive claims in the domestic context, or if it will merely demand of citizens that they engage only in exchanges which are fair and that they should benefit proportionately from their individual input into the cooperative system, commonly defined merely as the marginal product of their labour.

---

<sup>7</sup>O’Neill 1996, p. 136.

<sup>8</sup>Cf. Simmons 1996*b*, p. 29.

<sup>9</sup>See Nelson 1974, pp. 425-7.

<sup>10</sup>This does not mean that there, in addition to role obligations, might also be duties of fair play in the usual sense. Hardimon himself remarks that while the normative force of obligations deriving from the idea of fair play does not “flow from roles”, and hence are not role obligations, they attach to roles and provide an additional moral reason to act in accordance with their requirements. See Hardimon 1994, p. 335.

I think we can find other rationales which are more demanding, in an egalitarian sense, and which at the same time are more in line with a realist project than the fair play-explanation in that they are not so seriously detached from how we ordinarily view citizenship.

King and Waldron offer a number of helpful suggestions in an effort to assess normative justifications for treating welfare provision and citizenship as “intrinsically linked”.<sup>11</sup> While I am talking about distributive justice in a perhaps more abstract sense, King and Waldron discuss welfare provision. But that does not matter much here. Further argument would indeed be needed in order to connect principles of justice with welfare provision. First and most importantly of course we need to establish, as I will try to do, that justice requires redistribution. But we would also need an argument for why redistribution should come in the form of welfare provision. I think this second step is quite unproblematic, but also quite unnecessary for the argument I will make.<sup>12</sup>

## Citizenship, Membership and Belonging

Drawing from Nagel, I have said that the most important part involved in taking on the role of a citizen is the special involvement of the will required for active cooperation in a society. Reflection on whether the role of a citizen would be acceptable to assume amounts to a test where one asks whether there is something valuable about this role which warrants loyal involvement of the will in a particular political society. Through Marshall’s analysis of the different dimensions of citizenship we gained important insights into how citizenship might be valuable and how a state might win our loyalty by providing us with a justification which defines the content of citizenship in an attractive way and explains why we should accept state authority.

It still remains to be explained though, how citizenship is linked to the idea of distributive justice. Why is it that the justifying explanation which the state owes to its subjects has to involve a concern with their relative resource holdings? In order to answer this, we have to go beyond the overview provided by Marshall and look more closely at the social and political dimensions of citizenship in particular.

When we scrutinize the notion of citizenship we also need to understand that it is not a rigid concept. Much like all other role concepts, citizenship is what Dworkin calls an “interpretative” concept and thus people can reasonably disagree about the proper understanding and content of citizenship.<sup>13</sup> This makes the idea of citizenship dynamic and opens up the possibility for change in its institutional definition.

---

<sup>11</sup>King and Waldron 1988.

<sup>12</sup>See Murphy and Nagel (2001) for a discussion.

<sup>13</sup>Dworkin 1986, ch. 2. Cf. Hardimon 1994, pp. 336-7.

A critical interpretation of citizenship might usefully revert to the idea of *membership*. When we say that someone is a citizen of our state we often mean that she is a full member of our community, that she belongs here and is entitled to live and make a life here.<sup>14</sup> And sometimes when we want to criticize a state's definition of citizenship as being too exclusive, we often do this by pointing out that the excluded group are not treated, as they should, as full members of our community. Remember the example given in chapter 2 about "citizenship" offered on terms normally offered to guest workers and how this deprived notion of citizenship would be insufficient for anyone to accept the authority of the state. The point could be restated in terms of *membership*. If a group of people, situated in a modern democratic state, were offered "citizenship" on these terms, they could rightfully complain that they are not treated as full members of the community and hence that the terms offered are insufficient for generating a justificatory explanation of why they should loyally accept the coercive powers of the state.

King and Waldron offer a rationale for the connection between citizenship and distributive justice which rests on the idea of what it is to be a member of a society "*like our own*".<sup>15</sup> They refer to Britain here, but it is quite clear that their argument applies to most western welfare states. They argue that since people who live in Britain, or other welfare states, have become familiar with the idea of collective provision of basic welfare and now form their lives around it, it would be seriously disruptive to take all this away. People who live in welfare states have become accustomed to the way welfare is provided and the way it is paid for – out of taxation. There is disagreement at the margins of course, about the precise array of goods and services that should be on offer, and about the precise extent and incidence of taxation. But generally we have all accepted this, and we organize our expectations, and our lives, accordingly. As soon as welfare guarantees have been established in a society and has become a primary point of reference for how people organize their lives, it constitutes an important aspect of what it means to be a member of this society. To attack the very idea of welfare provision then, is in a way an attack on what it means to be a citizen of a welfare state.<sup>16</sup>

The argument can be recast in terms of reflective acceptability. Insofar as members of a society have formed expectations and organized their lives around the idea of redistributive justice in the shape of welfare provision, a state has to justify its powers by providing its subjects with social rights. The argument is analogous with the discussion above about full political rights. The point I made there was that insofar as the members of a society have formed a democratic culture the state has to justify its powers through, among other things, acknowledging the democratic political rights of its citizens. The point here is that to the extent that a 'political culture of social equality' has

---

<sup>14</sup>King and Waldron 1988, p. 432.

<sup>15</sup>King and Waldron 1988, p. 432.

<sup>16</sup>King and Waldron 1988, p. 432.

been formed in a society, the state has to acknowledge the social rights of its citizens in order for its powers to be justified.

I have already mentioned how a modern state has to satisfy extra conditions beyond the basic legitimation demand in order to justify its powers. Political justifications must have persuasive force through standards accessible to individuals in their historical situation, and state institutions which were once accepted might become illegitimate as a state enters modern times and its subjects develop certain attitudes. Williams mentions one way in which extra conditions for legitimacy surface which is simply that someone raises the question about the legitimacy of some institutional structure which creates disadvantages. Institutional structures are not self-legitimizing, they have to be justified. And once the question of their legitimacy has been raised, it cannot be answered simply by their existence.<sup>17</sup> Just as the legitimacy of hierarchical political structures was questioned, and answered by democratic political rights, the legitimacy of hierarchical economical structures has been questioned, and answered by the modern welfare state.

King and Waldron remark that the argument from people's expectations is "realistic" in the sense that it focuses on a notion of citizenship which connects comprehensively with people's sense of their social selves, and of how they organize their lives in our contemporary welfare states. This understanding of realism is quite similar to my realist approach, where the job of the political theorist is to draw political morality from analyzing the unique social relations that structure political life, rather than trying to find out how independently specified moral principles and values apply to politics.

But King and Waldron also want to contrast their realistic way of making an argument which rests on the contingent fact that welfare guarantees have been established in modern welfare states, with arguments that proceed from an "antecedent notion of citizenship".<sup>18</sup> While they think that the argument just presented has *some* normative force, they do not seem to think that it is quite as strong as arguments of the latter kind, which do not so obviously rest on contingent facts. I will soon take a look at their second kind of argument, which connects citizenship with political equality, but I want to register that while I agree that it is stronger, this is not because it proceeds from some antecedent notion of citizenship. It might be antecedent historically, but not theoretically. Arguments proceeding from contingent facts about our current societies are only "shallow" in the sense that they refer to quite recently established practices, while arguments proceeding from political equality are only "deep" in the sense that they are, perhaps, more deeply entrenched in the history of political ideas.

Since I have talked about "political culture" in this section I should perhaps once again bring out some differences between my view and Michael

---

<sup>17</sup>Williams 2005, p. 7.

<sup>18</sup>King and Waldron 1988, p. 432.

Walzer's. His idea is that the content of principles of justice can be drawn from analyzing culturally contingent values and meanings.<sup>19</sup> That idea might seem similar to mine. But it is not. I do not think culture in itself somehow determines the content of justice. Cultural changes perceived very widely, such as the move to modernity, or to the welfare state, affect what we accept as valid justificatory explanations for state coercion. But it is still the coercive nature of shared social and political practices, not culture, which creates the foundation for justice in that it fundamentally alters the relationship between the people subjected to it.<sup>20</sup>

## Political Equality

The most powerful rationale connecting citizenship with distributive justice is to be found in the association between political and economic equality. King and Waldron call attention to the fact that in the tradition of Western political thought there has been a strong tendency to connect political citizenship with ideas about the proper socio-economic position of citizens. They mention how almost all the great theorists of citizenship – from Aristotle and Cicero, through Machiavelli, Burke, de Tocquville, and Mill, to Hannah Arendt – have thought that in order to be a citizen and participate fully in public life, one has to be in a certain socio-economic position.<sup>21</sup>

King and Waldron remark that the point of looking at how the connection between citizenship and socio-economic status has been made by several political thinkers throughout history is not to suggest that these thinkers are sages whose authority we should submit to on matters of citizenship. The reason we should find it useful to attend to the long tradition of thinking about citizenship, is that “in our thought about modern institutions and practices we should take advantage of whatever insights and arguments they offer.”<sup>22</sup> This is true, but there is also another reason which is more squarely in line with the realist approach to political theory, namely that it highlights how the association between citizenship and socio-economic status has for a very long time been seen as structuring social relations and political life. This means that the idea of this association has been accessible to individuals, and thus in principle possible to refer to in political justifications, since at least the time of Aristotle.

For most of history, the conclusion drawn from the observation that citizenship and socio-economic status is associated has been conservative. Most of the thinkers mentioned have argued either that the possession of some modicum of wealth is necessary for full citizenship, or that a rough equality among citizens is desirable or necessary for the proper functioning of a political so-

---

<sup>19</sup>Walzer 1983.

<sup>20</sup>See Sangiovanni (2007*b*) for a similar suggestion.

<sup>21</sup>King and Waldron 1988, pp. 425-6.

<sup>22</sup>King and Waldron 1988, p. 426.

ciety.<sup>23</sup> But this has often lead them to conclude that citizenship cannot be extended to include the poor. Citizenship was regarded as the privilege of only those who are economically secure. However, as King and Waldron point out, the arguments for exclusion which have been put forth throughout history can also be used as a basis for precisely the opposite conclusion. If the idea of universal suffrage has already been established, as it has been in the modern democratic state, the arguments for the association between citizenship and socio-economic status should be taken to imply that we should not be content with formal political rights. For example simply giving everybody the right to vote is insufficient and should be supplemented with social rights in order to make sure that everybody has the economic security which, for a long time, has been seen as a necessary precondition for citizenship.<sup>24</sup>

How, more precisely, do social rights support political rights? First, social rights are needed to *secure* political rights. Second, they are needed to make political rights *effective*. The first line of argument rests on the idea that citizens have to be economically independent of one another in order to avoid unacceptable forms of domination in the realm of politics. Unless at least a modicum of economic independence is established, some citizens will be situated in such a way that they run a great risk of becoming instruments of other interests, rather than being able to bring their *own* judgements to public issues. Once again, we can see that this idea has a considerable pedigree. We find it for instance in Rousseau's well-known statement in *The Social Contract*, that no citizen should be so rich so that he is capable of buying another citizen, and none so poor so that he is forced to sell himself.<sup>25</sup> The relationship between political and social rights in this view then, is that the latter are necessary to ensure that no one is so economically vulnerable that she would be prepared to surrender her political rights, and perhaps obligations as well, for money, food or shelter.

It is quite obvious that a situation where some individuals would be prepared to alienate their political rights and obligations is a situation where they see no value in assuming the role of a citizen and no reason for involving their will in the political community. Thus, by ignoring the importance of social rights for securing political rights, the state would have failed in providing a justifying explanation for its authority. And, once again, as soon as the legitimacy of an institutional structure which produces disadvantages has been questioned, it cannot legitimize itself but needs to be provided with a justificatory explanation. If this justification is unsuccessful, the institution has to be reformed or abandoned.

The second line of argument stresses the importance of social rights to make political rights effective. It suggests that political rights only and in themselves might remove formal legal obstacles for political participation, but they

---

<sup>23</sup>Cf. King and Waldron 1988, p. 426.

<sup>24</sup>King and Waldron 1988, pp. 429-31.

<sup>25</sup>See King and Waldron 1988, p. 427.

are insufficient in providing effective opportunities for such participation in circumstances of deep economic inequalities.<sup>26</sup> As Dahl points out, an enormous number of aspects of human society can be converted into political resources, and many of them, such as wealth, income, status, information and so on, are intrinsically connected to socio-economic positions. Most of the resources which are convertible into political resources are distributed in a highly unequal fashion in all societies, and this generates inequalities in political resources which threaten to render the political rights of some citizens exceedingly ineffective.<sup>27</sup> Political equality is not guaranteed by simply granting every adult with the right to vote and the right to hold public office. These formal conditions of political equality suffice to guarantee a minimum status to everyone, but differences in economic resources will still produce great substantive inequalities in political power which are compatible with the formal rights.<sup>28</sup>

A state would have a hard time gathering a loyal commitment from all of its citizenry if it authoritatively specified citizenship in a way that creates a situation where some experience the nullification of their political rights by the power exercised by those who possess more wealth. As Beitz puts it, “[o]ne could hardly take seriously one’s status as an equal citizen, for example, if owing to a lack of resources one was precluded from advancing one’s views effectively in the public forum”, and more importantly “one could have little reason for confidence that the outcomes of democratic decision making would treat one’s prospects equitably if the distribution of political resources favored those with vested interests in the defence of prevailing patterns of social advantage.”<sup>29</sup> In such situations the unprivileged would, upon reflection, find no, or perhaps only weak reasons for accepting the authority of the state.

The universal acceptance of political rights in modern society, and their strong association with socio-economic factors make the argument just presented quite strong. But at the same time, the egalitarian potential of the argument is pretty weak. This is because, while it rests on a powerful idea, it is not fundamentally egalitarian.<sup>30</sup> The argument only tells us that economic inequalities should be avoided insofar as they result in differences in political resources so vast that they render political rights ineffective for parts of the citizenry. The amount of redistribution required would depend on the circumstances, but in many cases this rationale probably rules out merely deep economic inequalities. Indeed, the problem with inequalities in political resources can be, and has been, dealt with in either, or both, of two different ways, one of which might not require much in the way of economic redistribution. A state could address the problem and maintain an egalitarian political

---

<sup>26</sup>Cf. Wellman 2000, p. 545, White 2007, pp. 5-6.

<sup>27</sup>Dahl 1998, p. 177.

<sup>28</sup>Nagel 2000, p. 60. See also Beitz 1989, p. 192.

<sup>29</sup>Beitz 1989, p. 192.

<sup>30</sup>Cf. Scanlon 2003, pp. 205-7.

process by dealing directly with those elements of a social structure which threatens to undermine political rights, mainly the distribution of income or wealth. Or it could regulate the political process in order to insulate it from the influence of economic inequalities, by for instance placing restrictions on private campaigning spending or by providing public subsidies for political activity.<sup>31</sup>

## Social Equality

A more radically egalitarian argument takes the idea of improper domination in the realm of politics and imports it to a wider social context. A “society of equals” is, in part, a society in which citizens have a high degree of security against domination not only within political processes, but also in their everyday social relationships.<sup>32</sup> The argument maintains that large differences in material well-being are objectionable when the result is that some people are being treated as inferior, or made to feel inferior.<sup>33</sup>

The source for this problem of inferiority may be straightforward domination. Great economic inequalities might make some people so reliant on others for their basic well-being that their lives become susceptible to the control of the well-off.<sup>34</sup> But usually the matter is more subtle. Instead, the source of the problem might be the economically created differences in political opportunities we discussed earlier. When Scheffler attempts to answer the question of “why exactly it is important to us [...] to live in a society in which citizens relate to one another as equals”<sup>35</sup> he mentions, among other things, that because of the profound and formative influence of basic political institutions “patterns of deference and privilege that are politically entrenched spill over into personal relationships of all kinds” and therefore “distort people’s attitudes toward themselves, undermining the self-respect of some and encouraging an insidious sense of superiority in others.”<sup>36</sup> Further, socio-economic differences in themselves might also be the source of social inequalities. This is the case when, for instance, the mode of life enjoyed by the wealthiest sets the norm for a society, and leads those who are much worse off to feel inferiority and shame at the way they must live.<sup>37</sup> We saw earlier how Marshall expresses this idea when saying that the social element of citizenship includes the right to live the life of a civilized being according to the *standards prevailing in the society*.<sup>38</sup>

---

<sup>31</sup>Beitz 1989, p. 193, White 2007, p. 6.

<sup>32</sup>Scheffler 2003, pp. 22-4, White 2007, p. 7.

<sup>33</sup>Scanlon 2003, p. 204.

<sup>34</sup>White 2007, p. 15.

<sup>35</sup>Scheffler 2005, p. 18.

<sup>36</sup>Scheffler 2005, p. 19.

<sup>37</sup>Scanlon 2003, p. 204. See also Anderson (1999, pp. 312-4), Scheffler (2005, p. 19), and Wellman (2000, pp. 547-8) for related discussions about social equality.

<sup>38</sup>Marshall 1950, p. 11.

Precisely what kind of system for the allocation of economic resources is appropriate to a society of equals remains to be worked out. However, it is not very hard to see that the understanding of equal citizenship just presented has redistributive implications. In Scheffler's view an egalitarian scheme of distributive justice is best understood as one that tries to work out the details of such a system of allocation.<sup>39</sup> When elaborating such a system, its effect on the relationship between citizens would be of particular importance. It could plausibly be argued that once the effects on these relationships of significant inequalities in income and wealth are recognized, this should lead us to limit the extent of economic inequalities.<sup>40</sup>

Here, we can return to the earlier idea of membership. If a society allows great inequalities in income and wealth to influence the relationships between its citizens so that social inequalities are created, then those who are made to be socially dominated, or to feel inferior could rightfully complain that they are not treated as full members of the community. A state which fails to take social inequality into account by defining citizenship in a way which does not protect its subjects against social domination, will be unsuccessful in providing a justificatory explanation for why they should loyally accept its coercive powers.

### 6.3 Conclusion

It is perhaps not all too apparent how the method of constructive interpretation has structured the argument made in the last three chapters. A summary which brings this out might be helpful.

The first step in constructive interpretation is to establish an object of interpretation by tentatively identifying a practice and its content. Already at this stage some interpretation is needed in order to establish that what we are dealing with is indeed a social practice. This was done in chapter 4 where I settled for an interpretation of citizenship in terms of a role. The role conception manages to bring out those complexities of citizenship which establish it as a social practice. It encompasses relationships to different agents and wide ranging rights and obligations, but also the fact that citizenship is also a matter of belief and behaviour. One 'plays' a role and actively assumes responsibility for the collective decisions that are made in one's name. This strongly suggests that citizenship is indeed a practice in the sense of a form of activity specified by a system of rules, rather than an inactive legal status.

Our constructive interpretation proceeds in a second step where we must settle on some general justification for the main elements of citizenship. I have suggested two such main elements: citizenship provides us with (i) protection, safety, trust, and the conditions of cooperation; and (ii) the opportu-

---

<sup>39</sup>Scheffler 2005, p. 20.

<sup>40</sup>Scheffler 2005, p. 22.

nities to plan and lead a life in accordance with justice. These two elements characterize the purpose of citizenship.

In the last, reforming stage of constructive interpretation we adjust our sense of what a practice really requires in order for its general justification to work. At this stage we employ the justificatory device of reflective acceptability to generate answers about whether particular specifications of citizenship manage to achieve the goal or aims identified by the general justification. The crucial question we ask is whether a particular specification of the content of the role of citizenship is such that we have reason to loyally assume it. A useful strategy for answering this question is to look at the rights a specification of citizenship entails.

In order for element (i) of the general justification to work citizenship necessarily needs to entail *civil rights*. These are the rights which safeguard the freedom and security of each citizen against invasion by others. This is not enough however. Unconstrained power in the hands of the state can be rightly feared by citizens. In order to establish protection, safety, trust, and the conditions of cooperation, citizenship must also include *political rights* which, at a minimum, include some measure for popular influence.

Political rights, this time in their full standard, are also necessary for element (ii) of the general justification to work. This element does not come into effect before the state has moved beyond basic legitimation and has started to act in the name of its subjects. It is because the state acts in our name that we are provided with opportunities for exercising moral responsibility. But for this justification to work, citizens must be recognized as normatively and intellectually competent. This can only be done by allowing them full political rights. Further, a citizen cannot be expected to offer her loyal commitment to a state which acts in her name if she does not have any opportunities to influence its law- and policy making.

This alternative route of outlining the argument also leads up to an explanation of how citizenship connects with distributive justice. According to our realist approach to political theory, justification must be addressed to individuals in a particular place and time, and have persuasive force in the light of standards accessible to individuals in their historical situation. When we consider the nature of the modern state, we can see that for the general justification to work citizenship must also encompass *economic and welfare rights*, which are of course expressions of distributive justice.

First, economic and welfare rights are needed to both secure political rights, and to make them effective. Citizens must be economically independent of one another so that they do not run the risk of being forced to surrender their political rights for money, food or shelter. Further, large economic inequalities might render the political rights of the resourceless quite ineffective, since economic resources are easily converted into political ones. This suggests that economic and welfare rights are necessary in order for both elements (i) and (ii) of the general justification to work.

Second, in the modern state our ideas of what constitute element (i) of the general justification for citizenship – that is protection, safety, trust, and the conditions of cooperation – has come to include the collective provision of basic welfare. Citizens of modern welfare states form their lives around the fact that their society provides welfare guarantees. To remove these guarantees would be seriously disruptive and a threat against what is seen, by citizens, as an important element of their protection and safety, and as facilitating trust and cooperation between them. Without the safety-net of the welfare-state citizens would not be so willing to take risks. And the risks they are willing to take with the safety-net in place, such as entering into new cooperative relationships, starting new businesses, educating oneself, and so on, are important for the development of a society.<sup>41</sup>

Third, the modern state also incorporates an ideal of social equality according to which citizens should experience security against domination not only within politics, but also in their everyday social relationships. Large economic inequalities tend to spill over to the social realm, so that some citizens are being treated as inferior, or made to feel inferior. This also suggests that economic and welfare rights are needed for element (i) of the general justification to work.

---

<sup>41</sup>King and Waldron 1988, pp. 434-5.

## 7. Fairness in International Trade

THESIS: A political conception of justice can be pluralistic. While principles of distributive justice in their full standard depend on a strong condition of association between the members of a state, other kinds of relationships or practices can create other kinds of justice requirements. International trade is an example of such a practice. Some argue that international trade is essentially bargaining that ends up in ‘pure contracts’, and that considerations of justice are inapplicable to its procedure as well as its outcomes. This is wrong. International trade is an ongoing political project that demands an exacting loyalty from participating states. Because of this international trade can indeed be fair or unfair in its procedures as well as its outcomes.

### 7.1 An Alternative to Cosmopolitanism

When we speak of globalization we often refer to the dramatic increase in international trade and investment that has taken place over the last 50 years. We often also think of the accompanying advent of transnational regimes for trade and finance. While seldom framed in terms of the specific phenomenon of trade, the moral aspects of globalization have not gone unnoticed. In contemporary political thought, we frequently encounter a cosmopolitan attitude according to which globalization challenges our traditional notions of what justice demands from us. As I have tried to argue, this is an attitude that needs to be tempered.

It certainly has to be acknowledged that the current changes in world politics, economy and culture naturally provoke the idea that we need to reassess our conventional notions of justice. The days when international cooperation meant only narrow military and economic cooperation are now long gone. Instead, international cooperation increasingly consists of the construction of new transnational institutions with their own rule-making procedures which bind their member states. Most salient of these institutions are those of the international trade regime. As these institutions come to bind states together even tighter, we will increasingly encounter situations in which problems of justice potentially arise in the international context.<sup>1</sup>

As I have previously mentioned, cosmopolitan thinkers often infer tremendous impacts from the fact that states are being bound together even tighter.

---

<sup>1</sup>Fitzmaurice 1997, p. 16.

In this chapter I will outline a way of assessing globalization from the point of view of justice, in the wider sense I have called fairness, which presents an alternative to cosmopolitanism. It is not only when considered from a cosmopolitan point of view that the phenomena of globalization questions our traditional notions of justice. Indeed, globalization also places increasing pressure on the scope of justice when considered from the viewpoint of a political conception because it changes the institutional structure of our world.

My alternative is anti-cosmopolitan in that it sees justice as something which we, at a fundamental level, owe through shared institutions only to those with whom we stand in particular relations. But it also acknowledges that the international trade regime constitutes an example of a cooperative relationship through which participant members acquire obligations to each other. These obligations put constraints upon what states and organizations may do as members of such cooperative relationships. After presenting my trade based alternative to cosmopolitanism as a way of construing global justice I will suggest a number of such constraints.

The normative constraints, or principles, which will be suggested for the regulation of international trade are not meant to be exhaustive of this normative realm. I will limit myself to a discussion of only those obligations which the parties in a relationship of trade cooperation have to *each other*. I can certainly imagine that further normative principles are needed for the proper regulation of international trade. There might, for instance, be environmental values which the parties involved in trade have to take into account, however I will not discuss such considerations here.

## 7.2 Anti-Statist Political Conceptions

In chapter 4 I presented Nagel's argument for why requirements of equal treatment depend on the strong condition of associative responsibility which is created by the specific relationship of fellow citizenship. The idea was that the presumption of distributive justice is created by the fact that each citizen plays a dual role as one of the state's subjects and as someone in whose name the state's authority is coercively exercised. I agreed with, and expanded on this general idea.

But Nagel also argues that this is the *only* way in which requirements of justice are created. Outside of the sovereign state no requirements of equal treatment or distributive justice could be advanced, *only* basic humanitarian requirements obtain.<sup>2</sup> Nagel holds that this is true despite today's significant level of interactions between states. Some of these interactions, one might intuitively think are proper objects for assessments from the point of view

---

<sup>2</sup>Nagel 2005, p. 125.

of justice. In this chapter I will argue against Nagel's strong statist political conception of justice and suggest an alternative.

## A Continuous Conception

Nagel discusses an objection to his statist political conception and its sharp normative dichotomy between sovereign states and global institutions. According to the objection, we should observe that "there is a sliding scale of degrees of co-membership in a nested or sometimes overlapping set of governing institutions, of which the state is only the most salient."<sup>3</sup> One could then argue that in accordance with the normative framework of the political conception we should acknowledge that "there is a corresponding spectrum of degrees of egalitarian justice that we owe to our fellow participants in these collective structures in proportion to our degrees of joint responsibility for and subjection to their authority."<sup>4</sup> On such a theory, the scope of justice would be relativized across societies and our social justice obligations would vary in strength depending on the extent of relations of co-membership in, say, international trade between individuals of different states.<sup>5</sup>

Nagel acknowledges that perhaps a theory of justice could be developed in which there is a continuous function of degrees of collective responsibility and indeed such a suggestion would be natural in light of his general dualistic approach in which morality is multilayered. But in the end Nagel doubts "that the rules of international trade rise to the level of collective action needed to trigger demands of justice, even in diluted form."<sup>6</sup> According to Nagel, the relation of international trade remains essentially one of bargaining. This is true, he says, at least until that leap is taken towards creating a collectively authorized sovereign authority on a global scale. On Nagel's discontinuous political conception international treaties and conventions between sovereign states, such as those that set up the rules of trade, are just "pure" contracts with nothing to guarantee the justice of their results. Nagel points out how this gives them quite a different normative nature when compared to contracts between self-interested parties *within* a sovereign state. Contracts set up within a state may be part of a just socioeconomic system since they are embedded in a background of collectively imposed property and tax law. The "pure" contracts between sovereign states lack a background and the obligations they create "are not and need not be underwritten by any kind of socioeconomic justice."<sup>7</sup>

---

<sup>3</sup>Nagel 2005, p. 140.

<sup>4</sup>Nagel 2005, p. 141.

<sup>5</sup>Cf. Nagel 2005, p. 141. See also Julius (2006, pp. 190-2) and Temkin (1995, p. 74) for related discussions.

<sup>6</sup>Nagel 2005, p. 141.

<sup>7</sup>Nagel 2005, p. 141.

On a continuous political conception the demands of justice would depend on a scale of degrees of collective engagement. Through international cooperation we are connected across state borders through the combination of property, commercial and labour laws of different states, through international currency markets, the international application of patent law, and the agreements of international trade overseen and administered by the World Trade Organization (WTO).<sup>8</sup> A continuous political conception would hold that since we are all participating members of this network of institutions considerations of justice are triggered. As Nagel points out such a view “is supposed to be a variation on the political conception, according to which one can be moved above the default position defined by human rights and collective self-interest through participation in the institutional structures that make complex economic interaction possible.”<sup>9</sup>

Against such a view Nagel argues that it is unable to answer the question of in virtue of which characteristic the institutions that facilitate international economic interaction create obligations of justice. If the institutions that make economic interaction possible “do not act in the name of all the individuals concerned, and are sustained by those individuals only through the agency of their respective governments or branches of those governments”, Nagel cannot see what it is about these institutions that would “create obligations of justice and presumptions in favor of equal consideration for all those individuals”.<sup>10</sup> He states that “[i]f the default really is a basic humanitarianism, permitting voluntary interaction for the pursuit of common interests, then something more is needed to move us up toward the higher standard of equal consideration. It will not emerge merely from cooperation and the conventions that make cooperation possible.”<sup>11</sup>

Nagel adds two qualifications to his claim. First he says that there are good reasons, unrelated to global socioeconomic justice, to be concerned about economic relations with states that are “internally egregiously unjust”.<sup>12</sup> Nagel points out how internal justice is the primary responsibility of each state, but that “the complicity of other states in the active support or perpetuation of an unjust regime is a secondary offence against justice.”<sup>13</sup> Secondly, Nagel asserts that even bargaining between states should be tempered by considerations of humanity, and he thinks that “the best way of doing this in the present world is to allow poor societies to benefit from their comparative advantage in labor costs to become competitors in world markets.”<sup>14</sup> Nagel’s qualifications invite further interesting questions. One such question would consider the im-

---

<sup>8</sup>Nagel 2005, p. 142.

<sup>9</sup>Nagel 2005, p. 142.

<sup>10</sup>Nagel 2005, p. 142.

<sup>11</sup>Nagel 2005, pp. 142-3.

<sup>12</sup>Nagel 2005, p. 143.

<sup>13</sup>Nagel 2005, p. 143.

<sup>14</sup>Nagel 2005, p. 143.

plications of his observation about the secondary offence against justice which might be involved in economic relations with internally unjust states. Should trading partners suspend trade with such states or are there other considerations which work against that conclusion?<sup>15</sup> I will make some brief comments about these questions later, but first I will present a general critique of Nagel's parsimonious view regarding the normative implications of global economic interaction.

## A Pluralistic Conception

It is of great importance to observe the deceptiveness of Nagel's statement that if the default is a basic humanitarianism, then the institutions that make global economic interaction possible will not move us up toward the standard of equal consideration. The statement reflects his strong statist thesis that the existence of a sovereign state is necessary for the existence of *any* obligations beyond those based on humanitarianism, not just for those obligations which concern distributive justice and equal consideration. Joshua Cohen and Charles Sabel point out that what is really at issue is whether there is any characteristic of the institutions which facilitate global economic cooperation in virtue of which they create obligations of justice, in a wider sense, and "*greater normative demands than humanitarianism*".<sup>16</sup> When Nagel states that cooperation and the conventions that make cooperation possible are insufficient for triggering concerns of equal consideration, this is misleading. What we really want to know is if these institutions trigger obligations which are more demanding than humanitarianism, but which might very well fall short of being egalitarian demands. It is quite possible to concede the weaker claim that a sovereign state is necessary in order for considerations of equal concern and of egalitarian justice to arise, while at the same time denying the much stronger claim that the state is unique in triggering any duties beyond those of humanitarian concern.<sup>17</sup> This creates a normative space for duties more demanding than basic humanitarianism, but less demanding than the higher standard of equal concern and egalitarian distributive justice.

We could also observe that an alternative political conception which allows for this normative space need not be continuous in the way Nagel describes with obligations which vary in strength depending on the extent of relations of co-membership. Our alternative conception would be pluralist since it makes different institutional structures give rise to different sets of obligations. But there could be unambiguous cut-off points where obligations of different sorts come into play in their full standard rather than gradually. This would be in full

---

<sup>15</sup>See Risse (2007a, pp. 361-3) for a discussion of this issue.

<sup>16</sup>Cohen and Sabel 2006, p. 20.

<sup>17</sup>Cf. Cohen and Sabel 2006, pp. 19-20.

accord with the dualist idea mentioned in chapter 2, that different regulative principles apply to institutional structures of different natures.<sup>18</sup>

The argument could be made then, that even if economic globalization does not trigger distributive justice in its full standard, by which I mean distributive justice in the sense concerned with relative shares of individual resource holdings, it might trigger other duties.<sup>19</sup> In the rest of this chapter the question that will mainly concern me is the one of whether the institutions associated with economic globalization and global trade trigger obligations which go beyond the duties of basic humanitarianism but fall short of being obligations of distributive justice in its full standard.

How then would the institutions involved in international economic interaction give rise to obligations that go beyond basic humanitarianism? Nagel seems to deny that any plausible explanation can be produced for why duties more demanding than humanitarianism would be triggered as we become gradually more interconnected throughout our world. So the challenge is to construct a pluralistic political conception which manages to explain how some sort of connection that does not require a sovereign state can trigger obligations more demanding than humanitarianism.<sup>20</sup>

Nagel argues that the relation of international trade is essentially one of bargaining and that the international treaties and conventions between sovereign states which set up the rules of trade are just “pure” contracts, much like the contracts preferred by libertarians.<sup>21</sup> This is undoubtedly a rigorous view. Even authors such as Mathias Risse and Michael Blake whose theories share many features with Nagel’s acknowledge that relations of international trade can create particular duties. Risse argues that cooperative structures, as well as coercive structures, “are special cases of shared norms, and as such require justification to those subjected to them”.<sup>22</sup> In a dualistic vein he then submits that these different kinds of structures require justification appropriate to their natures and thus the justification of cooperative structures *per se* “leads straightforwardly merely to the demands that exchanges be fair and that individuals benefit proportionately from their input into the cooperative system”<sup>23</sup>, and more specifically “trade relationships, like other cooperative structures, domestic or international, are subject to appropriate moral claims, but those would be claims that govern *trade relationships*, or respectively other cooperative structures, and nothing else.”<sup>24</sup>

Blake acknowledges that coercion in forms other than state coercion exists in the international arena. He admits for instance that certain sorts of ex-

---

<sup>18</sup>Rawls 1999c, p. 25. Cf. Nagel 2005, p. 122.

<sup>19</sup>Cf. Nagel 2005, p. 141.

<sup>20</sup>Cf. Cohen and Sabel 2006, p. 20.

<sup>21</sup>Nagel 2005, p. 141.

<sup>22</sup>Risse 2005c, p. 100.

<sup>23</sup>Risse 2005c, p. 100.

<sup>24</sup>Risse 2005c, pp. 101-2.

exploitative trade relationships can indeed be coercive and must therefore be condemned if no justification of them is available.<sup>25</sup> But much like Risse he insists that it is only the relationship of common citizenship which is potentially justifiable through a concern for distributive justice.<sup>26</sup>

Apparently, it is quite possible to imagine a political conception of justice that sees the sovereign state as the unique normative trigger for concerns of distributive justice in its full standard while at the same time allowing for a normative space in which the cooperative, or coercive, structures of international trade relationships can be deemed unfair or unjustifiably exploitative. In order to settle the issue between Nagel's conception, with its sharp normative dichotomy between sovereign states and existing global institutions, and a pluralistic view, we need to look at the structures of international trade relationships and ask what might be involved in developing a justification for them which would be appropriate to their natures. Either Nagel is right in that there is nothing particular about these relationships which requires justification, they are simply relations of bargaining intended to produce "pure" contracts, or something in the nature of these relationships creates a normative space for assessing them from a point of view of justice in a wider sense, that is from the point of view of fairness.

Someone might be surprised that I will not frame the issue of fairness in trade in terms of 'exploitation'. However, concerns of exploitation in the context of trade are commonly construed as concerns about *unfair* advantage taking. The idea is usually that an exploiter is someone who "uses his or her advantage to bring about a particular arrangement, and is unconcerned whether that arrangement is unfair or unjust to the weaker party."<sup>27</sup> More generally, theories of exploitation are commonly built on norms of fairness and justice. For a full understanding of the normative problems involved in trade, which also include assessments of the actions of particular states and individuals, we might need a theory of exploitation. But prior to that we need to know what constitutes fairness in the context of trade when we conceive of trade as a practice or institution.

### 7.3 Bargaining or Loyal Commitment?

The case for unconstrained free trade is mainly based on the idea of *comparative advantage*.<sup>28</sup> According to this theory, which goes back to economist David Ricardo's 1817 *On the Principles of Political Economy and Taxation*, countries should specialize in what they are *relatively* most efficient at producing and trade their product with other countries which also specialize in

---

<sup>25</sup>Blake 2002, p. 265.

<sup>26</sup>Blake 2002, p. 265.

<sup>27</sup>Wolff 1998, p. 85. See also Risse 2007a, p. 357.

<sup>28</sup>See for instance Narveson (2004, pp. 339-40) and Wolf (2004, pp. 80-1).

what they are relatively most efficient at producing. Even if one country is more efficient at producing everything when compared to its trading partners, there are still mutual gains to be had from such specialization and trade. This is why trade, at least in the long run, is mutually beneficial for all countries involved and why a country should open itself to trade by removing barriers such as tariffs and quotas in order not to obstruct mutually beneficial transactions. What I will ask in the following is whether comparative advantage is all there is to it, or if considerations of fairness have a place in trade relationships.

Before we can even hope to establish that fairness considerations are appropriate in the context of international trade we must answer Nagel's claim that this relationship is essentially one of bargaining and that the international treaties and conventions which set up the rules of trade are just "pure" contracts.<sup>29</sup> A position like that of Nagel stresses that even though no viable alternative to opt out exists, which is arguably the case when it comes to the international trade regime, all parties have voluntarily taken on the commitments of trade liberalization and so it might seem that their consequent duties are in line with the idea of a pure contract and essentially consist of honest implementation of their part of the agreement and nothing at all beyond this. I believe such a view is mistaken.

In the following I will once again employ the method of constructive interpretation in order to assess the fairness of the international trade regime. Let me briefly recapitulate the features of this method.<sup>30</sup> First, we establish the object of interpretation, by tentatively identifying a practice and its content, in this case international trade. At this stage, some interpretation is needed in order to establish that it is a social practice in the first place. At the second, interpretative stage, we must settle on some general justification for the main elements of the international trade regime. This means that we suggest a characterization of the purpose or aim of the practice. In the last, reforming stage, we adjust our sense of what the practice really requires in order for the general justification to work. This means that we try to specify the principles needed to structure international trade so that it will achieve the goal or aims identified in the second stage.

## Trade is a Social Practice

We can readily agree with Nagel that the international trade regime falls quite short of being a structure analogous to the sovereign state with its combination of a coercively imposed system and collective authorization by its subjects. But we do not have to concede that international trade is nothing more than a series of simple exchanges regulated merely by pure contracts. Following the method of constructive interpretation, the first step is to tentatively identify

---

<sup>29</sup>Nagel 2005, p. 141.

<sup>30</sup>Cf. James 2005a, p. 301.

international trade as a social practice potentially subject to assessments from the point of view of fairness.

Aaron James picks out three features of international trade which, taken together, he sees as providing *prima facie* grounds for supposing that it is a social practice susceptible to concerns of justice. These features are that trade (i) is undertaken for common purposes, (ii) involves the coordination of action, and (iii) provides a distinct subject of assessment.<sup>31</sup> James holds that social practices normally exist because those who participate in them share certain *common purposes* which rationalize some form of regular coordination. Regarding international trade, governments actively rely on global markets, and expect other governments to do the same. The common purpose of the trade arrangements established between states is generally the mutual economic benefits which will, at a minimum, result from specialization.<sup>32</sup> But, as James says, this mere coincidence of interests is not sufficient to establish that international trade can be regarded a social practice. The common purpose of mutual economic benefit is also a feature of pure contracts.

The second feature suggesting trade is indeed a social practice is that it involves *coordinated action*. With trade, the coordinated action in question mainly consists in mutual market reliance. James highlights how coordinated action is of uttermost importance in any practice, “because one will have little reason to do one’s part, and perhaps strong reason not to comply, if one lacks sufficient assurance that one’s action is coordinated with others – assurance, that is, that others will do their part when the time comes to do so.”<sup>33</sup> In the case of trade, coordinated action stems from the problems of assurance that arise from the threat of unilateral trade protection. Continued profitable market access has to be sufficiently assured through coordinated action for states to comply with the rules of the game and refrain from curtailing the market access of others.<sup>34</sup>

The need for coordinated action in itself might not be sufficient for establishing that trade is a social practice. Indeed, coordination is needed in order to facilitate pure bargaining. But the particular form of coordinated action necessary for trade – mutual market reliance – strongly suggests that it is a social practice susceptible to fairness considerations. This becomes even more apparent when we consider the aspect of international trade which is intended to facilitate mutual market reliance: trade liberalization. This is a joint international political project of coordinated reduction of government-imposed barriers to flows of goods, services and capital. Today this process is essentially characterized by the measures overseen and administered by the WTO. These measures, it should be pointed out, come as a “single undertaking”, so it is not possible for members to pick and chose from the rules of trade liberalization,

---

<sup>31</sup>James 2005*b*, p. 539.

<sup>32</sup>James 2005*b*, p. 540.

<sup>33</sup>James 2005*b*, p. 540.

<sup>34</sup>James 2005*b*, p. 540.

and it is often pointed out that it is no longer a viable option to stay out of the process.

Richard Miller remarks that the participants in this process are governments each of which makes indefinitely long term commitments not to exercise prerogatives to interfere with the flow of trade and finance, in exchange for similar commitments from others.<sup>35</sup> Since liberalization is a process of coordinated long term commitment in the interest of shared benefit, it constitutes a cooperative relationship and as such it is potentially subject to norms regulating this kind of relationship. We can see how both James and Miller stress the common purpose of mutual economic benefit and the coordinated action of mutual market reliance as features of international trade which makes it susceptible to normative regulating principles. Miller also emphasizes that international trade constitutes an indefinitely long term commitment on the part of the participating states. Trade liberalization in particular is an ongoing political project of cooperation between states and as such potentially requires loyal commitment from the parties involved.

It should also be pointed out that, since the WTO comes as a single undertaking, states that enter into the political project of trade liberalization will sometimes have to abide by rules which run contrary to their national interest. To be sure, simple exchange also involves bargaining and parties might compromise their interests in order to reach an agreement. But the outcome of bargaining within the institutions of the international trade regime is obviously different in that the member states have to implement the rules as a part of its domestic law and take other measures in order to establish what is sometimes called ‘national ownership’ of the rules.

For international trade to function properly it requires a “political will” by the member countries to implement the obligations of treaties and conventions. As J. Michael Finger puts it when discussing the General Agreement on Tariffs and Trade (GATT) and the WTO: “national ‘ownership’ of the rules is a necessary element in the functioning of such a system of rules.”<sup>36</sup> Ngaire Woods also stresses that in a globalizing world “compliance with an international trade regime requires a high level of participation, commitment, and confidence from all members”,<sup>37</sup> and he points out how the decentralized framework of the GATT was inadequate in this respect and eventually replaced by the WTO in 1995.

These last couple of points relate to a third feature of trade which James emphasizes as further strengthening the case for seeing it as a social practice. This is the fact that trade provides a *distinctive subject of assessment*. By this James means that international trade constitutes a structure whose organization “has its own significant consequences, over and above any particular

---

<sup>35</sup>Miller 2007, p. 330.

<sup>36</sup>Finger 2000, p. 432.

<sup>37</sup>Woods 1999, p. 29.

transactions.”<sup>38</sup> He points out how the coordination of action may exist beyond the interaction of particular parties, on particular occasions, and indeed may express a kind of structure over time, and across some group of agents. This in itself is not enough for a structure to have any normative significance over and above particular transactions. Bargaining uncontroversially resulting in pure contracts may certainly also have a kind of structure over time and across individuals. But if this organizational condition holds simultaneously with the previous conditions, we have a structure with its own significant consequences which we can appropriately assess according to how it treats those it affects.<sup>39</sup> As the remarks above have suggested, the structure of existing international trade satisfies the organizational condition of having significant consequences over and above particular transactions. The trade policies of trading parties, official treaties and conventions, and larger informal expectations, as a whole, shape the choices and expectations of individual consumers, firms, and state agencies in trading countries.<sup>40</sup> The effects of international trade, and the practice itself, can thus be assessed independently of the particular transactions which take place within the practice.

James and Miller are essentially correct then, in holding the common purpose of mutual economic benefit, the cooperative actions associated with mutual market reliance, and the provision of a distinctive subject of assessment to be the features of international trade that suggest that it is indeed a social practice. This idea is further strengthened when we look more carefully at what is involved in trade liberalization. In being a long-term commitment on the part of the participating states, which requires high levels of participation and confidence and a political will to implement the obligations of treaties and conventions on the national level, trade liberalization is set apart from mere bargaining resulting in pure contracts. These are the ways then, in which the relationship involved in international trade is different from the undemanding features of simple exchange and these are the features in virtue of which obligations more demanding than humanitarianism are potentially created.

## The Test of Loyalty and Collective Responsibility

Because of the features outlined above, international trade is dependant on a potentially demanding loyalty on the part of the participants. As a consequence, the question becomes relevant whether the member countries, most significantly developing countries, have reason to loyally support the continuation of this practice by abiding by its constituent agreements. Part of what it means to be involved in the practice of international trade is to commit oneself to a potentially demanding loyalty and we have a situation therefore where it seems appropriate to ask whether the relationship in question has proper-

---

<sup>38</sup>James 2005*b*, p. 541.

<sup>39</sup>James 2005*b*, p. 541.

<sup>40</sup>James 2005*b*, p. 541.

ties which makes it reflectively acceptable to be a part of, or in other words whether there is something about the practice of international trade, and trade liberalization in particular, which makes it worthy of loyal commitment.<sup>41</sup>

One might even argue that an involvement of the will is necessary to sustain the cooperative project of trade liberalization. Just as Nagel argued that a special involvement of the will is inseparable from membership in a political society, a special involvement of the political will of states is inseparable from membership in the international trade regime. To be sure, the institutions of the international trade regime do not act in the name of the involved parties. Also, no coercion such as it is exercised by a sovereign state is involved in the international trade regime since, for instance, the WTO legal mechanisms are insufficient to enforce any meaningful implementation.<sup>42</sup> As Judith Bello evocatively puts it: “[t]he WTO has no jailhouse, no bail bondsmen, no blue helmets, no truncheons or tear gas.”<sup>43</sup>

Remember that Nagel argued that the institutions of the international trade regime do not create obligations more demanding than basic humanitarianism since they “do not act in the name of all the individuals concerned, and are sustained by those individuals only through the agency of their respective governments or branches of those governments”<sup>44</sup> There are two separate considerations here which I will have to address. The first one is that what might be seen as voluntary interaction between states for the pursuit of common interests does not involve the kind of coercion which marks out the sovereign state and which, as I have previously argued, is necessary to create obligations of distributive justice. The second consideration is that the trade regime is sustained through the agency of governments, not of individuals. Let me begin by briefly saying something about the second consideration.

Nagel seems to think that it is problematic that the institutions of the international trade regime are sustained not by the individuals affected by the actions of these institutions, but through the agency of their respective governments or branches thereof. It is true that the participants in the international trade regime are governments, and that the loyalty required to sustain it fall upon them and not upon individual citizens. But it is in line with the method of constructive interpretation and the dualistic approach that the agents upon which responsibility falls might be diverse. Who they are depends on the nature of the structure or practice. At the root of this problem we encounter the issue of how political responsibilities of individual citizens connect with the responsibilities of their state. This is a separate and secondary concern which

---

<sup>41</sup>For a somewhat similar idea see Miller 2007. Temkin (2004, pp. 385-6) makes a similar argument although he frames it in terms of justice.

<sup>42</sup>Finger 2000, p. 432.

<sup>43</sup>Bello 1996, p. 417.

<sup>44</sup>Nagel 2005, p. 142.

I believe could be solved in terms of role obligations.<sup>45</sup> But I will not pursue this issue here. It is, after all, a secondary concern.

Regarding the first consideration, I said earlier that even if we concede what Nagel says about coercion being necessary to create demands of distributive justice there is still a normative space for considerations of fairness – which takes us beyond basic humanitarianism – to enter into the relationships of international trade. What we have to do is to closely scrutinize the nature of these relationships in order to see whether pure bargaining is all there is to them, or whether they express features that make them proper objects of assessment from the point of view of fairness. I have already tried to establish that international trade is indeed something more than a voluntary interaction for the pursuit of common interests between states. It is a social practice, and as such it is potentially a structure which creates obligations of fairness. In this section I will present some additional considerations regarding the nature of international trade which I believe further strengthens the case.

While it is true that no coercion of the kind exercised by states in relation to their citizens exists at the global level, the choice to enter into the trade regime is still a choice which some states are forced to make. Miller draws attention to the fact that in light of the dire needs of their citizens – needs which every responsible government must seek to advance – developing countries have no real alternative but to take part in the process of trade liberalization and implement the rules prescribed by its administering institutions.<sup>46</sup> By making this choice they take on a potentially demanding long-term commitment to involve their political wills in the regime by complying with its rules in order for the cooperative project to be successful.

Robert Wade remarks that while participation in trade liberalization may serve states' interests better than non-participation, the reason is not necessarily because of large economic benefits. Rather, it might be because substantial power asymmetries between developing and powerful states make nonparticipation a bad option: "A small number of rich and powerful states are able to wield 'go-it-alone power' and present developing countries with ultimatums on terms extremely advantageous to themselves."<sup>47</sup> Wade points out how even a relatively powerful state like China decided to join the WTO on terms widely seen as adverse. Before China joined the WTO it experienced constant changes in its access to the U.S. market in particular. The Chinese decision to join was taken in order to bring some regularity to its access to the U.S. and European markets, even though it meant that the country had to make commitments that largely exceeded those made by other countries upon entering the organization.<sup>48</sup>

---

<sup>45</sup>Cf. James 2005*b*, pp. 537-8.

<sup>46</sup>Miller 2007, pp. 330-1.

<sup>47</sup>Wade 2006, p. 142.

<sup>48</sup>Wade 2006, p. 142.

It has to be acknowledged then, that the vulnerable position of developing states leaves them without any feasible alternative but to enter the international trade regime, and that it also lays the basis for substantial differences in bargaining power which provide opportunities for what might be considered unfair bargaining procedures.<sup>49</sup> As a matter of fact, there have been problems getting developing countries to establish national ownership of the trade rules which were the outcome of the so called Uruguay Round when the GATT was transformed into the WTO.<sup>50</sup> There might be different motives on the part of developing countries for this, but what concerns us here is whether there are normative reasons for them to withhold their loyalty from the WTO. What we want to know is what properties a relationship of trade cooperation such as the WTO must have in order to be reflectively acceptable.

Let me start the search for those properties by moving to the next step of our constructive interpretation of the social practice of trade. This step entails, first, to settle on some general justification for the main elements of the practice we have identified and, second, to adjust our sense of what the practice requires in order for the general justification to work. That is, we want to specify the principles which need to structure the practice of trade so that it will achieve its appropriate goal.

## The Purpose of Trade

The promise of gaining from mutually beneficent trade is of course one reason to commit to this cooperative project, and with simple exchanges this promise seems sufficient to accept that kind of relationship. But as I have said, international trade is more than simple exchange. The special challenges, risks, and burdens which face people in developing nations is a feature of the cooperative project of international trade which demonstrates how potentially demanding the loyal commitment might be for developing countries. It also changes the nature of the relationship from mere exchange, where the promise of a gain is sufficient to enter, to a cooperative project where more exacting norms are required in order for it to be worthy of loyal commitment. To see how potentially demanding this practice might be, consider the costs for developing countries associated with a commitment to trade liberalization. While, over the long run, the situation for a typical poor person in a developing country will be improved by trade liberalization we have to realize that once the costs of liberalization are disaggregated among individual poor people the picture becomes more complicated from a normative perspective.

---

<sup>49</sup>Miller 2007, p. 331, Temkin 2004, p. 388.

<sup>50</sup>Finger 2000, pp. 432-3. Finger lists three factors behind the lack of developing country ownership of the Uruguay Round rules: incomplete negotiating delegations, the 'do it my way' approach of the industrial country negotiators, and the creation of the WTO, which significantly changed the options that the developing countries faced.

When a developing economy is integrated with world markets, vulnerable firms, shops, farms, and, often, whole sectors of the economy succumb to new competitors. For individual poor people this might be disastrous. Take the example of the Philippines, where reductions of tariffs on corn lowered the import price of this staple by a third. This of course helped many poor consumers, but it also led to a loss of hundreds of thousands of agricultural jobs among poor people. So even if liberalization promises to improve the situation for the typical poor person, this cooperative activity forces people in developing countries to cope with especially severe challenges, risks, and burdens, which are much more severe than those imposed on people in developed countries.<sup>51</sup>

It is an undeniable but often understated fact that trade liberalization creates both losers and winners. When a country opens up to increase international trade, some of its citizens will inevitably lose their jobs and incomes and whole firms will become dislocated as the factors of production are re-allocated towards more productive uses.<sup>52</sup> As Mandle points out, the paradoxical fact is that the benefits associated with increased international trade actually stem from the job loss and dislocations which occur in the process. In developed countries the damages which follow from such transitions are, to a greater or lesser extent, ameliorated through the traditional measures of the welfare state.<sup>53</sup> But in poorer states such measures are very weakly developed or even non-existent, hence the especially severe challenges, risks, and burdens facing people in developing countries opening up to the world market. Recent research even suggests that, contrary to the experiences in developed states, welfare spending in less developed countries has gone down as a result of economic globalization, making their citizens even more vulnerable to dislocations.<sup>54</sup>

For these reasons, from the perspective of developing countries, securing economic gains cannot be the sole general justification for the practice of international trade. The practice also has to incorporate safeguards against the challenges, risks, and burdens it carries with it. Rich states already have the measures needed to provide such safeguards for their citizens. Developing states do not. In order for developing states to loyally commit to the international trade regime they could reasonably demand that it integrates some measures which will help them cope with the difficulties of the restructuring process which comes with an increased openness to international trade. Otherwise, it is hard to see why they should loyally accept the demand of market access at times when unilateral trade protection, in the short run, would better serve the needs of their people.

---

<sup>51</sup>Cf. Miller 2007, p. 330.

<sup>52</sup>Kapstein 2006, p. 80, Mandle 2003, p. 26.

<sup>53</sup>Mandle 2003, pp. 26-7.

<sup>54</sup>Rudra 2002.

Trade liberalization in itself brings with it some measure of safeguarding for developing countries. There is a well-established argument within international relations theory that developing countries in particular seek rules-based, authoritative international regimes because they provide some protection against the abuse of power by stronger states.<sup>55</sup> But this kind of protection does not go very far. As the case of China's entry into the WTO showed, the search for stability in trade relations might lead a country to accept terms that are quite adverse because the alternative of non-participation is even worse, and the reason it is worse is because it is made so by the behavior of rich and powerful states. Further, the rules of trade liberalization are far from an undeniable blessing for developing countries. It is often claimed that these rules, as an effect of power asymmetries, are designed to be of most benefit to the richer member countries.<sup>56</sup> This would suggest that wider measures than merely trade liberalization in itself are certainly needed to provide safeguards against the challenges, risks, and burdens facing developing countries entering the international trade regime.

Looking further into what can be said to constitute the purposes of the international trade regime it is instructive to take a look at the aims and actions of the WTO. The agreement which establishes the WTO's existence actually commits the member states to a number of objectives in relation to which liberalization is merely seen as an instrument. These objectives include: improved standards of living, sustainable development, and an enhanced share of developing countries in world trade. The Agreement further establishes that the members are committed to contribute to these objectives by entering into the arrangements of trade liberalization. But, as I said, the commitment to liberalization is not seen as an end in itself, but as a means of achieving these broader social ends.<sup>57</sup>

The 2001 Doha Round of trade talks further accentuated the wider social goals of the WTO. The Round was given the name of the "Doha Development Agenda" because of its focus on development concerns.<sup>58</sup> Paragraph 2 of the main Ministerial Declaration stated that "[i]nternational trade can play a major role in the promotion of economic development and the alleviation of poverty." It further recognizes that the majority of WTO members are developing countries and foretells "to place their needs and interests at the heart of the Work Programme adopted in this Declaration." To this end "sustainably financed technical assistance and capacity-building programmes" are highlighted as having important roles to play. Paragraph 3 of the document recognizes the particular vulnerabilities of the least-developed countries and states that the members "are committed to addressing the marginalization of

---

<sup>55</sup>The argument was originally formulated by Krasner (1985). Cf. Narlikar 2005, p. 6.

<sup>56</sup>Cf. Barry 2005, pp. 31-2, Wade 2003.

<sup>57</sup>Cf. Narlikar 2005, p. 2.

<sup>58</sup>Cf. Narlikar 2005, p. 104.

least-developed countries in international trade and to improving their effective participation in the multilateral trading system.”<sup>59</sup>

While we are looking at the Doha Round we can also find motives other than economic gains in the foreign policy goals of the developed countries which might plausibly be seen as forming a part of a general justification for the practice of international trade. It is often thought that global poverty is closely linked to international insecurity and instability. Integrating developing countries into the global market through the general reduction of trade barriers in order to stimulate economic growth and reduce poverty is thus seen as an important instrument for enhancing global security.<sup>60</sup> The Doha Round, launched shortly after 9/11, became “the development Round” partly because issues of development were seen as more urgent than ever in order to increase global security.<sup>61</sup>

Taken together, all this points towards there being much more than merely the promise of economic gains to the purpose of international trade. Enhancing the welfare of people in general, reducing poverty, promoting stability in international relations and global security are all goals towards which the international trade regime should work according to a plausible interpretation of its general justification. Trade liberalization and mutual economic gains are not ends in themselves then, but merely means to achieve those wider goals. I hope this is sufficient to establish that the general justification for the international trade regime includes broader aims than merely securing economic gains through mutual market reliance. If this is so, we can move on to specify the principles needed to structure international trade in order for the general justification to work.

## 7.4 Regulating the Practice of Trade

One of the qualifications Nagel added to his claim that no obligations above those of basic humanitarianism would emerge from cooperation and the conventions that make cooperation possible was that there are good reasons to be concerned about economic relations with states that are “internally egregiously unjust”.<sup>62</sup> While internal justice is mainly a responsibility which falls on each state, we need to be wary of the fact that trading partners can offend against justice by being accomplices in the active support or perpetuation of an unjust regime.<sup>63</sup> Supposedly, the offence involved is against those condi-

---

<sup>59</sup>WTO 2001.

<sup>60</sup>Wolfensohn 2002, p. 121

<sup>61</sup>Cline 2005. Similar remarks about the Doha Round are made by for instance Scheve and Slaughter (2007), and Moravcsik (2003, p. 81).

<sup>62</sup>Nagel 2005, p. 143.

<sup>63</sup>Nagel 2005, p. 143.

tions of justice which do not depend on associative obligations and which set universal and pre-political limits to the legitimate use of power.<sup>64</sup>

Risse argues that the reason why oppression and other violations of negative rights cannot be a matter of moral indifference between trading partners is due to two conditions. The first condition is the fact that what separates trade from simple exchange is that it is a jointly practiced activity constituting a highly structured exchange involving markets and bodies of law regulating them. Secondly, this activity of trade is mutually beneficial, at least for the countries as whole. This means that trade involving oppression leads to ill-gotten gains for all trading partners.<sup>65</sup> However, Risse also points out that for traders to be accomplices in the offence against negative rights they must also be reasonably expected to know about the business practices of their partners, and further their ongoing involvement in trade must create incentives for the unjust regime to continue its practice. When these four conditions are fulfilled we have a situation where a state is, on an ongoing basis, involved in trade with an oppressive regime, and where the first state can reasonably be expected to know about the oppression, but nevertheless continues to provide incentives for it. In such situations trade will be partly constitutive of the oppression and the oppressed will thus have a legitimate complaint based on their negative rights against those who trade with their unjust regime.<sup>66</sup> In the case of the WTO some of the member countries are not democratic states but oligarchies in which rulers and their families, not the citizens, are the beneficiaries of trade agreements. There are also member states, such as Burma/Myanmar and Brunei Darussalam which are dictatorships.<sup>67</sup>

The normative principles alluded to in this discussion are not very far-reaching. As Risse points out, even many libertarians would agree that we should not participate in activities constitutive of oppression or other sorts of violations of negative rights.<sup>68</sup> But the question of what states trading with unjust regimes should do to rectify their offence against justice is a complicated one indeed. Should they suspend trade or perhaps intervene in the oppressing regime by some other means? Risse argues that disregarding these concerns might be justified if other sufficiently good and likely consequences outweigh them. If we are to believe many economists, this may often be the case since trade is beneficial for economic growth, and growth is tied to the realization of other goals which benefit those currently oppressed.<sup>69</sup> While interesting and important, I will not discuss this any further. The constraints set up by pre-political obligations of justice hold regardless of the nature of the particular

---

<sup>64</sup>See Nagel 2005, p. 127.

<sup>65</sup>Risse 2007a, p. 361. See also Steiner 1998, p. 205.

<sup>66</sup>Risse 2007a, p. 362.

<sup>67</sup>Cf. Sample 2003, p. 135, and the members listing at the WTO web site: [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)

<sup>68</sup>Risse 2007a, p. 363. See Steiner (1998) for a discussion from a libertarian standpoint.

<sup>69</sup>Risse 2007a, pp. 363-4.

relationship established between trading nations. As I have said, I am more interested in the regulations stemming from the relationship in itself.

## Fairness and Inclusion

Miller, as well as Cohen and Sabel, argue that what we might call a norm of inclusion should be integrated as a part of the institutions of the international trade regime. Once we realize that the simple fact that someone voluntarily agreed to interact on certain terms is insufficient for justifying these terms, this opens the question of whether all participants' interests are adequately addressed in the process of liberalization.<sup>70</sup>

Cohen and Sabel argue that cooperative projects such as the institutions of the international trade regime which produce a consequential scheme of rules trigger a norm of inclusion, which is "a requirement of treating people as members, whose good counts for something."<sup>71</sup> The concern which might be expressed about trade liberalization from the point of view of such a norm is that under conditions of this cooperative regime the very urgent needs of some people are not being adequately addressed even though they could be without large costs to those who are gaining a great deal from the regime. As Cohen and Sabel point out this concern does not have to do with a failure to treat some people, supposedly poor people in developing countries, as equals but a concern that they are treated by the rule-making processes of the international trade regime as if, beyond the humanitarian minimum, they count for nothing. This requirement of inclusion then, that everyone's good should count for something, "is more than humanitarianism but not egalitarianism."<sup>72</sup>

I agree that a norm of inclusion, which require that the interests of all people involved are adequately addressed in the process of rule-making, has to be included in an ongoing project of cooperation between states which require potentially demanding loyalty. By 'adequately addressed' I do not mean that equal consideration of interests is required, but that the interests of all should at least count for something. This is admittedly vague, and the claim needs to be specified if we are to formulate rules of inclusion for particular institutions. Here the argument is simply the negative one, that no state has reason to loyally commit to a cooperative project such as the international trade regime with its consequential rule-making process if this process does not adequately address the interests of its people. This at least rules out the self-interested bargaining involved in the making of "pure contracts".

The norm of inclusion has a procedural as well as a substantive side. Member countries in the institutions of the international trade regime participate

---

<sup>70</sup>See for instance Sample (2003, pp. 159-60) who argues that whenever we interact with others we should not disregard their basic needs during the course of our interaction. If we do, it constitutes unjust exploitation.

<sup>71</sup>Cohen and Sabel 2006, p. 9.

<sup>72</sup>Cohen and Sabel 2006, p. 9.

as sovereign states and as such they have a claim to be included in the rule-making processes. As Cohen and Sabel argue, the relevant institutions cannot take on responsibility for formulating consequential rules, accept that different formulations would have different consequences, understand that withdrawal from the organization would have costs, and then deny that there are any inclusive process norms it must meet over and above humanitarianism.<sup>73</sup>

What is true about procedural governance norms is also true of substantive norms that focus on the outcomes of consequential rule-making. The fact that the institutions of the international trade regime are not states does not mean that they can make whatever collective decisions they wish just as long as they respect a humanitarian minimum. The concern these organizations express has to be more inclusive than this by being attentive to the interests of member states and their people.<sup>74</sup> Such norms would safeguard against instances where threats of trade discrimination or bullying are used to mold outcomes.

While this norm of inclusion seems to take us some way towards a specification of how the international trade regime should generally be regulated the matter is still, as I have already said, a bit vague. We would want to know a bit more precisely what this norm entails for certain institutions. In the following I will proceed tentatively and say, first, something about the more specific substantive principles that should regulate international trade. After that, I will also make some comments on the procedural side of inclusion with a specific reference to the participation of developing countries in the decision making process of the WTO. My comments will be brief and tentative, saving a more thorough investigation for some other occasion.

## Substantive Fairness

Once again, we can get some help from James's discussion of fairness in trade where he specifies two principles of justice that apply to trade: *Due Care* and *Fair Distribution*.<sup>75</sup> James explicitly states that he is primarily interested in the applicability of these principles to trade, and he ignores the question of their ultimate justification. With a few reservations, I find the two principles picked out by James to be quite plausible. I will follow his description of the principles and add some qualifications. But most importantly, I will add justifications of the principles in terms of reflective acceptability to the account.

The principle of *Due Care* states that when agents, or their activities, are organized as a governable social practice, they are expected, as a collective, to take precautions to prevent foreseeable negative consequences of their joint activity, and to compensate for any harm in which it might result.<sup>76</sup> Indeed *Due Care* has both a substantive and a procedural side since precautions to

---

<sup>73</sup>Cohen and Sabel 2006, p. 27.

<sup>74</sup>Cohen and Sabel 2006, p. 28.

<sup>75</sup>James 2005b, p. 542.

<sup>76</sup>James 2005b, p. 542.

prevent negative consequences of a joint activity can be diverse and include particular procedures as well as substantive measures such as resource transfers. The justification of the principle of Due Care is quite straightforward as long as we are talking about those agents who are committed to the joint project. In order for a participant country to loyally commit to the rules of international trade there have to be some measures in place which protect against or compensate for foreseeable negative consequences of the project. As I have already said regarding developing countries, they could reasonably demand that the trade regime integrates some measures which will help them cope with the particular difficulties of the restructuring process demanded by increased trade openness. These measures would include financial as well as technical assistance.

But the way James construes the principle of Due Care gives it wider application. In his view Due Care is concerned with anyone a practice affects, participants as well as outsiders.<sup>77</sup> According to my construal of the principle, it does not have this broad an application. Due Care is only concerned with participants in the project. The principle is justified through what participants can require from a practice in order to offer it their loyal commitment. Such a justification through reflective acceptability does not allow for outsider's claims in terms of the principle of Due Care. But this does not mean that outsiders cannot have claims against a practice which are based on other considerations than Due Care. Besides claims based on humanitarian concerns to alleviate any absolute deprivation, outsiders who are negatively affected by a practice can have reasonable claims of compensation directed towards the agents of the practice. Such a claim would be based on the idea that the outsiders are *harmed* by the practice, in the sense of becoming worse off than they were at some earlier time as a consequence of the practice.<sup>78</sup>

The principle of Fair Distribution says that a given governable practice should be organized in such a way that those who do their part receive an equal or otherwise acceptable share of the benefits stemming from the practice, and no more than an equal or otherwise acceptable share of the burdens that make the benefits possible.<sup>79</sup> James explains that the idea behind Fair Distribution is that the goods that give a social practice, of any kind, its purpose will exist only because many agents involved in the practice act in specified ways. Agents of the practice are asked to make specified sacrifices so that certain goods are realized. They can then reasonably claim fair return on those sacrifices, either in the form of the promised benefits or an acceptable substitute.<sup>80</sup> Put in terms of reflective acceptability, the principle of Fair Distribution

---

<sup>77</sup>James 2005b, p. 543.

<sup>78</sup>I will not enter into the discussion of whether the present global institutional arrangements and practices cause harm in this way. See for instance Pogge (2005b,a) and Risse (2005a,b) for exchanges on this issue.

<sup>79</sup>James 2005b, p. 542.

<sup>80</sup>James 2005b, p. 543.

is justified by the fact that a participant in a social practice would not, upon reflection, have any reason to loyally commit to a practice and accept the sacrifices it demands unless the practice also contains some scheme whereby the sacrifices are counterbalanced by a fair return. Why would a participant accept sacrifices which create otherwise unattainable goods without any promise of receiving a part of the goods created, or some other acceptable substitute?

There is an obvious similarity between this principle and Beitz's theory of international distributive justice which I discussed briefly in chapter 3. But there are also some important differences. Beitz saw social cooperation as the foundation for distributive justice since it creates benefits and burdens over which conflicting distributive claims can arise.<sup>81</sup> Beitz argued further that international interdependence in our current world amounts to the kind of social cooperation foundational for distributive justice since it creates benefits and burdens that would not exist if national economies were isolated from each other.<sup>82</sup> This is why, in Beitz's view, the same principles of justice which apply domestically are also at work at the global level. As I said in chapter 3, this theory seems to rest on the idea of justice as Fair Play which says that if one benefits from some cooperative practice, one should reciprocate by doing one's part in sustaining the practice when it is one's turn to do so.<sup>83</sup> I made two complaints about Beitz's theory which are important in this context.

First, Beitz was unable to explain how benefits generated from the system of global economic interdependence create obligations to reciprocate on the individual level. As might be remembered Beitz held that international obligations of states are "in some sense" derivative of more basic responsibilities that individuals acquire as a result of the relations in which they stand globally.<sup>84</sup> This leaves us with the complicated problem of establishing a normatively relevant chain of connection between a singular individual, through the state to which they belong, and to the individuals to which they owe obligations to reciprocate. The principle of Fair Distribution however, falls straightforwardly upon states and specifies *collective* responsibilities within social practices.<sup>85</sup> As I said above, attaching obligations to collective agents such as states is quite in line with the method of constructive interpretation and the dualistic approach. The agents upon which a certain responsibility falls is determined by the nature of the practice. We are still left with the problem of how political responsibilities of individual citizens connect with the responsibilities of their state. But this problem is the one of how we should understand political obligations between citizen and state, and not Beitz's problem of establishing chains of relationships between globally dispersed individuals.

---

<sup>81</sup>Beitz 1999*b*, p. 131.

<sup>82</sup>Beitz 1999*b*, p. 149.

<sup>83</sup>Cf. Barry 1982, p. 229.

<sup>84</sup>Beitz 1999*b*, p. 153.

<sup>85</sup>James 2005*b*, p. 542, n. 17.

Second, I argued that justice as Fair Play, as it applies to cooperative structures, has a limited egalitarian potential. The justification of cooperative structures leads quite straightforwardly to demands that individuals benefit proportionately from their input into the cooperative system and that exchanges are fair in the sense discussed here.<sup>86</sup> As I said earlier, this makes Beitz's theory unsuitable for the domestic context as long as we believe that equality is of some value between citizens. Further, it should also be noted that Fair Play only concerns those benefits which are created by joint cooperation. Any other resources are beyond the reach of the principle. These features are common for Fair Play and the principle of Fair Distribution. As James remarks, the latter does not rest on any idea that equal distribution has any value as such, but rather on the idea that each participant has a presumptively equal claim to the fruits of the joint effort, in light of the agent's contribution to the cooperative venture.<sup>87</sup> Differing contributions however, motivate deviations from equal distribution to benefits proportional to input into the cooperative practice. This is of course motivated by what large contributors to the project could reasonably demand in order to offer it their loyal commitment.

## Procedural Fairness

In the trade relationships between developed and developing countries procedural fairness becomes an issue primarily within the institutions of the international trade regime. As I said above, the principle of Due Care has a procedural side since one way of installing precautions to prevent negative consequences of a practice is to account for those who would risk them in the practice's decision-making procedures. What then, would Due Care entail regarding the important question of the proper influence of developing countries in the international trade regime? Here I shall say a few words about the influence of developing countries on the decision procedures of the WTO.

There are of course a great number of controversial issues which could be discussed concerning the status of developing countries within the international trade regime, and the WTO in particular. Here I will limit myself to a brief discussion about the quite common accusation that the WTO is undemocratic. This charge is made both with regard to the external legitimacy of the organization, where it is claimed that it is unduly isolated from popular input, as well as with regard to the WTO's internal decision-making procedures. Since, as I have just said, my interest is with the issue of procedural fairness between developed and developing countries, I will only discuss the latter charge.

In its brochure *10 Common Misunderstandings About the WTO* the organization replies to the critique that its decisions are generally by consensus and that this is in principle "even more democratic than majority rule because

---

<sup>86</sup>Cf. Risse 2005c, p. 100.

<sup>87</sup>James 2005b, p. 543.

no decision is taken until everyone agrees”<sup>88</sup> As Peter Singer submits, this is indeed an odd view of democracy. Decision by consensus takes merely the opposition by a single member to block changes and so this decision procedure is very likely to preserve *status quo*.<sup>89</sup> From the point of view of developing countries, it has been argued that the requirement of consensus is a bad thing since it can be used as a means of ensuring that their interests cannot be pursued as long as it involves burdening the developed world. However, Darrel Moellendorf remarks that while this criticism has some force it is also true that veto power can be wielded to protect the interests of the poor.<sup>90</sup>

Poor countries make up the majority of member states of the WTO and thus it would seem that they could in principle outvote rich countries. But this never happens since, once again, the actual decision procedure of the WTO is not voting but consensus. Finding consensus in the WTO is an informal procedure which allows inequalities in power between member states to come into play. Indeed as the organization itself admits in its brochure: “It would be wrong to suggest that every country has the same bargaining power.”<sup>91</sup> When a decision has to be made in the WTO the Director-General invites selected members, usually the major trading powers, to participate in informal consultations. When a basis for consensus is found the question is brought forward to the WTO Council plenary session. At this stage however, the issue is already settled.<sup>92</sup>

According to John Toye, in the decision processes of the WTO the inequalities in power between members have two main sources: differences between information about what agreements will benefit your country, and differences in the opportunities to influence outcomes of informal negotiations.<sup>93</sup> The issue of access to information comes down to the simple resource question of whether a country can afford to maintain an embassy or office in Geneva.<sup>94</sup> This is where the WTO has its headquarters, and it is one of the most expensive cities in the world. The problem was also highlighted by UNDP in their *Human Development Report* from 1999 where it is pointed out that during the 1994 Uruguay Round of GATT only 12 of the 29 least developed countries in the WTO had missions in Geneva. The report concludes that “although the WTO is representative in its voting structure, its procedures, which rely on consensus for decision-making and on committees with selected membership, leave much scope for the delegations with more resources to influence outcomes.”<sup>95</sup>

---

<sup>88</sup>WTO 2003, p. 10.

<sup>89</sup>Singer 2002, p. 75.

<sup>90</sup>Moellendorf 2005, pp. 154-5.

<sup>91</sup>WTO 2003, p. 10.

<sup>92</sup>See Toye (2003, p. 120) and Singer (2002, p. 75).

<sup>93</sup>Toye 2003, p. 120.

<sup>94</sup>Toye 2003, p. 120, Singer 2002, p. 76.

<sup>95</sup>UNDP 1999, pp. 34-5.

A quite straightforward solution to the problem of access to information would be for the WTO to subsidize the participation in decision making processes of developing countries.<sup>96</sup> As Moellendorf remarks such a demand for subsidization is fully consistent with the Marrakesh Agreement Establishing the WTO, which recognizes the need for “positive efforts” in order to assure that developing countries secure a share in the growth in international trade.<sup>97</sup> Finger importantly points out that member state participation in establishing the rules of international trade is an important part of building a solid sense of “owning them.”<sup>98</sup> This suggests that the survival of the project, or at least its efficient functioning, is dependent on increased developing state participation and thus that subsidization might be demanded from the perspective of reflective acceptability.

While the issue of unequal access to information might be seen as a genuine problem of inclusion, this is not obviously true about differences in negotiating power. The informal negotiating influence of a country depends simply on the extent of its trade.<sup>99</sup> This has, of course, been criticised. So argues for instance Kapoor that the rule-making processes of the WTO involve power politics which leads to “dubious consensus and decision making, especially from the perspective of developing countries.”<sup>100</sup> Kapoor, as well as other critics, suggests democratic reforms of the internal decision making procedures of the organization. Often some form of deliberative democracy is brought forward as the appropriate solution.

However, one could also quite plausibly claim that while integrating developing countries is a necessary and challenging task it is not at all obvious that they have enough of a market share to be taken seriously as full partners in reciprocity-based negotiations. Some commentators have suggested that the increased influence which poor countries indeed have acquired since the Uruguay Round is significant to an extent that sits ill with the fact that these small and poor countries “do not have much to offer trading partners by way of market access concessions.”<sup>101</sup>

Many critics of the WTO more or less assume that a democratization of its decision procedures would be a good thing without reflecting on whether democratic principles actually are applicable to such an institution. Kapoor, however, sees the possible objection that democracy is usually thought of as applying to the territorially bound space of the nation-state, and in the historically specific place of Western liberal democracy. Furthermore, he also recognizes that the WTO is a state-centered and trade-related institution which does not obviously qualify as a ‘public space’, distinct from state or econ-

---

<sup>96</sup>Moellendorf 2005, p. 154.

<sup>97</sup>Moellendorf 2005, p. 154. See also WTO 1994.

<sup>98</sup>Finger 2000, p. 432.

<sup>99</sup>Toye 2003, p. 121.

<sup>100</sup>Kapoor 2004, p. 523.

<sup>101</sup>Mattoo and Subramanian 2004, pp. 385-8.

omy, to which principles of (deliberative) democracy apply. Kapoor replies that a public space is not necessarily place- or space-bound, but that it occurs anytime and anywhere political actors cohere and engage in debate, such as between state-representatives at the WTO. Regarding the state-centeredness and trade-relatedness of the WTO, Kapoor points out that while it is true that the organization is state-centered and trade-related the WTO is still neither state nor market, but rather a multilateral forum for negotiation and as such it qualifies as a public space.<sup>102</sup>

There is no reason to argue against Kapoor's insistence that the WTO constitutes a public space. That is probably true. Indeed I have argued that the international trade regime cannot plausibly be seen as neither merely a market, nor a state. If we want to call this third kind of structure a 'public space', that is fine. But the fact that the WTO is a public space is hardly enough to establish that the organization should be governed by democratic principles, let alone deliberative democratic ones. Even within democratic nation-states we find examples of public spaces which are not governed by democratic principles, such as universities, hospitals, and some cultural, religious and indeed political organizations. These institutions are hierarchically governed and the justification for this is that knowledge and expertise are of utmost importance for their proper functioning.<sup>103</sup> The fact that the WTO is a public space where national representatives deliberate about global economic matters is enough to establish that the deliberation needs to follow a certain set of, probably quite inclusive, rules. But it is not enough to establish that the organization has to be internally democratic. In order to find the proper procedural governing principles of an organization we need to look further into its specific nature. Remember the dualistic slogan that different kinds of structures require different kinds of regulative principles.

The WTO and other institutions of the international trade regime are rule-making bodies with distinct and limited purposes which fall quite short of the purposes we generally think require democratic decision making procedures. Because the purposes of an organization concerned with trade are distinct and limited there is pressure to think that it should not make its decisions regardless of what share in trade its members have respectively.

The modern state is of course the most obvious space for the applicability of democratic principles. As I have said in previous chapters the main purpose of the state is to protect its citizens. This in itself is enough to push the modern state towards establishing equal political rights for its citizens. Citizens would not have very strong reasons to put their faiths in the hands of a state which is beyond their control and which therefore might become part of the problem rather than the solution to the problem of public order. But even a basic purpose such as this is nonexistent in the case of the international trade

---

<sup>102</sup>Kapoor 2004, pp. 525-6.

<sup>103</sup>Dahl 1999, pp. 32-3.

regime. Neither the WTO, nor any other organization of the international trade regime poses any threat to the continued existence of the member states in a manner analogous to the way in which a state poses a physical threat to its citizens. So there is no pressure, at least not for this reason, to strive for political equality within the WTO. To be sure, I have said that the purpose of the trade regime goes beyond merely securing mutual economic gains, but none of the other purposes I identified seem to push international trade or its institutions towards a requirement that they should be democratically organized.

The matter is obviously complex. Developing countries could reasonably withhold their loyalty from the WTO insofar as they are excluded from or unable to take part in the informal decision making procedures of the organization. But it would be too excessive a demand to insist on equal influence in these procedures.

## 7.5 Conclusion

I have criticized Nagel's strong statist understanding of the political conception of justice and developed an alternative pluralistic understanding. On this pluralistic political conception, justice in its full standard is restricted to the domestic arena but the conception is different from Nagel's in that it allows for greater normative demands than humanitarianism in the international arena. Nagel's statist political conception sees the state as the unique trigger of normative demands more demanding than basic humanitarianism. A pluralist conception allows for other kinds of institutions, practices, and relationships to trigger such normative demands. The practice I have focused on in this chapter is the one of international trade.

Nagel sees international trade as simply a process of bargaining unrestrained by any principles of justice. But if we, in line with the general approach of political realism and the method of constructive interpretation, take a deeper look at the goals and purposes of international trade it becomes clear that it is something more than just bargaining. Just the fact that international trade, through the liberalization which facilitates it, involves a process of coordinated long term commitments on the part of states makes it a cooperative practice that stands in potential need for justification. Further, the fact that international trade has significant consequences, over and above the particular transactions that occur as part of it, suggests that it can be viewed as a practice in isolation from particular transactions and can potentially be assessed from the point of view of justice.

A traditional answer to these observations has been that the mere fact that trade and trade liberalization create mutual economic benefits is enough to justify the requirements of the trade regime. But since international trade is indeed a social practice requiring loyal commitment from the parties involved, it has to be asked whether the promise of economic gains is enough for the

parties to, upon reflection, offer it their loyal commitment. From the point of view of developing states, it is doubtful whether it is enough. Even though developing countries become better off by following the path of trade liberalization and by adapting the rules of the international trade regime, something I do not contest, this does not settle the issue of fairness. Over the long run, the situation for a typical poor person in a developing country will be improved by trade liberalization. But, as Keynes said when discussing another issue, “in the long run, we are all dead”.<sup>104</sup> This is very true, even in the not-so-long run, for the case we are considering. Trade liberalization creates both losers and winners. This is an undeniable fact. And for individual poor people in developing states, losing might be disastrous. This is why the promise of economic gains cannot be the sole justification for the practice of international trade. Developing states cannot be expected to sacrifice its citizens for the promise of long run gains. They can reasonably demand that the practice of international trade integrates safeguards against the particular challenges, risks, and burdens they face when they enter into it.

Safeguards can be put in terms of principles required for the international trade regime to be acceptable upon reflection. One such principle I have considered is Due Care. Due Care prescribes precautions to prevent foreseeable negative consequences of international trade. Its substantive side calls for a concern with the particular challenges facing developing states when they enter the arena of international trade. The procedural side of Due Care involves giving developing countries proper influence over the decision-making that goes on within the institutions of the international trade regime. Some critics of organizations such as the WTO have demanded that they should be internally governed by democratic processes. Such a demand is unreasonable. I have argued that international trade, including its rule-making bodies, have objectives and purposes which go beyond the mere promise of mutual economic gains. But when compared to the modern state, these objectives and purposes are still quite limited. They do not even include the promise of physical protection which is the founding principle of the state. For this reason, while reform is needed to increase the influence of developing states, it is still justifiable that the extent of a state’s influence depends on the extent of its trade.

Another principle which must regulate the practice of trade in order for it to be acceptable upon reflection is Fair Distribution. It is not strictly a safeguard in the same way as Due Care, but it is quite straightforward to see how it could add to the reflective acceptability of international trade. What Fair Distribution says is that a cooperative practice should be organized in such a way so that those who do their part, who follow their undertakings, should receive an equal or otherwise acceptable share of the benefits and burdens

---

<sup>104</sup>Keynes 1923. Keynes was talking, of course, about classical economic’s claim that there is a long run tendency for economies to settle in equilibrium at full employment.

stemming from the practice. In the case of developing states, it is quite clear that they have to carry a quite unequal part of the burdens created by trade liberalization. This asymmetry has to be rectified in order for the principle of Fair Distribution to be satisfied.



## 8. Concluding Remarks

A perhaps natural reaction to the general ideas presented in this book, and one which I have received on a number of occasions when presenting them, is that they constitute a defence of a status quo where the haves of our world owe very little to the have-nots. This is incorrect. At least partly. The reaction contains two considerations which I will make a couple of brief comments about: one is that the argument contains a *status quo bias*; the other that it seems to prescribe quite undemanding duties on the part of (the citizens of) rich states in relation to the global poor (and this is counter intuitive, unfair, unjust, immoral, or whatever).

What I have argued is that redistribution based on principles of socio-economic equality is inapplicable on a global scale. This is because the demand for equality is created by a special relationship between citizens of a state. This relationship is constituted by a common membership of a particular kind of coercive institutional structure. As citizens, we both jointly authorize a coercively imposed system and act as subjects to this system. In Nagel's words, we play a "dual role" as "one of the society's subjects and as one of those in whose name its authority is exercised."<sup>1</sup> I have suggested that there is more than merely a depiction in the use of the word "role" when talking about citizenship. Understanding citizenship as a role, in the sense of a constellation of rights and duties organized around an institutionally specified social function, helps to account for several of the complexities of this notion. In particular it helps us understand how citizenship, since it is a constellation of rights and duties rather than a status or a singular relationship, consists of a number of different relationships on different levels of a political system. It also helps us understand the normative discontinuity between private and public morality, and thus how we can be expected to assume responsibility (within reasonable limits) for the actions of our state even at times when they are in conflict with our personal convictions.

The fact of state coercion is one of fundamental importance. A state owes its subjects, that is each and every citizen, a justifying explanation for why they should accept its powers. It has to explain why it is better to accept state power rather than the alternative of a state of nature. Such an explanation is the beginning of what the role of citizenship entails. In the first step, the state offers civil rights to explain why the protection it offers is better than the alternative. But this is insufficient since citizens can still rightly object to putting that

---

<sup>1</sup>Nagel 2005, p. 128.

much power in the hands of an unconstrained coercive structure. The answer is political rights. As we move on to the modern state, political life has expanded to such an extent that civil and political rights will be insufficient for justifying the powers of the state. Notably, the expectations of citizens of a modern state have expanded and now include expectations regarding social welfare. These expectations in themselves have normative significance. Further, social rights are necessary for sustaining effective political rights. And lastly, the risk of social domination also speaks in favour of including so called welfare rights in a state's authoritative description of the citizenship role in order for a justifying explanation of state coercion to work.

This is how the idea of redistributive justice connects with membership in a state and why, in the end, principles of socioeconomic equality are inapplicable outside state borders. There is something significant about state coercion, and it has no counterpart on the global scale. There are rudimentary forms of transnational coercive structures. But they all fall short of both being global and being coercive in the sense which requires a justification through a concern with distributive justice.

The fact that an idea of global justice cannot be based on principles of egalitarian distributive justice does not mean that our duties towards the global poor are undemanding.

First, I have argued that the normative case for international trade does not rest solely on the claim that trade is mutually beneficial for all states involved, including developing states. International trade is more than just bargaining for the purpose of economic gains. It is a social practice with aims such as reducing poverty, promoting stability in international relations and global security. Because international trade is a practice with such wide goals, the promise of economic gain is not enough to justify the practice. Developing states are particularly vulnerable actors in the arena of international trade, and we can only plausibly expect them to offer this practice their loyal commitment if it institutionalizes a number of safeguards which reduce their vulnerability. I have suggested two principles for the regulation of international trade: *Due Care* which requires precautions to prevent foreseeable negative consequences of international trade and compensation for any harm it causes, and *Fair Distribution* which requires international trade to be organized in such a way that those who do their part in the practice receive an acceptable share of the benefits created by it, and no more than an acceptable share of the burdens that make the benefits possible.<sup>2</sup> What is "acceptable" as a share depends on the extent of a state's involvement in trade. These principles seem to require quite substantial reform of the international trade regime – reforms which would be of greatest benefit for citizens of developing countries.

Second, and this takes me beyond what I have said in this thesis, humanitarian duties to relieve suffering might also be quite demanding. In chapter 5 I

---

<sup>2</sup>James 2005b, p. 542.

registered some reservations regarding how demanding obligations of humanity might be. The first reservation was that we, as individuals, cannot plausibly be expected to have underlying dispositions to be responsive to neediness, or suffering, which would risk worsening our lives by depriving us of means to pursue, enjoyably and well, worthwhile life-goals. The second reservation was one of freedom of allocation. Even if people in developing countries are those with the most severe needs and those whose needs can be relieved at the least cost, humanitarian duties do not obviously require that we give their needs priority. This is because we, as individuals fulfilling our humanitarian obligations, must have some freedom to decide to whose neediness we should respond.<sup>3</sup>

But these reservations are only directed towards our obligations *as individuals*. When we consider what duties citizens of wealthy states have *as a collective*, to relieve suffering and to be responsive to the neediness of people in developing countries, the picture might change. The two reservations above do not seem to transfer to the collective case. At least not easily.

The potential demanding nature of humanitarian duties upon individuals disappears when these duties are seen as falling upon states. Indeed, some claim that wealthy states could quite effortlessly increase their foreign aid to a level where global poverty would be completely wiped out in only a matter of years. And this by merely an almost unnoticeable tax raise for their citizens.<sup>4</sup> This might be a simplification. The issue of the effectiveness of foreign aid is very complicated indeed.<sup>5</sup> But that is a secondary concern. What is important is that the demanding nature of humanitarian duties does not seem to be a proper excuse for governments, as it is for individuals.

Freedom of allocation seems to be, if not non-existent, much less of an issue for a collective agent such as a state. The reason is simply that there probably is no strong collective will about how humanitarian duties should be discharged. To be sure, sometimes a wealthy state might have a special kind of relationship to some developing country or countries, almost always grounded in some common history. But this seems to be the exception rather than the rule when it comes to states, as opposed to singular individuals.

Before I go on to address the worry that my argument contains a status quo bias I want to turn to another question I have received which is not so much a critique as it is an honest query: what are the practical implications of my conclusion that principles of distributive justice do not extend beyond state borders? Political theorists are quite often asked about the practical implications of their ideas. I do not think it is a question we should always accept. Estlund remarks that there are risks involved in trying to answer both philosophical and practical questions in the same work. If we hurry to make practical proposals, we might lose sight of the philosophical problems and their possible

---

<sup>3</sup>See for instance Miller 2007, p. 327.

<sup>4</sup>This is argued by for instance Nielsen 2007, p. 338.

<sup>5</sup>See Wenar (2003) for a discussion about some of these complexities.

solutions.<sup>6</sup> Philosophical problems are often long-standing and we should not hurry to conclusions just to be able to make practical proposals. Having said that, I will, nevertheless, briefly comment on some possible implications of what I have said in this thesis. After all, I have already drawn some tentative practical suggestions from my discussion about fairness in trade.

It is important to point out first, that my conclusions in no way suggest that the developed world should do *less* for poor states. The fact that principles of distributive justice in the egalitarian sense do not extend globally does not lead to any conclusion to the effect that current support of developing countries should be diminished.<sup>7</sup> Development aid, humanitarian assistance and emergency relief are commonly, and rightly, based on humanitarian considerations and aimed at the relief of extreme poverty and fulfilment of basic needs.<sup>8</sup> They are not at all based on considerations of distributive justice. Indeed, humanitarian duties alone tell us we should do much *more* to relieve poverty. Add to this the obligations created by specific relationships between states such as those discussed in the chapter about fairness in international trade.

All this points towards the conclusion that when we discuss practical proposals there might be a relatively large common ground available to cosmopolitans and those who, from different normative standpoints, defend restricted views on the scope of distributive justice.<sup>9</sup> When we look at the practical proposals of cosmopolitans I think it is quite telling that they, while they can certainly be seen as radical suggestions in one sense still seem quite modest from a cosmopolitan perspective. No cosmopolitan seems to argue for the creation of a world encompassing state with the power to produce socio-economic equality (or some other egalitarian value) on a global scale.<sup>10</sup> Cosmopolitans' practical proposals include things like; cancellations of the large debts developing countries owe to financial institutions in the developed world; or that wealthy states should subsidize sustainable development in poor countries so that they do not have to assume the full costs of coping with climate change.<sup>11</sup>

I see no stronger reasons why these suggestions could not be endorsed by a political conception of justice like the one I have defended. Debt relief is a very complicated issue and both adherents and critics present good arguments. It is not possible for me to say something substantive in just a few lines. For my purposes however, it is enough to observe that debt relief has

---

<sup>6</sup>Estlund 2008, p. 2.

<sup>7</sup>This is generally speaking of course. In certain cases, or for certain types of aid, other considerations might indicate that we should reform or resile.

<sup>8</sup>We should not be naive and think that humanitarian concerns are always what lie behind foreign aid. More often than not a developed state's decision to assist is primarily based on strategic political considerations. Cf. Mandle 2006, p. 123.

<sup>9</sup>Mandle 2006, p. 122.

<sup>10</sup>Tännsjö (2006) might be an exception.

<sup>11</sup>Moellendorf 2002, pp. 92-100. See also Tan 2004, p. 201

usually, and once again I would say rightly, been argued for as a response to humanitarian emergencies, such as when the G7 countries decided to suspend debt payments from twelve states in south-east Asia affected by the 2004 Indian Ocean earthquake and tsunami, or as an instrument for poverty reduction, such as when the G8 in 2005 decided to write off debts owed by 18 so-called 'Highly Indebted Poor Countries' mainly in Africa.<sup>12</sup>

In the case of costs surrounding sustainable development it is quite easy to see that the battle against climate change is a worldwide political project which displays all the characteristics of a practice that require loyal commitment and thus it is susceptible to assessment from the point of view of fairness. These practical proposals then – debt cancellation and subsidized sustainable development – do not seem to need cosmopolitan underpinnings. They could easily be supported by a political conception. But there are indeed some cosmopolitan suggestions which would not be endorsed by my political conception. I am thinking of for instance Pogge's proposal to institute a global resource tax that will tax wealthy states for extracting natural resources in their own territories and that the tax revenues should be channeled to developing states. Pogge sees his suggestion as following from an application of Rawls's difference principle to the global context, and he is probably right about that.<sup>13</sup> I cannot see that Pogge's proposal would follow from a more restrictive view regarding the scope of egalitarian justice.<sup>14</sup>

The second consideration which opened this chapter pertained to a possible status quo-bias inherent in my argument. One might complain that my realist approach to political theory unduly includes a bias towards existing practices.<sup>15</sup> According to a realist approach political theory is not just applied moral philosophy. It is not just a matter of applying moral principles to political issues. Instead, realism sees political thought as a project independent from moral philosophy. A project whose purpose is to analyze and draw normative conclusions about the natures of the unique social relations and positions – practices, institutions, roles and so on – which structure political life.<sup>16</sup> This approach quite readily leads up to a particular method called constructive interpretation. According to this method we should begin our normative political reasoning by identifying an existing social practice and determine its participants and general aims or purposes. We should then design a justificatory device which helps us determine whether the practice, as it is currently orga-

---

<sup>12</sup>See Tomitova (2005) for a discussion of this initiative.

<sup>13</sup>Pogge 2002, ch. 8. Rawls's difference principles states that any socio-economic inequalities present in a society should optimize the socio-economic position of those who are worst off (Rawls, 1999c, p. 65). This is the principle Pogge applies to the global level.

<sup>14</sup>I should point out that both Moellendorf and Pogge are what I have called dualist cosmopolitans. They too defend political conceptions but see the institutions relevant for justice as extending globally.

<sup>15</sup>Cf. James 2005a, p. 312.

<sup>16</sup>See Williams 2005, p. 3, Yack 2006, p. 615.

nized, can realize its aims or purposes in a way which is justifiable to each and every participant, or if some reform is needed in order to attain justifiability.<sup>17</sup>

There is nothing that makes it impossible in any way to try to arrive at normative principles without analyzing current political life, without taking existing social practices as starting points. There is nothing wrong, so to speak, with imagining a utopia, a world completely different from our own. But it would be a mistake. It would be a mistake not only for practical reasons, even though the fact that utopianism does not offer any present-day guidance matters too. It would be a mistake mostly because utopianism is without normative force. Political thought is fundamentally about specifying principles which are supposed to regulate what different agents do to each other within different political structures: what is the state justified in doing towards its citizens? What is a collective of states justified in doing towards a single state? This is a search for *constraints* on how different kinds of political activities can be carried out justifiably. But utopianism does not present constraints. It presents *optimizing ideals* towards which we should strive.<sup>18</sup> It is not difficult to see how constraints specified in terms of rights and obligations have normative force over us. It is much more difficult with utopian ideals. I would even suggest that insofar as the reasons offered in order to justify a utopian ideal are even comprehensible to us, they are only so because the utopia which is presented is not that different from our current world, and we implicitly reinterpret what the optimizing ideals would mean in terms of constraints if we move towards utopia. After all, even utopian theorists have to start their thinking from somewhere. And where would that be if not from their own political reality?

But I digress. A realist approach tells us to begin our theorizing about political morality from existing practices. Does this objectionably bias reasoning about political morality, justice, and fairness toward the status quo?

The first thing to note is that reasoning about political morality, which takes existing practices as its starting point, is actually compatible with the possibility that each and every existing practice is unjustified in its current form, because it fails principles applicable to the kind of practice it is.<sup>19</sup> If that were the case, political realism would require substantial reform of current practices, or even revolution. This suggests that there is no status quo bias inherent in the approach.

Further, even if an existing practice currently is justified this does not mean that it will always be so. When I discussed that particular part of political morality which concerns justice, I said that a political conception of justice is open to concerns of instability. This is true about the realist approach as a whole. Practices change. They change for different kinds of reasons, but often as reactions to changes in the wider environment that surrounds them. Such

---

<sup>17</sup>James 2005a, p. 282.

<sup>18</sup>See Williams 2005, p. 2, James 2005a, p. 296.

<sup>19</sup>James 2005a, p. 312.

changes might have consequences for the justifiability of a practice. At some point, a practice will have changed so much that it becomes a practice of quite another kind. When this happens, it has to be reassessed from the point of view of justice, fairness, or some other aspect of political morality.

The instability of conclusions about political morality drawn from the realist approach also suggests that has no inherent status quo bias. Reasoning about justice and fairness from a realist standpoint is quite sensitive to real world changes. When radical changes happen to social structures, the natures of our roles and relationships changes as well. Consequently, their normative content might also change. Indeed, I might be wrong about some of the empirical assumptions I have made about, for instance, the coerciveness of European or international law. Changes radical enough might have already occurred. If that is the case, my map of justice has to be redrawn.



# Bibliography

- Abizadeh, Arash. 2007. "Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice." *Philosophy and Public Affairs* 35(4):318–358.
- Anderson, Elizabeth S. 1999. "What is the Point of Equality?" *Ethics* 109(2):287–337.
- Appiah, Kwame Anthony. 1996. Cosmopolitan Patriots. In *For Love of Country?*, ed. Joshua Cohen. Boston: Beacon Press.
- Armstrong, Chris. 2000. "Philosophical Interpretation in the Work of Michael Walzer." *Politics* 20(2):87–92.
- Arneson, Richard J. 1999. "Egalitarianism and Responsibility." *Journal of Ethics* 3(3):225–247.
- Arneson, Richard J. 2005. "Do Patriotic Ties Limit Global Justice Duties?" *Journal of Ethics* 9(1-2):127–150.
- Attas, Daniel. 2000. "The Case of Guest Workers: Exploitation, Citizenship and Economic Rights." *Res Publica* 6(2):73–92.
- Barber, Benjamin. 1984. *Strong Democracy. Participatory Politics for a New Age*. Berkeley: University of California Press.
- Barry, Brian. 1965. *Political Argument*. London: Routledge and Kegan Paul.
- Barry, Brian. 1982. Humanity and Justice in Global Perspective. In *Nomos 24: Ethics, Economics, and the Law*, ed. J. Roland Pennock and John W. Chapman. New York: New York University Press.
- Barry, Brian. 2005. *Why Social Justice Matters*. Cambridge: Polity Press.
- Beitz, Charles R. 1983. "Cosmopolitan Ideals and National Sentiment." *Journal of Philosophy* 80(10):591–600.
- Beitz, Charles R. 1989. *Political Equality*. Princeton: Princeton University Press.
- Beitz, Charles R. 1999a. "International Liberalism and Distributive Justice: A Survey of Recent Thought." *World Politics* 51(2):269–296.

- Beitz, Charles R. 1999b. *Political Theory and International Relations*. Revised ed. Princeton: Princeton University Press.
- Beitz, Charles R. 2005. "Cosmopolitanism and Global Justice." *Journal of Ethics* 9(1-2):11–27.
- Bello, Judith Hippler. 1996. "The WTO Dispute Settlement Understanding: Less is More." *American Journal of International Law* 90(3):416–418.
- Bhagwati, Jagdish. 2004. *In Defence of Globalization*. Oxford: Oxford University Press.
- Blake, Michael. 2002. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs* 30(3):257–296.
- Broome, John. 1999. Fairness. In *Ethics out of Economics*. Cambridge: Cambridge University Press.
- Buchanan, Allen. 2000. "Rawls's Law of Peoples: Rules for a Vanished Westphalian World." *Ethics* 110(4):697–721.
- Caney, Simon. 1999. "Nationality, Distributive Justice and the Use of Force." *Journal of Applied Philosophy* 16(2):123–138.
- Caney, Simon. 2001. "Review Article: International Distributive Justice." *Political Studies* 49(5):974–997.
- Clayton, Matthew and Andrew Williams. 2000. Some Questions for Egalitarians. In *The Ideal Of Equality*, ed. Matthew Clayton and Andrew Williams. New York: Palgrave Macmillan.
- Cline, William R. 2005. "Doha and Development." *Foreign Affairs* 84(WTO Special Edition):67–77.
- Cohen, Jean L. 2004. "Whose Sovereignty? Empire versus International Law." *Ethics and International Affairs* 18(3):1–24.
- Cohen, Joshua and Charles Sabel. 2006. "Extra Rempublicam Nulla Justitia?" *Philosophy and Public Affairs* 34(2):147–175.
- Cooper, Terry L. 1984. "Citizenship and Professionalism in Public Administration." *Public Administration Review* 44(Special Issue: Citizenship and Public Administration):143–151.
- Dahl, Robert A. 1998. *On Democracy*. New Haven: Yale University Press.
- Dahl, Robert A. 1999. Can International Organizations be Democratic? A Skeptic's View. In *Democracy's Edges*, ed. Ian Shapiro and Casiano Hacker-Cordón. Cambridge: Cambridge University Press.

- Dower, Nigel. 2000. "The Idea of Global Citizenship – A Sympathetic Assessment." *Global Society* 14(4):553–567.
- Dworkin, Ronald. 1986. *Law's Empire*. Cambridge, Mass.: Harvard University Press.
- Estlund, David M. 2008. *Democratic Authority. A Philosophical Framework*. Princeton: Princeton University Press.
- Falk, Richard. 1995. *On Humane Governance: Toward a New Global Politics*. Cambridge: Polity Press.
- Falk, Richard. 2000. "The Decline of Citizenship in an Era of Globalization." *Citizenship Studies* 4(1):5–17.
- Finger, J. Michael. 2000. "The WTO's Special Burden on Less Developed Countries." *Cato Journal* 19(3):425–437.
- Fitzmaurice, Deborah. 1997. Justice, Practical Reasons and Boundaries. In *Citizenship, Democracy and Justice in the New Europe*, ed. Percy B. Lehning and Albert Weale. London and New York: Routledge.
- Flathman, Richard E. 1995. Citizenship and Authority: A Chastened View of Citizenship. In *Theorizing Citizenship*, ed. Ronald Beiner. Albany: State University of New York Press.
- Føllesdal, Andreas. 2000a. Global Justice as Impartiality: Whither Claims to Equal Shares? In *International Justice*, ed. Anthony Coates. London: Ashgate.
- Føllesdal, Andreas. 2000b. "Justice: Global and European." *Global Society* 14(4):591–609.
- Fox, Jonathan. 2005. "Unpacking "Transnational Citizenship"." *Annual Review of Political Science* 8:171–201.
- Frey, Bruno S. 2003. "Flexible Citizenship for a Global Society." *Politics, Philosophy and Economics* 2(1):93–114.
- Fried, Charles. 1978. *Right and Wrong*. Cambridge, Mass.: Harvard University Press.
- Goodin, Robert E. 1998. "Public Service Utilitarianism as a Role Responsibility." *Utilitas* 10(3):320–336.
- Hardimon, Michael O. 1994. "Role Obligations." *Journal of Philosophy* 91(7):333–363.
- Held, David. 1995. *Democracy and the Global Order*. Cambridge: Polity Press.

- Held, David. 1999. *The Transformation of Political Community: Rethinking Democracy in the Context of Globalization*. In *Democracy's Edges*, ed. Ian Shapiro and Casiano Hecjero-Cordon. Cambridge: Cambridge University Press.
- Held, David. 2000. *The Changing Contours of Political Community: Rethinking Democracy in the Context of Globalization*. In *Global Democracy: Key Debates*, ed. Barry Holden. London and New York: Routledge.
- Held, Virginia. 1970. "Can a Random Collection of Individuals be Morally Responsible?" *Journal of Philosophy* 67(14):471–481.
- Held, Virginia. 1984. *Rights and Goods. Justifying Social Action*. Chicago: The University of Chicago Press.
- Hooker, Brad. 2005. "Fairness." *Ethical Theory and Moral Practice* 8(4):329–352.
- Horton, John. 2006. "In Defence of Associative Political Obligations: Part One." *Political Studies* 54(3):427–443.
- Horton, John. 2007. "In Defence of Associative Political Obligations: Part Two." *Political Studies* 55(1):1–19.
- Hubin, D. Clayton. 1979. "The Scope of Justice." *Philosophy and Public Affairs* 9(1):3–24.
- James, Aaron. 2005a. "Constructing Justice for Existing Practice: Rawls and the Status Quo." *Philosophy and Public Affairs* 33(3):281–316.
- James, Aaron. 2005b. "Distributive Justice without Sovereign Rule: The Case of Trade." *Social Theory and Practice* 31(4):533–559.
- Jones, Charles. 1999. *Global Justice. Defending Cosmopolitanism*. Oxford: Oxford University Press.
- Julius, A. J. 2006. "Nagel's Atlas." *Philosophy and Public Affairs* 34(2):176–192.
- Kagan, Shelly. 1998. *Normative Ethics*. Oxford: Westview Press.
- Kapoor, Ilan. 2004. "Deliberative democracy and the WTO." *Review of International Political Economy* 11(3):522–541.
- Kapstein, Ethan B. 2006. *Economic Justice in an Unfair World. Toward a Level Playing Field*. Princeton: Princeton University Press.
- Kekes, John. 2002. "On the Supposed Obligation to Relieve Famine." *Philosophy* 77(4):503–517.

- Kessler, Clive S. 2000. "Globalization: Another False Universalism?" *Third World Quarterly* 21(6):931–942.
- Keynes, Maynard. 1923. *A Tract on Monetary Reform*. London: Macmillan.
- King, Desmond S. and Jeremy Waldron. 1988. "Citizenship, Social Citizenship and the Defence of Welfare Provision." *British Journal of Political Science* 18(4):415–443.
- Krasner, Stephen D. 1985. *Structural Conflict: The Third World Against Global Liberalism*. Berkeley: University of California Press.
- Kymlicka, Will and Wayne Norman. 1995. Return of the Citizen: A Survey of Recent Work on Citizenship Theory. In *Theorizing Citizenship*, ed. Ronald Beiner. Albany: State University of New York Press. Previously published in *Ethics* 104(2), 352–381.
- Li, Quan and Rafael Reuveny. 2003. "Economic Globalization and Democracy: An Empirical Analysis." *British Journal of Political Science* 33(1):29–54.
- Lipset, Seymour Martin. 1960. *Political Man. The Social Bases of Politics*. Garden City: Doubleday.
- Lively, Jack. 1975. *Democracy*. Oxford: Basil Blackwell.
- MacIntyre, Alasdair. 1984. *After Virtue*. 2nd ed. Notre Dame: University of Notre Dame Press.
- Mandle, Jay R. 2003. *Globalization and the Poor*. Cambridge: Cambridge University Press.
- Mandle, Jon. 2006. *Global Justice*. Cambridge: Polity Press.
- March, James G. and Johan P. Olsen. 1995. *Democratic Governance*. New York: The Free Press.
- Marshall, T. H. 1950. Citizenship and Social Class. In *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press.
- Mason, Andrew. 1997. "Special Obligations to Compatriots." *Ethics* 107(3):427–447.
- Mason, Andrew. 2000. *Community, Solidarity and Belonging. Levels of Community and their Normative Significance*. Cambridge: Cambridge University Press.
- Mattoo, Aaditya and Arvind Subramanian. 2004. "The WTO and the Poorest Countries: The Stark Reality." *World Trade Review* 3(3):385–407.

- Mayer, Robert. 2002. "A Walzerian Theory of Exploitation." *Polity* 34(3):337–354.
- Mayer, Robert. 2005. "Guestworkers and Exploitation." *Review of Politics* 67(2):311–334.
- Meckled-Garcia, Saladin. 2007. "On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency." Forthcoming in *Journal of Political Philosophy*. doi: 10.1111/j.1467-9760.2007.00281.x.
- Miller, David. 1989. *Market, State, and Community. Theoretical Foundations of Market Socialism*. Oxford: Oxford University Press.
- Miller, David. 2000. *Citizenship and National Identity*. Cambridge: Polity Press.
- Miller, David. 2004a. "Holding Nations Responsible." *Ethics* 114(2):240–268.
- Miller, Richard W. 1998. "Cosmopolitan Respect and Patriotic Concern." *Philosophy and Public Affairs* 27(3):202–224.
- Miller, Richard W. 2004b. "Beneficence, Duty and Distance." *Philosophy and Public Affairs* 32(4):357–383.
- Miller, Richard W. 2004c. Moral Closeness and World Community. In *The Ethics of Assistance. Morality and the Distant Needy*, ed. Deen K. Chatterjee. Cambridge: Cambridge University Press.
- Miller, Richard W. 2007. The Critique of Globalization. In *Reason and Emancipation: Essays on the Philosophy of Kai Nielsen*, ed. Michel Seymour and Matthias Fritsch. Amherst: Prometheus Books.
- Moellendorf, Darrel. 2002. *Cosmopolitan Justice*. Boulder: Westview Press.
- Moellendorf, Darrel. 2005. "The World Trade Organization and Egalitarian Justice." *Metaphilosophy* 36(1/2):145–162.
- Moravcsik, Andrew. 2003. "Striking a New Transatlantic Bargain." *Foreign Affairs* 82(4):74–89.
- Mulgan, Richard. 1990. "Aristotle and the Value of Political Participation." *Political Theory* 18(2):195–215.
- Murphy, Liam B. 1998. "Institutions and the Demands of Justice." *Philosophy and Public Affairs* 27(4):251–291.
- Murphy, Liam and Thomas Nagel. 2001. "Taxes, redistribution, and public provision." *Philosophy and Public Affairs* 30:53–71.

- Nagel, Thomas. 1979. Ruthlessness in Public Life. In *Mortal Questions*. Cambridge: Cambridge University Press.
- Nagel, Thomas. 1991. *Equality and Partiality*. Oxford: Oxford University Press.
- Nagel, Thomas. 2000. Equality. In *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams. London: Macmillan.
- Nagel, Thomas. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs* 33(2):113–147.
- Nagel, Thomas. 2006. "The View from Here and Now." *London Review of Books* 28(9):8–10. 11 May 2006.
- Narlikar, Amrita. 2005. *The World Trade Organization. A Very Short Introduction*. Oxford: Oxford University Press.
- Narveson, Jan. 2004. "Welfare and Wealth, Poverty and Justice in Today's World." *Journal of Ethics* 8(4):305–348.
- Nelson, William N. 1974. "Special Rights, General Rights, and Social Justice." *Philosophy and Public Affairs* 3(4):410–430.
- Nickel, James W. 2002. "Is Today's International Human Rights System a Global Governance Regime?" *Journal of Ethics* 6(4):353–371.
- Nielsen, Kai. 2007. Reply to Richard Miller. In *Reason and Emancipation: Essays on the Philosophy of Kai Nielsen*, ed. Michel Seymour and Matthias Fritsch. Amherst: Prometheus Books.
- Nussbaum, Martha C. 2006. *Frontiers of Justice*. Cambridge, Mass.: Harvard University Press.
- Oldenquist, Andrew. 1982. "Loyalties." *Journal of Philosophy* 79(4):173–193.
- O'Neill, Onora. 1996. *Towards Justice and Virtue. A Constructive Account of Practical Reasoning*. Cambridge: Cambridge University Press.
- Parfit, Derek. 1998. Equality and Priority. In *Ideals of Equality*, ed. Andrew Mason. Oxford: Blackwell Publishers.
- Pogge, Thomas W. 1989. *Realizing Rawls*. Ithaca: Cornell University Press.
- Pogge, Thomas W. 1998. A Global Resources Dividend. In *Ethics of Consumption: The Good Life, Justice, and Global Stewardship*, ed. David A. Crocker and Toby Linden. Lanham: Rowman and Littlefield.

- Pogge, Thomas W. 2002. *World Poverty and Human Rights*. Cambridge: Polity Press.
- Pogge, Thomas W. 2005a. "Severe Poverty as a Violation of Negative Duties." *Ethics and International Affairs* 19(1):55–83.
- Pogge, Thomas W. 2005b. "World Poverty and Human Rights." *Ethics and International Affairs* 19(1):1–7.
- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- Rawls, John. 1999a. Justice as Fairness. In *Collected Papers*, ed. Samuel Freeman. Cambridge, Mass.: Harvard University Press.
- Rawls, John. 1999b. *The Law of Peoples*. Cambridge, Mass.: Harvard University Press.
- Rawls, John. 1999c. *A Theory of Justice*. revised ed. Cambridge, Mass.: Harvard University Press.
- Ricardo, David. 1817. *On the Principles of Political Economy and Taxation*. London: John Murray.
- Ripstein, Arthur. 1987. "Foundationalism in Political Theory." *Philosophy and Public Affairs* 16(2):115–137.
- Risse, Mathias. 2005a. "Do We Owe the Global Poor Assistance or Rectification?" *Ethics and International Affairs* 19(1):9–18.
- Risse, Mathias. 2005b. "How Does the Global Order Harm the Poor?" *Philosophy and Public Affairs* 33(4):349–376.
- Risse, Mathias. 2005c. "What We Owe to the Global Poor." *Journal of Ethics* 9(1-2):81–117.
- Risse, Mathias. 2007a. "Fairness in Trade I: Obligations from Trading and the Pauper Labor Argument." *Politics, Philosophy, and Economics* 6(3):355–377.
- Risse, Mathias. 2007b. "Review Essay: *Economic Justice in an Unfair World. Toward a Level Playing Field*, by Ethan B. Kapstein." *World Trade Review* 6(1):123–133.
- Rudra, Nita. 2002. "Globalization and the Decline of the Welfare State in Less-Developed Countries." *International Organization* 56(2):411–445.
- Sala-i-Martin, Xavier. 2006. "The World Distribution of Income: Falling Poverty and ... Convergence, Period." *Quarterly Journal of Economics* 121(2):351–397.

- Sample, Ruth J. 2003. *Exploitation. What It Is and Why It's Wrong*. Lanham: Rowman and Littlefield.
- Sandel, Michael J. 1998. *Liberalism and the Limits of Justice*. 2nd ed. Cambridge: Cambridge University Press.
- Sangiovanni, Andrea. 2007a. "Global Justice, Reciprocity, and the State." *Philosophy and Public Affairs* 35(1):3–39.
- Sangiovanni, Andrea. 2007b. "Justice and the Priority of Politics to Morality." Forthcoming in *Journal of Political Philosophy*. doi: 10.1111/j.1467-9760.2007.00291.x.
- Satz, Debra. 1999. Equality of What Among Whom? Thoughts on Cosmopolitanism, Statism, and Nationalism. In *Nomos 41: Global Justice*, ed. Ian Shapiro and Lea Brilmayer. New York: New York University Press.
- Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, Mass.: Harvard University Press.
- Scanlon, T. M. 2003. The Diversity of Objections to Inequality. In *The Difficulty of Tolerance*. Cambridge: Cambridge University Press.
- Scheffler, Samuel. 2001. *Boundaries and Allegiances. Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press.
- Scheffler, Samuel. 2003. "What is Egalitarianism?" *Philosophy and Public Affairs* 31(1):5–39.
- Scheffler, Samuel. 2005. "Choice, Circumstance, and the Value of Equality." *Politics, Philosophy and Economics* 4(1):5–28.
- Scheve, Kenneth F. and Matthew J. Slaughter. 2007. "A New Deal for Globalization." *Foreign Affairs* 86(4):34–40.
- Sen, Amartya Kumar. 1999. "Democracy as a Universal Value." *Journal of Democracy* 10(3):3–17.
- Simmons, A. John. 1996a. "Associative Political Obligations." *Ethics* 106(2):247–273.
- Simmons, A. John. 1996b. "External Justifications and Institutional Roles." *Journal of Philosophy* 93(1):28–36.
- Singer, Peter. 1972. "Famine, Affluence and Morality." *Philosophy and Public Affairs* 1(3):229–243.
- Singer, Peter. 2002. *One World. The Ethics of Globalization*. New Haven and London: Yale University Press.

Steiner, Hillel. 1998. Trading With the Enemy. In *The Legal and Moral Aspects of Trade*, ed. Geraint Parry, Asif Qureshi and Hillel Steiner. Vol. III of *Freedom and Trade* London: Routledge.

Stiglitz, Joseph E. 2002. *Globalization and Its Discontents*. London: Penguin.

Sunstein, Cass R. 1996. "Social Norms and Social Roles." *Columbia Law Review* 96(4):903–968.

Tan, Kok-Chor. 2004. *Justice Without Borders. Cosmopolitanism, Nationalism and Patriotism*. Cambridge: Cambridge University Press.

Tan, Kok-Chor. 2006. "The Boundary of Justice and the Justice of Boundaries: Defending Global Egalitarianism." *Canadian Journal of Law and Jurisprudence* 19(2):319–344.

Tännsjö, Torbjörn. 2006. "Cosmopolitan Democracy Revisited." *Public Affairs Quarterly* 20(3):267–331.

Temkin, Larry. 1995. "Justice and Equality: Some Questions About Scope." *Social Philosophy and Policy* 12(2):72–104.

Temkin, Larry. 2004. "Thinking About the Needy, Justice, and International Organizations." *Journal of Ethics* 8(4):349–395.

Tomitova, Lydia. 2005. "Is the G8 Dealing Justly with Debt?" *Policy Innovations – The Carnegie Council's online magazine for a fairer globalization*. Retrieved February 2008 from <http://www.policyinnovations.org/ideas/commentary/data/000013>.

Toye, John. 2003. Order and Justice in the International Trade System. In *Order and Justice in International Relations*, ed. Rosemary Foot, John Lewis Gaddis and Andrew Hurrell. Oxford: Oxford University Press.

UNDP. 1999. "Human Development Report 1999." Retrieved July 2007 from [http://hdr.undp.org/reports/global/1999/en/pdf/hdr\\_1999\\_full.pdf](http://hdr.undp.org/reports/global/1999/en/pdf/hdr_1999_full.pdf).

Unger, Peter. 1996. *Living High and Letting Die*. Oxford: Oxford University Press.

Wade, Robert H. 2003. "What Strategies are Viable for Developing Countries? The World Trade Organization and the shrinking of 'development space'." *Review of International Political Economy* 10(4):621–644.

Wade, Robert H. 2006. "Review Essay: Questions of Fairness. In Search of a Just Economic Order." *Foreign Affairs* 85(5):136–143.

- Walzer, Michael. 1983. *Spheres of Justice. A Defence of Pluralism and Equality*. New York: Basic Books.
- Weale, Albert. 2004. Contractarian Theory, Deliberative Democracy and General Agreement. In *Justice and Democracy*, ed. Keith Dowding, Robert E. Goodin and Carole Pateman. Cambridge: Cambridge University Press.
- Wellman, Christopher Heath. 2000. "Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'?" *Ethics* 110(3):537–562.
- Wellman, Christopher Heath. 2001. "Friends, Compatriots, and Special Political Obligations." *Political Theory* 29(2):217–236.
- Wenar, Leif. 2003. "What We Owe to Distant Others." *Politics, Philosophy and Economics* 2(3):283–304.
- White, Stuart. 2007. *Equality*. Cambridge: Polity Press.
- Williams, Bernard. 1985. *Ethics and the Limits of Philosophy*. London: Fontana Press.
- Williams, Bernard. 2005. *In the Beginning Was the Deed. Realism and Moralism in Political Argument*. Princeton: Princeton University Press.
- Wolf, Martin. 2004. *Why Globalization Works*. New Haven: Yale University Press.
- Wolfensohn, James D. 2002. "Making the World a Better and Safer Place: The Time for Action is Now." *Politics* 22(2):118–123.
- Wolff, Jonathan. 1998. The Ethics of Competition. In *The Legal and Moral Aspects of Trade*, ed. Geraint Parry, Asif Qureshi and Hillel Steiner. Vol. III of *Freedom and Trade* London: Routledge.
- Woods, Ngaire. 1999. Order, Globalization, and Inequality in World Politics. In *Inequality, Globalization, and World Politics*, ed. Andrew Hurrell and Ngaire Woods. Oxford: Oxford University Press.
- WTO. 1994. "Marrakesh Agreement Establishing the World Trade Organization." Retrieved July 2007 from [http://www.wto.org/English/docs\\_e/legal\\_e/04-wto.pdf](http://www.wto.org/English/docs_e/legal_e/04-wto.pdf).
- WTO. 2001. "Ministerial Declaration. WTO Ministerial Conference, Fourth Session." Retrieved June 2007 from [http://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/mindecl\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm).
- WTO. 2003. "10 Common Misunderstandings About the WTO." Retrieved May 2005 from [http://www.wto.org/english/res\\_e/doload\\_e/10mis\\_e.pdf](http://www.wto.org/english/res_e/doload_e/10mis_e.pdf).

Yack, Bernard. 2006. "Review of *In the Beginning Was the Deed* by Bernard Williams." *Ethics* 116(3):614–618.

# Statsvetenskapliga föreningen i Uppsala

## Skrifter utgivna genom Axel Brusewitz

1. *Axel Brusewitz*, Studier över riksdagen och utrikespolitiken. I. Hemliga utskottet i 1809 års författning. 144 sid. 1933.
2. *Axel Brusewitz*, Studier över riksdagen och utrikespolitiken. II. Nordiska utrikesnämnder i komparativ belysning. 266 sid. 1933.
3. *Gunnar Heckscher*, Konung och statsråd i 1809 års författning. Regeringsmaktens inre gestaltning under det nya statskicketets första halvsekel. 484 sid. 1933.
4. De nordiska ländernas statsråd. Studier över deras sociala sammansättning. Utarbetade inom Seminariet för statskunskap i Uppsala. 234 sid. 1935.
5. *Sven Lindman*, Parlamentarismens införande i Finlands statsförfattning. 85 sid. 1935.
6. *Elis Håstad*, Regeringssättet i den schweiziska demokratin. 735 sid. 1936.
7. Studier över den svenska riksdagens sociala sammansättning. Utarbetade inom Seminariet för statskunskap i Uppsala. 233 sid. 1936.
8. *Ragnar Simonsson*, Millerands presidentur. En studie över presidentmakt och parlamentarism i Frankrike. 319 sid. 1938.
9. *Gunnar Heckscher*, Svensk konservatism före representationsreformen. I. Den historiska skolans genombrott i Sverige. 257 sid. 1939.
10. *Arne Björnberg*, Parlamentarismens utveckling i Norge efter 1905. 400 sid. 1939.
11. *Arne Wählstrand*, 1905 års ministärkriser. 434 sid. 1941.
12. Festskrift till professor skytteanus Axel Brusewitz. Utgiven till 60-årsdagen den 9 juni 1941 av vänner och lärjungar. 506 sid. 1941.
13. *Axel Brusewitz*, Studier över riksdagen och utrikespolitiken. III. Utrikesfrågors behandling i den svenska riksdagen. 155 sid. 1941.
14. *Sixten Björkblom*, Södermanlands läns landsting. Sammansättning, organisation och verksamhet. 467 sid., 62 sid. ill. 1942.
15. *Edward Thermanius*, Adressdebatten i underhuset. En studie i parlamentarisk teknik och tradition. 236 sid. 1942.
16. *Lennart Linnarsson*, Riksrådens licentiering. En studie i frihetstidens parlamentarism. 360 sid. 1943.
17. *Gunnar Heckscher*, Svensk konservatism före representationsreformen. II. Doktrin och politik 1840-1865. 271 sid. 1943.
18. *Torsten Petré*, Svenska regeringen och de norska frågorna 1884-1886. 132 sid. 1944.
19. *Olle Nyman*, Krisuppgörelsen mellan socialdemokraterna och bondeförbundet 1933. 114 sid. 1944.
20. Statsvetenskapliga studier. Till Statsvetenskapliga föreningens i Uppsala tjugofemårsdag 7 november 1944. Av medlemmar. 701 sid. 1944.
21. *Torsten Petré*, Ministären Themptander. 305 sid., I sid. ill. 1945.
22. *Carl-Erik Höjer*, Le régime parlementaire belge à 1918-1940. 373 sid. 1946.
23. *Ragnar Edenman*, Socialdemokratiska riksdagsgruppen 1903-1920. En studie i den svenska riksdagens partiväsen. 298 sid., I sid. ill. 1946.

24. *Arne Wåhlstrand*, Allmänna valmansförbundets tillkomst. 104 sid. 1946.
25. *Gunnar Gerdner*, Det svenska regeringsproblemet 1917-1920. Från majoritetskoalition till minoritetsparlamentarism. 396 sid., 10 sid. ill. 1946.
26. *Nils Andrén*, Den klassiska parlamentarismens genombrott i England. 361 sid., 9 sid. ill. 1947.
27. *Olle Nyman*, Svensk parlamentarism 1932-36. Från minoritetsparlamentarism till majoritetskoalition. 570 sid., 14 sid. ill. 1947.
28. *Arne Wåhlstrand*, Regeringsskiftena 1900 och 1902. 238 sid., 10 ill. 1947.

### **Skrifter utgivna genom C. A. Hessler**

30. *Gert Hornwall*, Regeringskris och riksdagspolitik 1840-1841. 465 sid., 6 sid. ill. 1951.
31. *Eyvind Bratt*, Småstaterna i idéhistorien. En studie i äldre statsdoktriner. 231 sid. 1951.
32. *Ragnar Andersson*, Svenska Dagbladet och det politiska livet 1897-1918. 460 sid., 4 sid. ill. 1952.
33. *Arne Wåhlstrand*, Karlstadskonferensen 1905. Protokoll och aktstycken. 474 sid., 4 sid. ill. 1953.
34. *Sten-Sture Landström*, Svenska ämbetsmäns sociala ursprung. 179 sid. 1954.
35. *Gunnar Gerdner*, Parlamentarismens kris i Sverige vid 1920-talets början. 568 sid., ill. 1954.
36. *Carl Arvid Hessler*, Stat och religion i upplysningstidens Sverige. 242 sid. 1956.
37. *Olle Nyman*, Högern och kungamakten 1911-1914. Ur borggårdskrisens förhistoria. 408 sid. 1957.
38. *Elias Berg*, The Historical Thinking of Charles A. Beard. 83 sid. 1957.
39. *Olle Gellerman*, Staten och jordbruket 1867-1918. 391 sid. 1958.
40. *Olle Nyman*, Der Westdeutsche Föderalismus. Studien zum Bonner Grundgesetz. 266 sid. 1960.
41. *Mats Kihlberg och Donald Söderlind*, Två studier i svensk konservatism 1916-1922. 268 sid. 1961.
42. *Nils Elvander*, Harald Hjärne och konservatismen. Konservativ idédebatt i Sverige 1865-1922. 530 sid. 1961.
43. *Clarence Nilsson*, Sam Stadener som kyrkopolitiker. 392 sid. 1964.
44. *Carl Arvid Hessler*, Statskyrkodebatten. 462 sid. 1964.
45. *Olof Wennås*, Striden om latinväldet. Idéer och intressen i svensk skolpolitik under 1800-talet. 412 sid. 1966.
46. *Leif Lewin*, Planhushållningsdebatten. 564 sid. 1967.
47. *Artur Mägi*, Das Staatslebens Estlands während seiner Selbständigkeit. 1. Das Regierungssystem. 327 sid. 1967.
48. *Lars Rudebeck*, Party and People. A Study of Political Change in Tunisia. 275 sid. 1967.
49. *Bo Jonsson*, Staten och malmfälten. En studie i svensk malmfältspolitik omkring sekelskiftet. 388 sid. 1969.
50. Idéer och ideologier. Sex studier utgivna till Statsvetenskapliga föreningens i Uppsala femtioårsdag den 7 november 1969. 375 sid. 1969.
51. *Terry Carlbom*, Högskolelokaliseringen i Sverige 1950-1965. En studie i politiskt inflytande. 309 sid. 1970.

52. *Leif Lewin*, Folket och eliterna. En studie i modern demokratisk teori. 260 sid. 1970.
53. *Reidar Larsson*, Theories of Revolution. From Marx to the First Russian Revolution. 381 sid. 1970.
54. *Sverker Gustavsson*, Debatten om forskningen och samhället. En studie i några teoretiska inlägg under 1900-talet. 359 sid. 1971.
55. *Ragnar Simonsson*, Frankrikes författningar. 617 sid. 1971.
56. *Leontios Ierodiakonou*, The Cyprus Question. 311 sid. 1971.
57. *Evert Vedung*, Unionsdebatten 1905. En jämförelse mellan argumenteringen i Sverige och Norge. 475 sid. 1971.
58. *Hans Sjöberg*, De Gaulles Europatankar. 148 sid. 1972.
59. *Georg Andréén*, Den unge Churchill. 100 sid. 1972.
60. *Leif Lewin*, *Bo Jansson*, *Dag Sörbom*, The Swedish Electorate 1887-1968. 293 sid. 1972.
61. *Barry Holmström*, Koreakriget i Svensk debatt. 353 sid. 1972.

### **Skrifter utgivna genom Leif Lewin**

62. *Leif Lewin*, Statskunskapen, ideologierna och den politiska verkligheten. 28 sid. 1972.
63. *Jan Åke Dellenbrant*, Reformists and Traditionalists. A Study of Soviet Discussions about Economic reform, 1960-1965. 163 sid. 1972.
64. *Peter Wallensteen*, Structure and War. On International Relations 1920-1968. 269 sid. 1973.
65. *Georg Landberg*, Hans Järta som landshövding i Kopparbergs län 1812-1822. 295 sid. 1973.
66. *Bengt Bogårde*, Svenska folkhögskolans lärarförening och staten 1902-1970. En studie i organisationsinflytande. 187 sid. 1974.
67. *Michael Ståhl*, Ethiopia. Political Contradictions in Agricultural Development. 186 sid. 1974.
68. *Roger Henning*, Staten som företagare. En studie av Statsföretag AB:s mål, organisation och effektivitet. 183 sid. 1974.
69. *Lars Nord*, Nonalignment and Socialism. Yugoslav Foreign Policy in Theory and Practice. 306 sid. 1974.
70. *Karl-Göran Algotsson*, Från katekestvång till religionsfrihet. Debatten om religionsundervisningen i skolan under 1900-talet. 538 sid. 1975.
71. *Onesimo Silveira*, Africa South of the Sahara: Party Systems and Ideologies of Socialism. 212 sid. 1976.
72. *Carl-Johan Westholm*, Ratio och universalitet. John Stuart Mill och dagens demokratidebatt. 266 sid. 1976.
73. *Leif Lewin*, Hur styrs facket? Om demokratin inom fackföreningsrörelsen. 245 sid. 1977.
74. Kodbok till fackföreningsundersökningen. 128 sid. 1977.
75. *Axel Hadenius*, Facklig organisationsutveckling. En studie av Landsorganisationen i Sverige. 214 sid. 1976.
76. *Leif Lewin*, Åsiktsjournalistiken och den fackliga demokratin. 94 sid. 1977.
77. *Michael Sahlin*, Neo-Authoritarianism and the Problem of Legitimacy. A General Study and a Nigerian Example. 240 sid. 1977.
78. *Lars-Inge Ström*, Idrott och politik. Idrottsrörelsens politiska roll i Tredje Riket, DDR och Förbundsrepubliken. 201 sid. 1977.

79. *Gabriele Winai Ström*, Development and Dependence in Lesotho. The Enclave of South Africa. 192 sid. 1978.
80. *Erik Åsard*, LO och löntagarfondsfrågan. En studie i facklig politik och strategi. 210 sid. 1978.
81. *Maurice Georgi*, La Politique de l'URSS au Proche-Orient 1954-1964, "attitude et analyse". 178 sid. 1978.
82. *Lars Ohlsson*, Lokal förvaltning i Sovjetunionen. Sovjeterna: Vision och verklighet. 328 sid. 1979.
83. *Leif Lewin*, Det politiska spelet. 155 sid. 1979.
84. *Olof Petersson*, Regeringsbildningen 1978. 177 sid., 8 sid. ill. 1978.
85. *Evert Vedung*, Kärnkraften och regeringen Fälldins fall. 233 sid., 8 sid. ill. 1979.
86. *Abu Baker El Obeid*, The Political Consequences of the Addis Ababa Agreement. 167 sid. 1980.
87. *Roger Henning*, Partierna och Stålverk 80. En studie av industripolitiskt beslutsfattande. 183 sid. 1980.
88. *Axel Hadenius*, Spelet om skatten. Rationalistisk analys av politiskt beslutsfattande. 301 sid. 1981.
89. *Erik Amnå*, Planhushållning i den offentliga sektorn? Budgetdialogen mellan regering och förvaltning under efterkrigstiden. 235 sid. 1981.
90. *Olof Petersson*, Väljarna och världspolitiken. 133 sid. 1982.
91. *Sven-Erik Svärd*, Icke-beslut – maktens andra ansikte. En analys av begrepp, metod och empiriska tillämpningar. 145 sid. 1982.
92. *Sven Eliaeson*, Bilden av Max Weber. En studie i samhällsvetenskapens sekularisering. 336 sid. 1982.
93. *Jörgen Wedin*, Spelet om trafikpolitiken. 344 sid. 1982.
94. *Barry Holmström*, Äganderätt och brukningsansvar. Idéer och intressen i svensk jordpolitik. 271 sid. 1983.
95. *Axel Hadenius*, Medbestämmandereformen. 208 sid. 1983.
96. *Joachim Schäfer*, Från tillväxt till trygghet. Tio års debatt om strukturpolitikens mål och medel. 292 sid. 1984.
97. *Helle Kanger*, Human Rights in the U.N. Declaration. 208 sid. 1984.
98. *Axel Hadenius, Roger Henning, Barry Holmström*, Tre studier i politiskt beslutsfattande. 188 sid. 1984.
99. *Jörgen Hermansson*, Kommunism på svenska? SKP/VPK:s idéutveckling efter Komintern. 388 sid. 1984.
100. *Barbro Lewin*, Johan Skytte och de skytteanska professorerna. 232 sid., ill. 1985.
101. *Agnete Nissborg*, Danmark mellan Norden och Väst. 151 sid. 1985.
102. *Stig Arne Nohrstedt*, Tredje världen i nyheterna. 250 sid. 1986.
103. Festskrift till professor skytteanus Carl Arvid Hessler. Utgiven till 80-årsdagen den 10 februari 1987 av hans lärjungar genom Leif Lewin. 342 sid. 1987.
104. *Anders Weidung*, Frihandelns dilemma. 186 sid. 1987.
105. *Gunvall Grip*, Vill du frihet eller tvång? Svensk försäkringspolitik 1935-1945. 268 sid. 1987.
106. *Adolphe Lawson*, Les Accords de Lancaster House en 1979: l'aboutissement de deux décennies de débats sur les conditions de l'indépendance du Zimbabwe. 209 sid. 1988.

107. *Michael Nydén*, Kris i massupplaga. En studie i hållbarhet, relevans och neutral presentation i fyra svenska dagstidningars rapportering om de internationella oljebolagens skuld till oljekrisen 1973-1974. 269 sid. 1988.
108. *Alexander Davidson*, Two Models of Welfare: the Origins and Development of the Welfare State in Sweden and New Zealand 1888-1988. 432 sid. 1989.
109. *Jörgen Hermansson*, Spelteorins nytta. Om rationalitet i vetenskap och politik. 385 sid. 1990.
110. *Karin Hadenius*, Jämlikhet och frihet: Politiska mål för den svenska grundskolan. 342 sid. 1990.
111. *Ove Nordenmark*, Aktiv utrikespolitik. Sverige – södra Afrika 1969-1987. 187 sid. 1991.
112. *Stefan Björklund*, Forskningsanknytning genom disputation. 161 sid. 1991.
113. *Terry Carlbom*, Lycka och nytta. Jeremy Benthams idévärld. 107 sid., 2 ill. 1991.
114. *Fredrika Björklund*, Samförstånd under oenighet. Svensk säkerhetspolitisk debatt under det kalla kriget. 225 sid. 1992.
115. *Lars Niklasson*, Bör man lyda lagen? En undersökning av den offentliga maktens legitimitet. 214 sid. 1992.
116. *Mats Lundström*, Politikens moraliska rum. En studie i F. A. Hayeks politiska filosofi. 248 sid. 1993.
117. *Nils Karlson*, The State of State. An Inquiry Concerning the Role of Invisible Hands in Politics and Civil Society. 234 sid. 1993.
118. *Nils Öberg*, Gränslös rättvisa eller rättvisa inom gränser? Om moraliska dilemman i välfärdsstaters invandrings- och invandrarpolitik. 190 sid. 1994.
119. *Leif Lewin*, Politiskt ledarskap. Sex forskningsprojekt om konsten att leda ett land. 217 sid. 1994.
120. *Torsten Svensson*, Socialdemokratins dominans. En studie av den svenska socialdemokratins partistrategi. 332 sid. 1994.
121. *Christina Bergquist*, Mäns makt och kvinnors intressen. 226 sid. 1994.
122. *PerOla Öberg*, Särintresse och allmänintresse: Korporatismens ansikten. 304 sid. 1994.
123. *Anders Lindbom*, Medborgarskapet i välfärdsstaten. Föräldrainflytande i skandinavisk grundskola. 248 sid. 1995.
124. *Stefan Björklund*, En författning för disputationen. 234 sid. 1996.
125. *Mikael Axberg*, Rättvisa och demokrati. Om prioriteringar i sjukvården. 240 sid. 1997.
126. *Carina Gunnarson*, Den förförande makten. Frankrikes Afrikapolitik under Medelhavet. 233 sid. 1997.
127. *Åsa Lundgren*, Europeisk identitetspolitik. EUs demokratibistånd till Polen och Turkiet. 220 sid. 1998.
128. *Per Löwdin*, Det dukade bordet. Om partierna och de ekonomiska kriserna. 496 sid. 1998.
129. *Jan Teorell*, Demokrati eller fåtalsvälde? Om beslutsfattande i partioorganisationer. 391 sid. 1998.
130. *Barry Holmström*, Domstolar och demokrati. Den tredje statsmaktens politiska roll i England, Frankrike och Tyskland. 495 sid. 1998.
131. *Shirin Ahlbäck*, Att kontrollera staten. Den statliga revisionens roll i den parlamentariska demokratin. 335 sid. 1999.

132. *Torkel Nyman*, Kommittépolitik och parlamentarism. Statsminister Boström och rikspolitiken 1891-1905. En studie av den svenska parlamentarismens framväxt. 247 sid., 7 sid. ill. 1999.
133. *Per-Ola Öberg, Jörgen Hermansson, Per-Åke Berg*. I väntan på solnedgången. Arbetslivsfondens tillkomst och verksamhet, en studie av makt och rationalitet inom förvaltningspolitiken. 342 sid. 1999.
134. *Anders Berg*, Staten som kapitalist. Marknadsanpassningen av de affärsdrivande verken 1976-1994. 278 sid. 1999.
135. *Sverker Härd*, Den godtyckliga demokratin. En studie av olika metoder att tillgodose kravet på proportionell rättvisa. 216 sid. 1999.
136. *Stefan Olsson*, Den svenska högerns anpassning till demokratin. 328 sid. 2000.
137. *Anna-Carin Svensson*, In the Service of the European Union. The Role of the presidency in Negotiating the Amsterdam Treaty 1995-97. 233 sid. 2000.
138. *Ann-Cathrine Jungar*, Surplus Majority Government. A Comparative Study of Italy and Finland. 384 sid. 2000.
139. *Leif Lewin*, Svenskt kynne. En konferens anordnad av Humanistisk-samhällsvetenskapliga vetenskapsområdet vid Uppsala universitet. 124 sid. 2000.
140. *Ingrid Widlund*, Paths to Power and Patterns of Influence. The Dravidian Parties in South Indian Politics. 404 sid. 2000.
141. *Carl Melin*, Makten över trafikpolitiken. Korporatism, lobbying och opinionsbildning inför 1998 års transportpolitiska beslut. 301 sid. 2000.
142. *Joakim Johansson*, SAF och den svenska modellen. En studie av uppbrottet från förvaltningskorporatismen 1982-91. 248 sid. 2000.
143. *Johan Matz*, Constructing a Post-Soviet International Political Reality. Russian Foreign Policy towards the Newly Independent States 1990-95. 288 sid. 2001.
144. *Torsten Svensson*, Marknadsanpassningens politik. Den Svenska Modellen förändring 1980-2000. 311 sid. 2001.
145. *Robin Travis*, Air Transport Liberalisation in the European Community 1987-1992: A Case of Integration. 181 sid. 2001.
146. *Christer Karlsson*, Democracy, Legitimacy and the European Union. 314 sid. 2001.
147. *Charles F. Parker*, Controlling Weapons of Mass Destruction: An Evaluation of International Security Regime Significance. 294 sid. 2001.
148. *Cecilia Garme*, Newcomers to Power. How to sit on someone else's throne. Socialists conquer France in 1981; non-socialists conquer Sweden in 1976. 226 sid. 2001.
149. *Tobias Krantz*, Makten över regionen. En idékritisk studie av svensk regiondebatt 1963-1996. 278 sid. 2002.
150. *Leif Lewin*, Svenskt okynne. Att underminera det auktoritära samhället. En konferens anordnad av Humanistisk-samhällsvetenskapliga vetenskapsområdet vid Uppsala universitet. 132 sid. 2002.
151. *Karin Borevi*, Välfärdsstaten i det mångkulturella samhället. 343 sid. 2002.
152. *Per Strömblad*, Politik på stadens skuggsida. 226 sid. 2003.
153. *Fredrik Bynander*, The Rise and Fall of the Submarine Threat: Threat Politics and Submarine Intrusions in Sweden 1980-2002. 270 sid. 2003.

154. *Thomas Persson*, Normer eller nytta? Om de politiska drivkrafterna bakom Regeringskansliets departementsindelning. 293 sid. 2003.
155. *Helena Wockelberg*, Den svenska förvaltningsmodellen. Parlamentarisk debatt om förvaltningens roll i styrelseskicket. 379 sid. 2003.
156. *Hanna Bäck*, Explaining Coalitions. Evidence and Lessons From Studying Coalition Formation in Swedish Local Government. 203 sid. 2003.
157. *Peder Nielsen*, Kommunindelning och demokrati. Om sammanläggning och delning av kommuner i Sverige. 367 sid. 2003.
158. *Per Adman*, Arbetslöshet, arbetsplatsdemokrati och politiskt deltagande. 171 sid. 2004.
159. *Katarina Barrling Hermansson*, Partikulturer. Kollektiva självbilder och normer i Sveriges riksdag. 330 sid. 2004.
160. *Karolina Hulterström*, In Pursuit of Ethnic Politics. Voters, Parties and Policies in Kenya and Zambia. 278 sid. 2004.
161. *Magnus Öhman*, The Heart and Soul of the Party. Candidate Selection in Ghana and Africa. 313 sid. 2004.
162. *Jan Andersson*, Yttrandefrihetens dilemman. Debatten om hetspropaganda, mediekoncentration samt personlig integritet mellan 1940- och 2000-tal. 188 sid. 2004.
163. *Leif Lewin*, Osvenskt kynne: forskare med utländsk bakgrund om sin syn på upsaliensk humaniora och samhällsvetenskap; en konferens anordnad av Humanistisk-samhällsvetenskapliga vetenskapsområdet vid Uppsala universitet den 15 februari 2005. 99 sid. 2005.
164. *Ellen Almgren*, Att fostra demokrater. Om skolan i demokratin och demokratin i skolan. 223 sid. 2006.
165. *Daniel Wohlgemuth*, Den responsiva demokratin: Effekter av medborgarnas delaktighet i den lokala demokratin. 238 sid. 2006.
166. *Andreas Strömgren*, Samordning, hyfs och reda. Stabilitet och förändring i svensk planpolitik 1945-2005. 275 sid. 2007.
167. *Gunnar Myrberg*, Medlemmar och medborgare. Föreningsdeltagande och politiskt engagemang i det etnifierade samhället. 198 sid. 2007
168. *Sara Monaco*, Neighbourhood Politics in Transition. Residents' Associations and Local Government in Post-Apartheid Cape Town. 223 sid. 2008.
169. *Jörgen Ödalen*, Rolling Out the Map of Justice. 154 sid. 2008.

Skriftserien ingår från och med nr 94 i serien Acta Universitatis Upsaliensis.